

SHIRE OF EXMOUTH



ORDINARY COUNCIL MEETING

MINUTES

15th March 2012

CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on 26 April 2012 as a true and accurate record of the Ordinary Council Meeting held on 15 March, 2012.

.....
C (Turk) Shales
Shire President

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

DISCLAIMER

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

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

No responsibility whatsoever is implied or accepted by the Shire of Exmouth for any act, omission, statement or intimation occurring during the Council/Committee meetings or during formal/informal conversations with staff. The Shire of Exmouth disclaims any liability for any loss whatsoever and however caused arising out of reliance by any person or legal entity on any such act, omission, statement or intimation. Any person or legal entity who acts or fails to act in reliance upon any statement does so at the person's or legal entity's own risk.

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

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

INDEX OF MINUTES

1.	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS.....	4
2.	RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE.....	4
3.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	4
4.	PUBLIC QUESTIONS TIME	4
5	APPLICATIONS FOR LEAVE OF ABSENCE	5
6.	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS	5
7.	ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION.....	5
8.	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS	5
9.	REPORT OF COUNCILLORS.....	5
10.	REPORTS OF OFFICER	6
10.1	CHIEF EXECUTIVE OFFICER	6
10.1.1	GENERAL REPORT.....	6
10.2	EXECUTIVE MANAGER CORPORATE SERVICES	8
10.2.1	GENERAL REPORT.....	8
10.2.2	MONTHLY FINANCIAL STATEMENTS AND REPORT.....	12
10.2.3	2011/12 BUDGET REVIEW	14
10.3	EXECUTIVE MANAGER AVIATION SERVICES.....	20
10.3.1	GENERAL REPORT.....	20
10.4	EXECUTIVE MANAGER COMMUNITY ENGAGEMENT.....	24
10.4.1	GENERAL REPORT.....	24
10.5	EXECUTIVE MANAGER HEALTH & BUILDING	28
10.5.1	GENERAL REPORT.....	28
10.6	EXECUTIVE MANAGER TOWN PLANNING	33
10.6.1	GENERAL REPORT.....	33
10.6.2	NIMITZ STREET OUTLINE DEVELOPMENT PLAN.....	36
10.6.3	CHANGE OF USE - HOLIDAY ACCOMMODATION (PA8/12)	41
10.6.4	CHANGE OF USE - HOLIDAY ACCOMMODATION (PA13/12)	49
10.6.5	DWELLING – LOT 65 INGGARDA LANE, EXMOUTH	56
10.6.6	SIGNAGE ON LOCAL GOVERNMENT PROPERTY	64
10.7	EXECUTIVE MANAGER ENGINEERING SERVICES.....	67
10.7.1	GENERAL REPORT.....	67
11.	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	69
12.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	69
12.1	EXMOUTH TOWN CENTRE AND FORESHORE REVITALISATION PLAN	69
13.	MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS.....	72
14.	CLOSURE OF MEETING.....	72

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 Acting Shire President declared the meeting open at 3.07pm and welcomed Ronnie Fleay & Peter Green to the meeting.

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

Councillor S Fitzgerald	Deputy Shire President
Councillor R Winzer	
Councillor G Thompson	
Mr B Price	Chief Executive Officer
Mrs Sue O'Toole	Executive Manager Corporate Services
Mr R Kempe	Executive Manager Community Engagement
Mr R Manning	Executive Manager Health & Building
Mr R Mhasho	Executive Manager Town Planning
Mr K Woodward	Executive Manager Engineering Services
Mr A Forte	Executive Manager Aviation Services

GALLERY

Visitors 2

APOLOGIES

Councillor C (Turk) Shales	Shire President
Councillor J Warren	
Councillor M Hood	

LEAVE

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 APPLICATIONS FOR LEAVE OF ABSENCE

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

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

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

That the Minutes of the Ordinary Council Meeting of the Shire of Exmouth held on the 16 February 2012 be confirmed as a true and correct record of proceedings.

COUNCIL DECISION – 01-0312 - ITEM 6
--

Moved Councillor Fitzgerald, Seconded Councillor Thompson.

That the Minutes of the Ordinary Council Meeting held on the 16 February, 2012 be confirmed as a true and correct record of proceedings.

CARRIED 3/0

7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Nil

8. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

9. REPORT OF COUNCILLORS

Nil

10. REPORTS OF OFFICER

10.1 Chief Executive Officer

10.1.1 General Report

Location:	Exmouth
Applicant:	Chief Executive Officer
File Reference:	
Disclosure of Interest:	Nil
Date:	13 March 2012
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

Lester Group Legal Action

Council may be aware that we have had a long running issue with the developers of Precinct A, the Lester Group, in relation to a WAPC imposed condition that required for a bank guarantee of \$ 300,000 to be made to the Council as a contribution towards flood mitigation works specifically relating to the LIA Creek Floodway.

As Council had awarded a contract for the flood mitigation works at the last Council meeting, Council proceeded to cash-in the non-conditional Bank Guarantee so that the funds may be utilised as part of the project. Legal representatives of Lester Group have since disputed the requirement for the contribution and have initiated a Writ of Summons against the Council in the District Court of WA.

Council is currently taking legal advice from McLeods Barristers and Solicitors and will be defending the action. Additional information will be provided to Councillors as the case transpires.

UWA Indian Oceans Institute Meeting

The Shire President and myself attended a meeting of the major research organisations involved in conducting research on the Ningaloo Reef with a goal of coordinating a recognised Alliance to establishing a network of research nodes in the region utilising the proposed Ningaloo Centre as the central hub. The new Ningaloo Alliance provides a vehicle for all the stakeholders to align their visions and mission for the Ningaloo region.

Attached are the minutes of the meeting held in Perth on Thursday 8 March for Councillor information. (Refer *Attachment 1*)

Staff

I will be taking annual leave from Friday 6 April until Monday 23 April. In my absence I will be recommending that Rob Manning be appointed as Acting Chief Executive Officer. Council policy No 2.5 allows for the CEO to appoint an Acting CEO for a period up to 6 weeks. A time exceeding 6 weeks requires a resolution of the Council.

Other Meetings & Functions attended by the CEO

The CEO advised having attended the following meetings and functions during the month:

1. EMAS and myself met with Capt. Mark Kelton, OIC of Learmonth Operations, SQN Leader Ian Roberts and G Nicholls Defences Property Department on Monday 20 February to discuss operational matters and proposed changes to the operating deed that will provide Council with greater flexibility in relation to the base.
2. Cr Shales & myself met with the General Manager of Rio Tinto Paraburdoo Operations on Monday 20 February to discuss opportunities for Exmouth.

3. EMHB, EMES and myself attended the Regional CLGF meeting held in Carnarvon on Wednesday 22 February to discuss the 2011/12 funding round.
4. EMAS, Airport Manager & myself attended the Exmouth Aviation Community Group meeting held on Friday 24 February.
5. Cr Shales and myself met with Steve Yule, CEO GDC on Friday 24 February to provide updates on Exmouth development projects.
6. Cr Shales, executive staff and myself attended the Annual Clubs Conference held in Exmouth on Saturday 25 & Sunday 26 February.
7. EMAS, Airport personnel and myself met with stakeholders involved in the inaugural Learmonth Heliport Consultative Committee meeting held in Exmouth on Monday 12 March.
8. EMCE & myself met with Ross MacCulloch, Chairman & David O'Malley, CEO of the Australia's Coral Coast in Exmouth on Tuesday 13 March.

Scheduled meetings for the next month include:

- 1 I will be attending the NOERC AGM and general meeting scheduled to be held in Exmouth on Friday 16 March.
- 2 EMCE & myself will be meeting Alf Iasky, School Principal on Monday 19 March to discuss the MOU for the dual usage of the new Hard Courts complex.
- 3 Councillors and myself to meet with representatives of Shell Australia on Monday 19 March to discuss their exploration project.
- 4 EMAS & myself are meeting with Allan Blake, CEO Bristows, on Friday 23 March.
- 5 EMTP & myself meeting with Johan Gildenhuis, Regional Manager Department of Planning on Tuesday 27 March.

COMMENT

Nil

CONSULTATION

Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.1.1
--

That the Shire of Exmouth receive the Chief Executive Officers Report for the month of March 2012.

COUNCIL DECISION – 02-0312 – 10.1.1
--

Moved Councillor Thompson, Seconded Councillor Winzer.

That the Shire of Exmouth receive the Chief Executive Officers Report for the month of March 2012.

CARRIED 3/0

10. REPORTS OF OFFICERS

10.2 Executive Manager Corporate Services

10.2.1 General Report

Location:	Exmouth
Applicant:	S O'Toole
File Reference:	
Disclosure of Interest:	Nil
Date:	6 March 2012
Author:	Executive Manager Corporate Services, Sue O'Toole
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

Integrated Planning Process

Corporate Business Plan

The Asset Management Plan, Workforce Plan and Long Term Financial Plan are progressing well and along with the Strategic Community Plan will inform the Corporate Business Plan. The Corporate Business Plan will set out the key priorities, projects, services and activities of the Shire of Exmouth, including relevant resource requirements and summary performance measures. It will cover a four year period and will be reviewed annually in line with Council's Budget.

Fringe Benefits Tax Seminar

The Executive Manager Corporate Services and Senior Finance Officer attended the annual Fringe Benefits Tax (FBT) Seminar held in Perth on 24 February 2012. Australian Taxation College presented an overview of changes to FBT legislation as well as providing an update on issues relevant to assist officers in completing the 2012 FBT Return.

Staff Changes

Administration Officer, Tendai Sapahla commenced maternity leave on Tuesday 6 March 2012. An opportunity to review the position description that suits our organisational needs during this absence was carried out and as a consequence, Erin Wood's primary role will now include finance. Recruitment is currently underway to fill an Administration position for a fixed term until Tendai returns to work in January 2013.

Property Sales

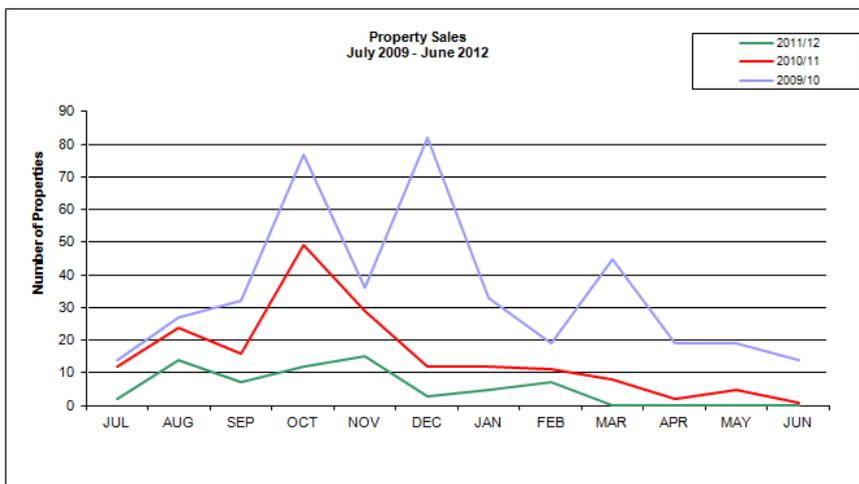
Below is a summary of properties sold during 2011/12:

2011/12 Summary of Property Sales

Number Sold	Land Usage	Total Sales	Average Sale
11	Vacant Land	\$4,100,000	\$372,727
49	Residential	\$25,015,000	\$510,510
3	Industrial	\$2,665,000	\$888,333
0	Composite Devel	\$0	\$0
0	Mixed Use	\$0	\$0
0	Special Use	\$0	\$0
2	Tourism	\$2,000,000	\$1,000,000
65		\$33,780,000	

Property Sales (cont)

Property Sales	2011/12	2010/11	2009/10
JUL	2	10	2
AUG	14	10	3
SEP	7	9	16
OCT	12	37	28
NOV	15	14	7
DEC	3	9	70
JAN	5	7	21
FEB	7	4	8
MAR		8	37
APR		2	17
MAY		5	14
JUN		1	13
	65	116	236



Summary of Rates and Charges Collection

A summary of rates collected to date is below:

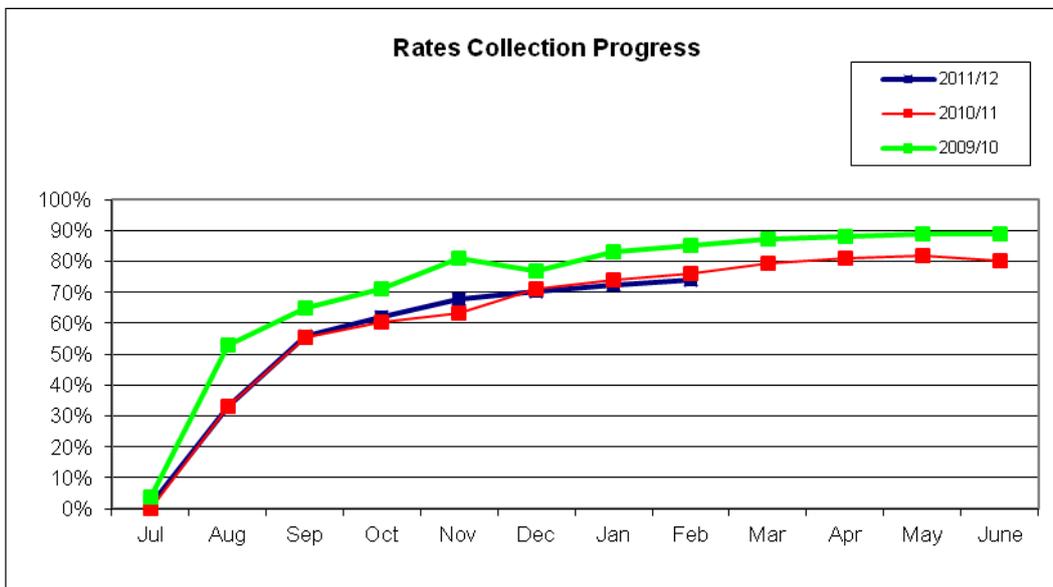
2011/12 Rates Collection Analysis

	\$
Rates & Charges Levied 2011/12	3,481,163
Arrears 1 July 2011	768,603
Less Collections	(3,147,692)
Total Rates & Charges Outstanding	1,102,075
Less Pensioner Deferred Rates	(10,502)
Total Rates Collectable	1,091,573
% Collected to Date	74.3%

Comparative percentage of rates collected monthly

	2011/12	2010/11	2009/10
Rates Due Date	2/09/2011	2/09/2010	28/08/2009
Jul	1%	0%	4%
Aug	33%	33%	53%
Sep	56%	55%	65%
Oct	62%	60%	71%
Nov	68%	63%	81%
Dec	70%	71%	77%
Jan	72%	74%	83%
Feb	74%	76%	85%
Mar		80%	87%
Apr		81%	88%
May		82%	89%
June		80%	89%

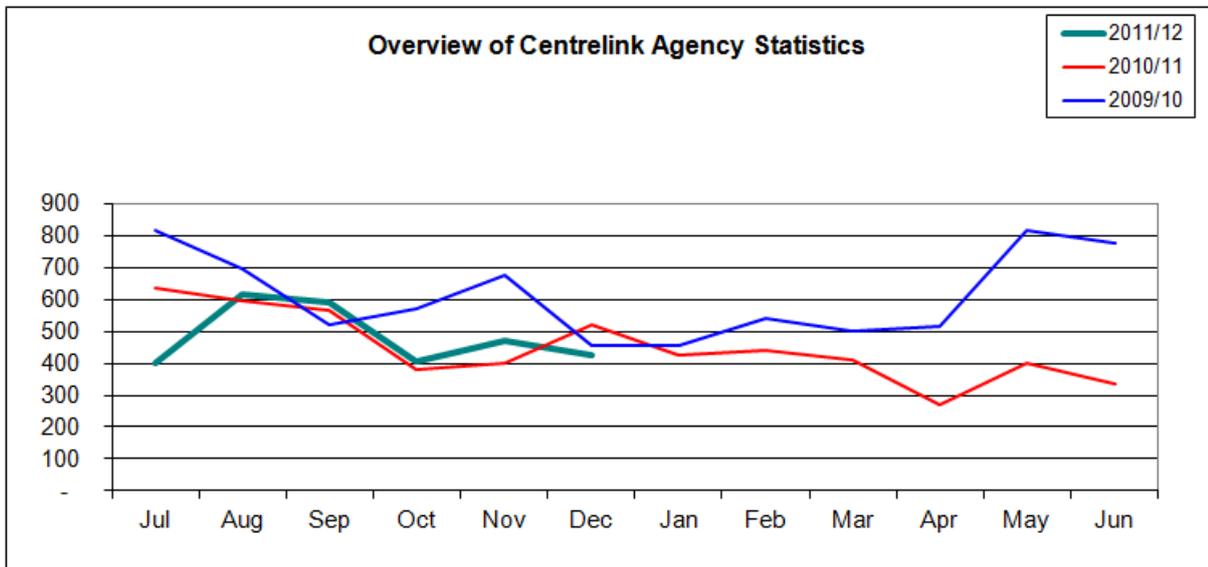
Graphical Overview of Rates and Charges Collection



Centrelink Agency

Below is a summary of activities performed by Centrelink Agency during this financial year:

	Lodgement of Forms/Assist with Completion	Referrals to Call Centre & CSC	Assist with use of Equipment & Computer	Respond to General Enquiries	TOTAL		2011/12	2010/11	2009/10
Jul	119	85	35	164	403	Jul	403	637	819
Aug	202	125	18	270	615	Aug	615	595	695
Sep	183	113	37	257	590	Sep	590	567	522
Oct	133	84	22	167	406	Oct	406	383	570
Nov	170	97	14	188	469	Nov	469	402	677
Dec	139	99	23	166	427	Dec	427	521	454
Jan	121	70	23	126	340	Jan	340	424	454
Feb	110	68	20	122	320	Feb	320	441	543
Mar						Mar		409	501
Apr						Apr		271	517
May						May		400	820
Jun						Jun		334	779
TOTAL	1,177	741	192	1,460	3,570		3,570	5,384	7351



CONSULTATION

Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Civic Leadership

Strategic 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 – 10.2.1

That the Council of the Shire of Exmouth receive the Executive Manager Corporate Services Report for the month of March 2012.

COUNCIL DECISION – 03-0312 – 10.2.1

Moved Councillor Thompson, Seconded Councillor Winzer.

That the Shire of Exmouth receive the Executive Manager Corporate Services Report for the month of March 2012.

CARRIED 3/0

10. REPORTS OF OFFICERS**10.2 Executive Manager Corporate Services****10.2.2 Monthly Financial Statements and Report**

Location:	Exmouth
Applicant:	S O'Toole
File Reference:	FM.FI.0
Disclosure of Interest:	Nil
Date:	6 March 2012
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 the Shire of Exmouth to produce a monthly financial management report for presentation to the Council. This report recommends Council accept the financial report and pass the accounts for payment.

BACKGROUND

Financial reports for the period ended 29 February 2012 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

Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Civic Leadership

Strategic 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 – 10.2.2

- The monthly financial report for period ended 29 February 2012 be accepted; and*
- The accounts as listed in the monthly financial report be received:*
 - Municipal Fund ~ February 2012 \$1,197,222.83 incorporating cheque numbers 11619 to 11653 inclusive and direct debits*
 - Trust Fund ~ \$34,400.00 incorporating direct debit.*

Outstanding Creditors totalling ~ \$297,271.30

COUNCIL DECISION – 04-0312 – 10.2.2

Moved Councillor Thompson, Seconded Councillor Winzer.

- 1. The monthly financial report for period ended 29 February 2012 be accepted; and**
- 2. The accounts as listed in the monthly financial report be received:**
 - a. Municipal Fund ~ February 2012 \$1,197,222.83 incorporating cheque numbers 11619 to 11653 inclusive and direct debits**
 - b. Trust Fund ~ \$34,400.00 incorporating direct debit.**

Outstanding Creditors totalling ~ \$297,271.30

CARRIED 3/0

10. REPORTS OF OFFICERS**10.2 Executive Manager Corporate Services****10.2.3 2011/12 Budget Review**

Location:	Exmouth
Applicant:	S O'Toole
File Reference:	FM.BU.10.11
Disclosure of Interest:	Nil
Date:	12 March 2012
Author:	Executive Manager Corporate Services, Sue O'Toole
Signature of Author:	
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY

This report recommends Council of the Shire of Exmouth adopt this Mid Year Budget Review prepared as at 29 February 2012 and amend the 2011/12 Budget.

BACKGROUND

Section 33A of the Local Government (Financial Management) Regulations 1996 requires:

- (1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.
- (2A) The review of an annual budget for a financial year must —
 - (a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
 - (b) consider the local government's financial position as at the date of the review; and
 - (c) review the outcomes for the end of that financial year that are forecast in the budget.
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.
- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.
- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

COMMENT

The financial report for the period 1 July 2011 to 29 February 2012 is attached (Refer *Attachment 1*) to the Council Report 10.2.2 Monthly Financial Statements and Reports. This financial report includes:

- **Statement of Financial Activity** – displays the Council's year to date position to 29 February 2012 including the projected closing position for 2011/12 financial year.
- **Identified Material Variances Report** - Examines the financial performance of the year to date against the budget.

It is anticipated the 2011/12 financial year will achieve a net result of \$59,186, a reduction of approximately \$19,147 overall.

Each of Council's programs are performing to budget estimates and are listed below together with an explanation of any identified variance.

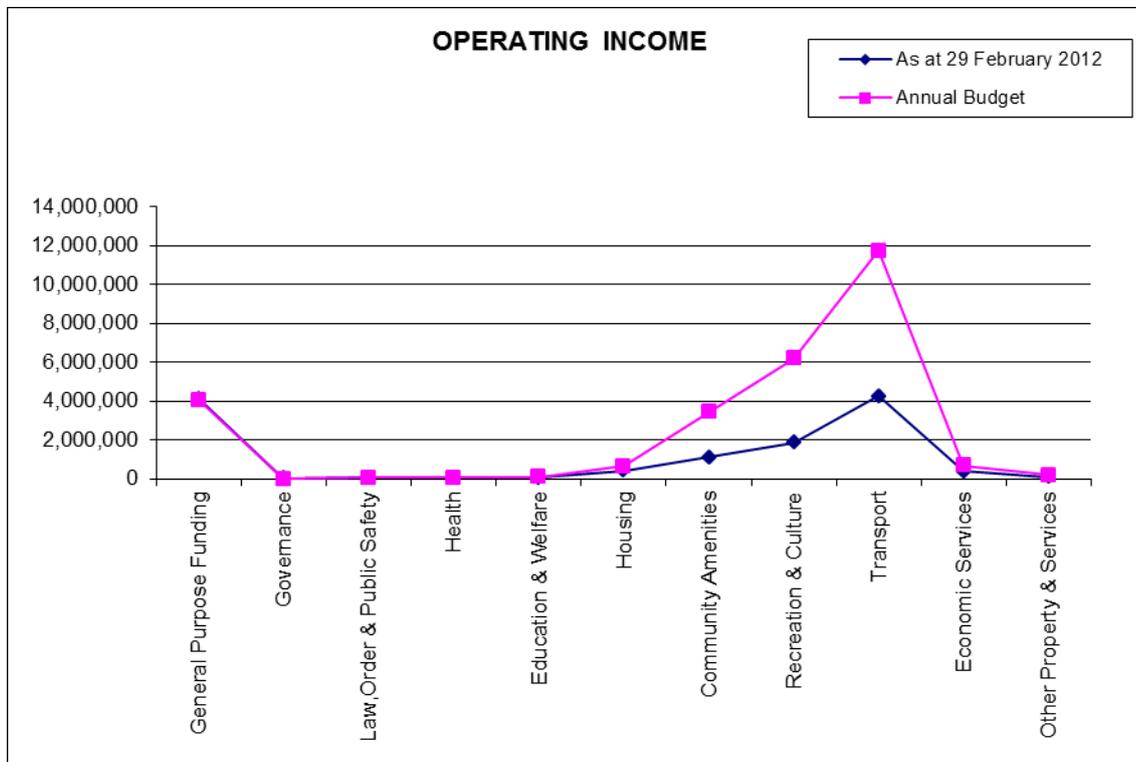
Opening Balance Variance	
	\$
Opening Balance – Budget	2,185,044
Opening Balance - Actual	2,103,482
Variance	81,562

	\$
• Correction to Movement in Employee Benefit Provisions	6,233
• Increase Works In Progress for partial installation of windows at Learmonth Airport	36,840
• Correction to FBT Liability during 2011/12	32,483
Variance	75,556

Operating Income

Income is tracking to the year to date (YTD) budget with a positive variance of 25% (\$2,426,070).

	Actual	YTD Budget	Annual Budget	Variance to Budget to		Material Variance	Estimated Year End Position	
	\$	\$	\$	\$	%		\$	
GENERAL PURPOSE FUNDING	4,122,937	3,963,965	4,066,746	102,781	104%	▲	102,781	4,122,278
GOVERNANCE	6,081	500	500	5,581	1216%			6,081
LAW ORDER & PUBLIC SAFETY	43,463	48,872	64,746	(5,409)	89%			62,848
HEALTH	37,329	30,220	34,450	7,109	124%			37,988
EDUCATION & WELFARE	47,952	62,503	92,078	(14,551)	77%	▼	(14,551)	92,081
HOUSING	420,330	410,164	638,874	10,166	102%	▲	10,166	639,522
COMMUNITY AMENITIES	1,097,429	1,096,288	3,422,998	1,141	100%			3,410,848
RECREATION & CULTURE	1,869,196	256,506	6,190,740	1,612,690	729%	▲	1,612,690	6,199,362
TRANSPORT	4,244,509	3,580,462	11,718,240	664,047	119%	▲	664,047	11,730,796
ECONOMIC SERVICES	368,948	293,711	673,185	75,237	126%	▲	75,237	706,428
OTHER PROPERTY & SERVICES	92,989	125,712	180,434	(32,723)	74%	▼	(32,723)	240,825
	12,351,163	9,868,903	27,082,991	2,426,070	125%			27,249,057



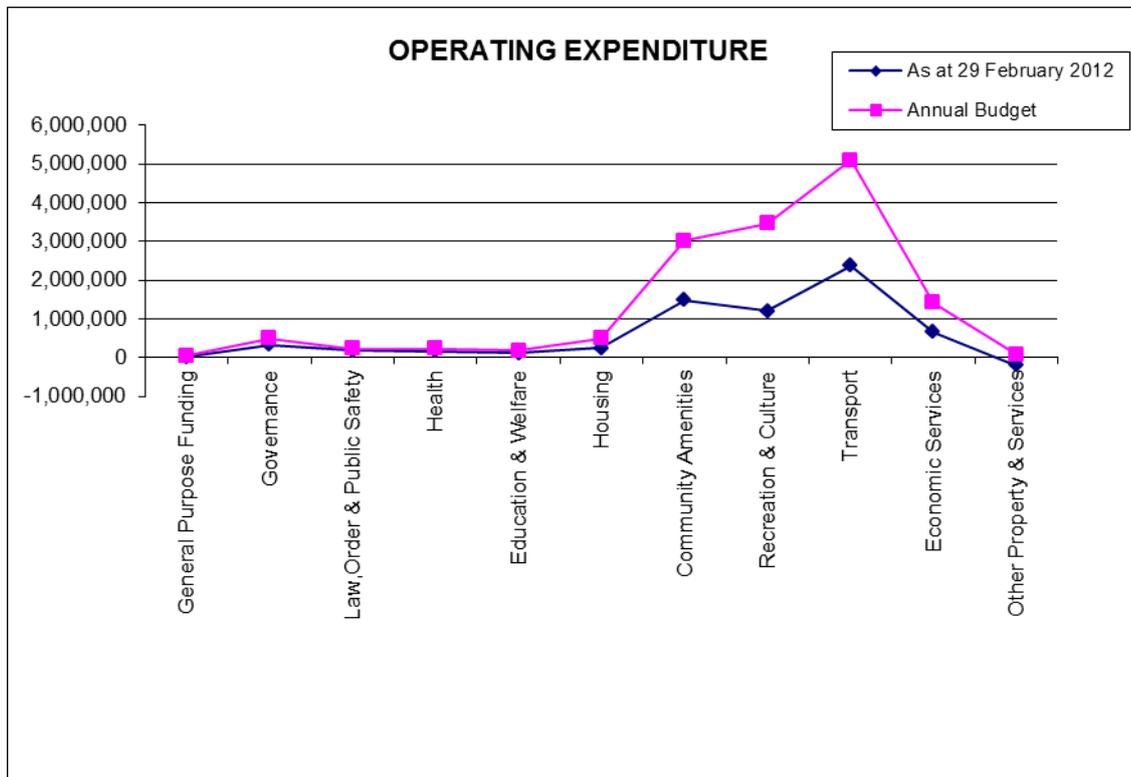
Operating Revenue

▲	General Purpose income is 4% (\$102,781) above the year to date budget
	Interest earned on accounts is exceeding the ytd budget by \$140,223. however \$88,478 will be transferred to Reserve accounts leaving a net positive result of \$51,745.
▼	Education and Welfare income is 23% (\$14,551) below the year to date budget
	Minor timing issue in relation to raising a debtors invoice for the operations of the Telecentre for February 2012.
▲	Housing income is 2% (\$10,166) above the year to date budget
	Higher than anticipated income from staff for leased properties is \$14,520, however this income is offset against rental costs with estate agents and will not impact on the final year end position.
▲	Recreation and Culture income is 629% (\$1,612,690) above the year to date budget
	Minor timing issue in relation to a grant received earlier than expected from Dept Regional Development & Lands for the construction of the Tantabiddi Boat Ramp of \$1.5m.
	Reimbursement of expenses for canal monitoring has been received earlier than anticipated and this is impacting on our ytd budget by \$98,972.
	Unbudgeted grant funds have been received totalling \$8,591 from: CSRFF \$3,591 for hosting the 2012 Sport Club Conference \$5,000 from Chevron to purchase equipment for the 'Dive in Movies' program run by the Swimming Pool.
▲	Transport income is 19% (\$664,047) above the year to date budget.
	Minor timing issue in relation to grants received earlier than expected from Dept of Lands & National Disaster for LIA Floodway works of \$1,575,000. However are yet to received grant funding for the following projects: \$1m from R4R for Flood Mitigation Works, \$143,934 from Main Roads for Murat Road Works, \$40,195 from Main Roads for Pace Retreat Yardie Creek Road.
	Income at Learmonth Airport is currently exceeding the ytd budget by \$235,382. Security Levy fees are 26% above the ytd budget however 50% of these funds are transferred to a Reserve account, leaving a net positive result of \$41,983.
	Heliport processing fees are 48% above the ytd budget, however during the period of operating, this facility has had a number of cyclone down and up manning.
▲	Economic Services income is 26% (\$75,237) above the year to date budget.
	Minor timing issue in relation to grants either received earlier than anticipated or are yet to be received: grants received earlier than anticipated for Display Banners \$5,000 & Heritage Trail \$59,200, however \$40,000 is yet to be received for the Community Development Programs.
	Unbudgeted income of \$7,154 has been received to offset costs for Russell Goodrick's Best Country Program.
	Unbudgeted income of \$22,336 has been received for the settlement of an insurance claim for legal expenses.
▼	Other Property and Services income is 26% (\$32,723) below the year to date budget
	The suspense account currently has a balance of \$55,163 which is used to hold monies awaiting further details to credit various accounts.
	Revenue from the sale of Pindan is exceeding the ytd budget by \$13,858, however this income is transferred to a Reserve account and will have no impact on the final year end position.
	Private Works income is higher than anticipated by \$98,086, however this type of work is undertaken on request and is offset against Private Works expenditure.
	Profit on sale of assets are yet to occur and this is creating a variance with the ytd budget by \$97,884, however this is a non cash account and will have no impact on the final year end position.

Operating Expenditure

Expenses are tracking close to the Year to Date (YTD) budget and is 83% (\$1,319,356) on target.

	Actual	YTD Budget	Annual Budget	Variance to Budget to Actual YTD		Material Variance	Estimated Year End Position
	\$	\$	\$	\$	%		\$
GENERAL PURPOSE FUNDING	(26,842)	(23,769)	(43,400)	(3,073)	113%		(44,144)
GOVERNANCE	(329,143)	(331,910)	(490,384)	2,767	99%		(491,996)
LAW ORDER & PUBLIC SAFETY	(188,496)	(170,935)	(240,565)	(17,561)	110% ▲	(17,561)	(242,173)
HEALTH	(165,920)	(158,296)	(240,533)	(7,624)	105%		(235,474)
EDUCATION & WELFARE	(115,155)	(117,257)	(184,284)	2,102	98%		(177,902)
HOUSING	(255,601)	(236,947)	(489,459)	(18,654)	108% ▲	(18,654)	(492,400)
COMMUNITY AMENITIES	(1,492,446)	(1,823,862)	(3,009,040)	331,416	82% ▼	331,416	(2,929,014)
RECREATION & CULTURE	(1,205,844)	(1,369,279)	(3,463,064)	163,435	88% ▼	163,435	(3,508,810)
TRANSPORT	(2,381,899)	(3,042,599)	(5,091,819)	660,701	78% ▼	660,701	(5,105,892)
ECONOMIC SERVICES	(653,857)	(662,456)	(1,425,220)	8,599	99%		(1,446,661)
OTHER PROPERTY & SERVICES	190,385	(6,864)	(88,210)	197,249	-2774% ▼	197,249	(139,802)
	(6,624,818)	(7,944,174)	(14,765,978)	1,319,356	83%		(14,814,268)



Operating Expenditure

▲	Law, Order & Public Safety expenditure is 10% (\$17,561) above the year to date budget
	Works Overheads for Fire Prevention has exceeded the ytd and annual budget by \$35,269 which is due to Works Staff having to fight 2 fires since the xmas period, however as this account is an allocation from Public Works Overheads and Salaries, it will have no impact on the final year end position.
	Depreciation is yet to be run due to changing computer software in December 2011, and this is creating a variance with the ytd budget of \$10,606.
▲	Housing expenditure is 8% (\$18,654) above the year to date budget.
	Depreciation is yet to be run and this is creating a variance with the ytd budget by \$37,360.
	Staff Housing Allocations are below the ytd budget by \$76,993, however this account is an allocation to other sub programs and have no impact on the final year end position.
	Maintenance costs for APH units are exceeding the ytd budget by \$13,449.
▼	Community Amenities expenditure is 18% (\$331,416) below the year to date budget.
	Works Overheads expenditure for Community Amenities is either below anticipated levels or above. Works are planned to begin at certain times however can be affected by other developments and as explained previously, these are an allocation from Public Works Overheads and Salaries accounts and will have no impact on the final year end position.
	Sanitation is exceeding the ytd budget by \$156,836, however Town Centre \$19,454 & Public Conveniences \$98,400 are below anticipated expenditure
	Foreshore and Revitalisation expenditure is below the ytd budget by \$333,673, however it is anticipated this account will be fully expended by June 2012.
▼	Recreation & Culture expenditure is 12% (\$163,435) below the year to date budget.
	Swimming Pool maintenance is higher than anticipated by \$37,037, however \$35,000 is included in the capital acquisition budget for works to the swimming pool bowl.
	Canal Monitoring of \$31,736 is yet to be expended and this is impacting on the ytd budget.
	Depreciation of \$161,665 for Recreation & Culture program is yet to be allocated, however as this is a non cash expense, it will have no impact on the final year end position.
▼	Transport expenditure is 12% (\$660,701) below the year to date budget
	Works Overheads for Transport Program is currently under expended by \$184,249, however Footpaths, Signs & Depot expenditure exceeding the ytd budget by \$42,195. These programs begin at certain times and the commencement/finishing dates can be affected by other developments, however as these are allocations from Public Works Overheads and Salaries, they won't have any impact on the final year end result.
	Depreciation of \$401,0945 for Transport program is yet to be allocated, however as this is a non cash expense, it will have no impact on the final year end position.
▼	Other Property & Services expenditure is 2674% (\$197,249) below the year to date budget
	Overhead & admin allocations are currently over allocated when compared to the ytd budget by (\$401,376) for Public Works, Plant & Administration. As these are non-cash allocations, they will have no impact on the final year end position.
	Depreciation of \$110,108 for Other Property and Services Program is yet to be allocated.
	Private Works expenditure has a variance with the ytd and annual budget by \$90,409. As this work is undertaken upon request, this is offset against higher than anticipated income.
	Sale of Assets are yet to occur and this is impacting on the Loss on Disposal of Assets by \$45,660, however as this is a non cash expense, it will have no impact on the final year end position.

CONSULTATION

Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996 Section 33A

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Civic Leadership

Strategic 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 – 10.2.3

That the Council of the Shire of Exmouth adopt 2011/12 Budget Review prepared as at 29 February 2012.

COUNCIL DECISION – 05-0312 – 10.2.3

Moved Councillor Fitzgerald, Seconded Councillor Thompson.

That the Council of the Shire of Exmouth adopt 2011/12 Budget Review prepared as at 29 February 2012.

CARRIED 3/0

10. REPORTS OF OFFICERS

10.3 Executive Manager Aviation Services

10.3.1 General Report

Location:	Exmouth
Applicant:	Andrew Forte
File Reference:	
Disclosure of Interest:	Nil
Date:	9 March 2012
Author:	Executive Manager Aviation Services, Andrew Forte
Signature of Author:	
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY

The following report contains a brief summary of significant activities and issues addressed or are arising after during the period of February 2012 to 9 March 2012.

BACKGROUND

Defence

A fruitful meeting was held at Shire office with CEO, Airport Manager and Department of Defence representatives (Gp Capt Mark Kelton, Director Strategic Infrastructure Planning, Sqn Ldr Ian Roberts and Gavin Nicholls Director Estate and Facilities Services) which resolved a number of operational concerns in the Shire's Deed of Operation.

The Deed sets forth the operational approvals procedure, times and frequency of aircraft operation etc. A draft of the new Deed has been presented to the Shire for comment.

Formal approval was received on 2 March 2012 from Defence Support Group (DSG) for the Shire's apron expansion works which are now under way.

Regulatory

An independent audit of the Transport Security Plan (TSP) has been completed and findings are being acted upon, which includes issue of amended version of the airport's TSP.

On the forward activity list is the preparation of an Environmental Management Plan for the Civil Site. This is a regulatory requirement of Defence's Head Lease and also an expectation of the Oil and Gas industry through their audit findings.

Airlines/Air Operators/Industry

The State Department of Transport convened their annual 'Exmouth Aviation Community Consultation Group Meeting' on 24 February 2012.

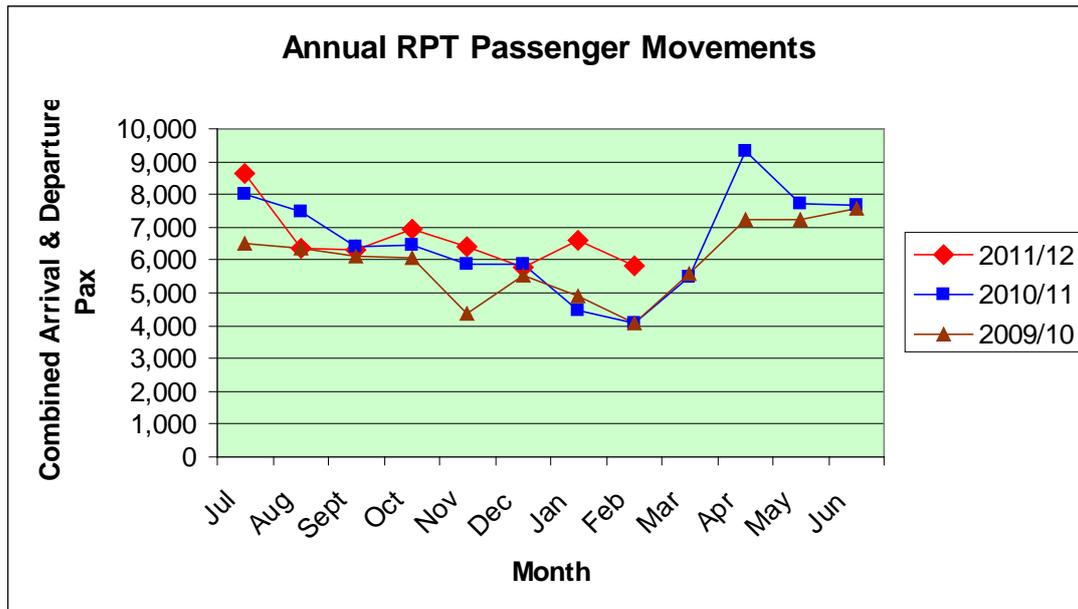
Presentations by Skywest Airlines and Qantas were provided. Shire also briefed the attendees on the airport's RADS (Regional Airport Development Scheme) grant funded apron expansion project and terminal enclosure and air conditioning project.

The meeting provided opportunity to hear from the industry on their standards for service and delivery.

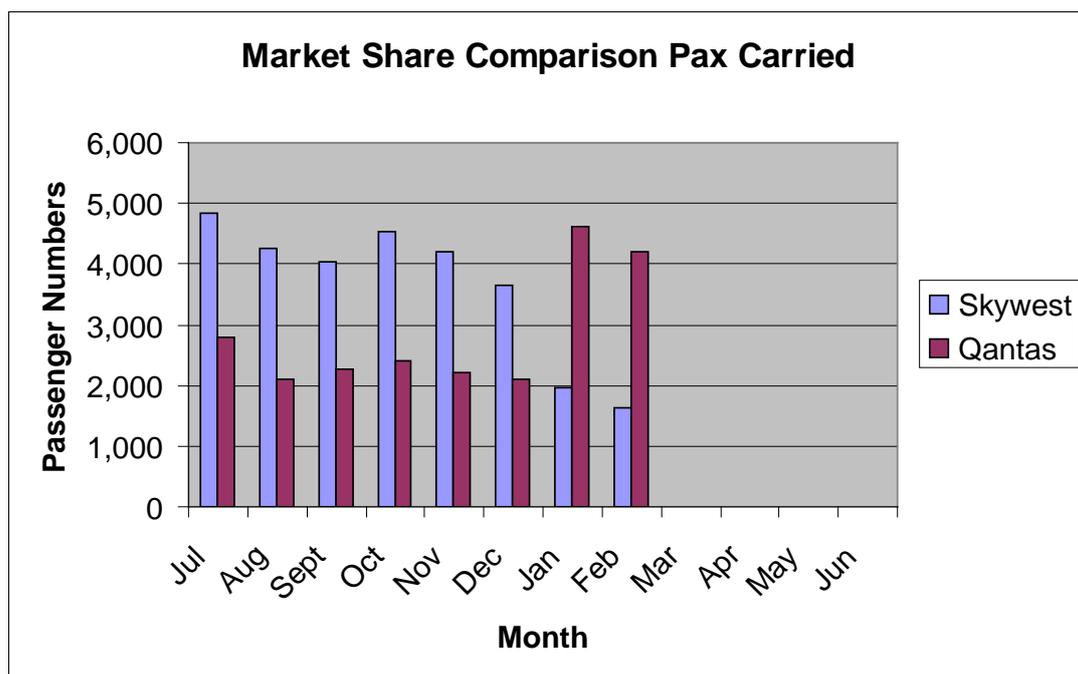
Qantas hold Exmouth high on their ratings for growth due the excellent mix of business and tourism potential. Research into a potential Learmonth - Karratha return service was also advised to be underway.

Skywest outlined their resident fare program and marketing activity proposed for 2012. No change to the daily Perth – Learmonth return air service is currently proposed.

Monthly RPT passenger movements for February 2012 are depicted by the graph below together with previous years for comparison.



The RPT market share is divided ~70:30 between Qantas and Skywest Airlines. Qantas is providing a twice daily service versus Skywest’s daily service.



Skywest provided six return air services Learmonth to Paraburdoo during the month for a total of 38 passengers carried.

Airport

Apron expansion works have commenced under direction of the Executive Manager Engineering Services. Inductions completed and ASIC’s issued to airside workers.

With apron manoeuvring in proximity to the works limits a temporary declared apron edge has been created for safety. Close working arrangements have been established with all stakeholders.

The Learmonth Airport Master Plan was issued to Defence as Rev3 following receipt of their feedback on document.

Airservices Australia have completed flight testing of the navigational aids at Learmonth.

A new visitor (VIC) program purchased to issue passes for non ASIC holders. The requirement to keep log and issue VIC more frequently necessitated the software purchase.

The use of AVDATA billing services has ceased with the airport's ability to capture ALL movements by 24HR PN request. Therefore details for billing are now available. Defence are very happy with the movement request format developed by the Airport Manager.

A security officer's training course has been scheduled for 12 to 17 March 2012 for new recruits and an Aerodrome reporting officer course for second week of April.

Heliport

An up-coming meeting of the inaugural Learmonth Heliport Consultative Meeting (LHCM) on 12 March 2012 provides an opportunity for industry and aircraft operators to discuss issues and efficiency with the Shire.

An agenda item is the 'Supply Chain' which is intended to be opened up to scrutiny to see if efficiencies may exist in the activities of all parties programming heliport services. This is directly resulting from congestion and delays on the ramp due reasons beyond Heliport control.

Of interest WEL and CHC conducted a 'live' emergency medical offshore evacuation exercise on 27 February 2012. A critical finding was failure to notify the airport and defence of movements proposed in timely manner.

Staffing

Five new staff have been employed following another successful recruitment program.

Neil Linthorne and Cameron Regterschot have been engaged for ground handling and ramp duties.

Natasha Kelly and Tracey Neilson have been engaged on security services

Sara Dunny Fox is engaged as aerodrome reporting officer.

Leasing

Discussion on leasing process has occurred with Defence. Under the Head Lease Clause 12.1 all leases must be approved by Defence. It has been agreed with Defence that applicants for commercial tenancy leases (as distinct from site Leases) at the airport will be first subject to an email exchange with the DSG. This is an outline of the proposal (similar to the council submission). On receipt of their approval council determination would then occur. Typically, commercial tenancy/occupancy leases are of low risk to Defence due no operational impact and therefore approvals should be forthcoming without delay.

Subsequent sub-lease documentation should be similar (template format) to the extent that it meets the obligations of the Head Lease. This will alleviate any concern DSG may have on suitability. Defence Support Group is required to be recipient of the signed sub-lease between the parties.

Projects

Nil

Other Items

A major disruption to internet and mobile phone connections occurred 26 February to 1 March 2012. This was rectified by Telstra but caused manual manifesting and effort by all operators.

The critical nature of the airport to many businesses warrants improved landline ADSL communications and it is intended to make formal approaches to Telstra to progress.

Exmouth Airstrip

A site meeting with Airport Manager and Eric Roulston was held to discuss the airfield lighting implications. (Ref. previous agenda report)

As a part of the consultative meeting it was agreed to improve an area for itinerant aircraft parking due increasing demand. These works will be programmed to occur when the runway strip slashing is undertaken which will be arranged through EMES.

Other works that require program budgeting as per request include Fencing of the aerodrome, sealing of the runway and solar powered lighting.

COMMENT

Nil

CONSULTATION

Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Objective 1: Maintain and Improve Shire Infrastructure.
Key Airport Actions Lobby to become the hub for regional air services.
Adopt and implement a plan for expansion of the airports and their operations.
Comply with Commonwealth regulatory and Defence operating requirements.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.3.1

That the Council of the Shire of Exmouth receive the Executive Manager Aviation Services Report for the month of March, 2012.

COUNCIL DECISION – 06-0312 – 10.3.1

Moved Councillor Winzer, Seconded Councillor Thompson.

That the Council of the Shire of Exmouth receive the Executive Manager Aviation Services Report for the month of March, 2012.

CARRIED 3/0

10. REPORTS OF OFFICERS

10.4 Executive Manager Community Engagement

10.4.1 General Report

Location: Exmouth
 Applicant: R Kempe
 File Reference:
 Disclosure of Interest: Nil
 Date: 5 March 2012
 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

Visitor Centre

Annual Door Statistics

	2010/11	2011/12	Compared to last year
JUL	19833	16175	-3658
AUG	15165	15147	-18
SEP	12309	10901	-1408
OCT	10890	9474	-1416
NOV	6255	6119	-136
DEC	5272	5029	-243
JAN	5355	4874	-481
FEB	3200	3073	-127
MAR	6740		
APR	13062		
MAY	13243		
JUN	13956		
TOTAL	125280	70792	

Door Count

Door count February 2011

- Total visitor numbers 3200
- The average visitor number per day in February was 114.

Door count February 2012

- Total visitor numbers 3073
- The average visitor number per day in February was 105.

Staff

The EVC has a new staff member. Tara Hiskins returns to the EVC after becoming a mum. Tara was employed at the EVC approx. 3 years ago for 2 years and has settled back in very well.

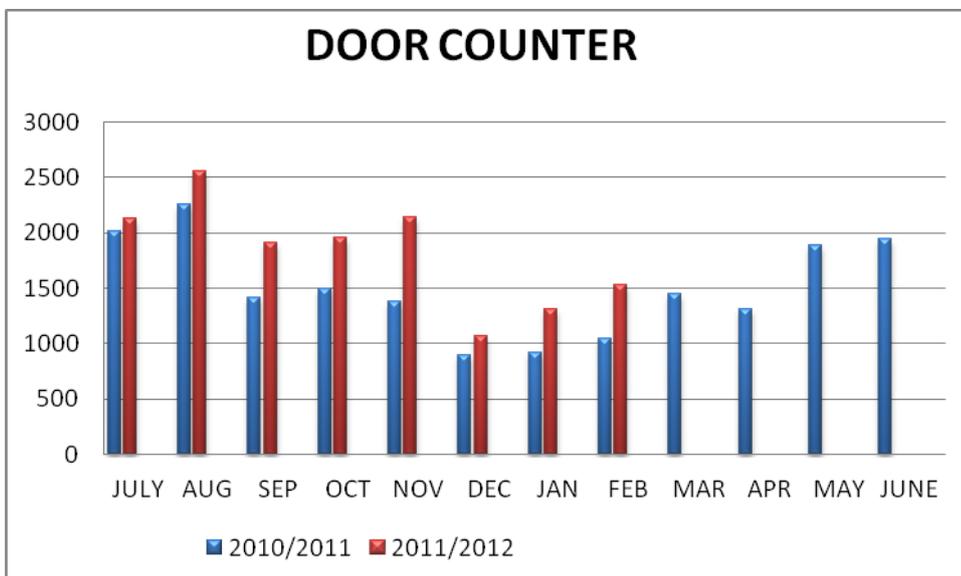
Bev Marston has completed her Certificate 3 in Retail Travel Sales and has applied to IATA for a travel agents licence; the Air Transport Association (IATA) represents, leads and serves the airline industry.

Other

Based on the Auditor’s report, the EVC Marketing Committee is currently interviewing accountants. In addition, the EVC auditor is scheduled to return in May to complete an interim audit.

The 2012 Annual General Meeting of the Exmouth Visitor Centre Marketing Organisation Inc. will be held on Monday 26th March 2012 at the Exmouth Visitor Centre commencing at 6.30pm.

Library & Community Resource Centre (CRC)



February door figures show an increase on the same time last year by 489 patrons.

Story and craft time in the Library continues with a monthly total of 89 children plus caregivers attending Tuesday’s sessions over February.

Community Development

Club Development

Exmouth hosted the annual Gascoyne Regional Clubs Conference and Sports Volunteers Awards night in the weekend of 25 and 26 February 2012.

The workshops at the Conference focussed on the good governance of local clubs, and included marketing your club, looking after your volunteers; grant writing, sponsorship and constitutions and legal issues. Attendance for Saturday and Sunday was 40 and 30 people respectively. Everyone who attended the training sessions was issued a certificate.

The Sports Volunteer Awards focuses on people that volunteer for their clubs rather than on athletic achievements. The Awards were presented by Ian Crawford and Peter Rowsthorn to the following winners:

	Winner	Highly Commended
Committee member	Mandie Waddingham – Exmouth Squash Club	Steve Foster – Exmouth Tennis Club Sue Brooks – Carnarvon Women’s Darts
Indispensable Volunteer	Diane Jones - Exmouth Bowls Club	
Grants Go Getter	Paul Kelly - Gascoyne Offroad Racing	
Volunteer Official or Coach Award	Rosie Starling – Exmouth Swim Club	Kevin Dalgetty – Carnarvon Softball Club
Junior Volunteer	Dylan Brown – Exmouth Squash Club	Riley Watts – Exmouth Football Club

Overwhelmingly the feedback from Conference participants was very positive and about 75 people attended. The average overall score the conference received was 9 out of 10!

Some feedback from attendees included:

- *“Scary! But information was great and very good in making us aware of our obligations”*
- *“Excellent”*
- *“Great awareness of your clubs responsibilities”*
- *“Interesting and engaging”*
- *“Thank you – please do it again”*
- *“We received a lot of information to help our club from this event. Thank you very much”*
- *“Well organised weekend and thank you for a great weekend of learning and networking”*

For photographs and additional information on all the nominees please refer to ***Attachment 1***.

Careers & Training Expo

The CAO has joined the working committee to organise Careers Week in partnership with Kylie Coulter, the Partnership Broker-Exmouth. The Expo aims to present the EDHS students insight in the type of jobs available in their community and beyond. Jaci will represent the Shire of Exmouth with a display and has requested additional staff to support this event. If there is a Councillor willing to participate for 1 hour at the Shire Hall on Wednesday 4th April to talk to the students about the role as a Councillor, please contact Jaci Cutler.

Banners in the Terrace

Officers are working with school teachers to try and find an alternative art space to do this project; this is due to the current renovations on the school.

April School Holiday

Holidays are fast approaching and officers are planning to run belly dancing, grooming & department workshops and a ‘clown making’ workshop. The latter will involve the kids in making a human size clown effigy which will be part of the Shire of Exmouth float at the Whaleshark Festival in May.

Community Development Officer -Maternity Leave

Lauren Rampling the Shire’s Community Development Officer has commenced her maternity leave on 2 March and is scheduled to return to work on 1 October 2012. We are still seeking a temporary replacement to assist the Shire with specific projects while Lauren is on maternity leave.

Youth Plan

The Shire has received a final Youth Plan from their consultant which incorporates the survey results as received from the Exmouth District High School sessions and includes recommendations for youth development in Exmouth. Council will be briefed on the contents and recommendation of the report in a future Council Briefing session, after which the Plan will be made available to key stakeholders in Exmouth.

Media and Community Information

The Shire provided the following community information:

- Weekly ABC radio updates on Club Development and activities in Exmouth

- Shire Newsletter February 2012
- Provide media information about Club Conference in Exmouth
- Media information regarding new bus service to Exmouth
- Press release regarding Skate Park Fountain damage
- Press release regarding Sports Volunteer Awards

COMMENT

Nil

CONSULTATION

Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

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 – 10.4.1

That the Council of the Shire of Exmouth receive the Executive Manager Community Engagement Report for the month of March 2012.

COUNCIL DECISION – 07-0312 – 10.4.1

Moved Councillor Winzer, Seconded Councillor Thompson.

That the Council of the Shire of Exmouth receive the Executive Manager Community Engagement Report for the month of March 2012.

CARRIED 3/0

The Acting Shire President congratulated the team involved in the organisation of the Clubs Conference.

10. REPORTS OF OFFICERS**10.5 Executive Manager Health & Building****10.5.1 General Report**

Location: Exmouth
 Applicant: R M Manning
 File Reference:
 Disclosure of Interest:
 Date: 7th March 2012
 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**Building Licence and Building Certificate Applications and Approvals**

Below is a summary of building licence and building certificate applications and approvals up to 7th March 2012.

Building Applications			
Application No.	Date Received	Lot/Description	Date Approved/Comments
168/11	14/11/11	Lot 127 Skipjack Circle	Awaiting information from applicant
20110189	15/12/11	Lot 305 (18) Gnulli Court	Approved 01/03/12
20120012	30/01/12	Lot 101 (15) Ingram Stree	Awaiting information from applicant
20120015	08/02/12	Lot 101 (32) Pelias Street	Approved 15/02/12
20120016	08/02/12	Lot 187 (6) Snapper Loop	Approved 16/02/12
20120017	14/02/12	Lot 135 (65) Skipjack Circle	Approved 29/02/12
20120018	15/02/12	Lot 134 (63) Skipjack Circle	Approved 09/03/12
20120019	15/02/12	Lot 617 (31) Snapper Loop	Approved 02/03/12
20120020	22/02/12	Lot 116 (31) Snapper Loop	Processing
20120021	22/02/12	Lot 115 (29) Snapper Loop	Processing
20120022	23/02/12	Lot 2 (15) Pellew Street	Awaiting information from applicant
IBA5866	23/02/12	UCL 1459 Madaffari Drive	Approved 07/03/12
20120024	29/02/12	LOT 510 (11) Carey Street	Processing
20120025	01/03/12	Lot 927 (5) Ningaloo Street	Processing
20120026	01/03/12	Lot 325 (7) Gnulli Court	Approved 09/03/2012
20120028	07/03/12	Lot 172 Cobia Close	Processing
20120029	07/03/12	Lot 129 Bluefin Cove	Processing

Summary of Building Licence Applications
2007 to Year to date 7th March 2012

Year	No. Applications	Total Value of Works	No. Applications	Value
2007	138	\$19,487,319.01	26	\$2,059,740.00
2008	140	\$23,065,372.40	23	\$1,908,031.40
2009	140	\$24,780,872.94	19	\$2,476,550.00
2010	202	\$25,165,355.12	29	\$2,862,991.00
2011	186	\$26,904,715.11	2011	\$3,829,598.00
2012			2012	\$2,205,749.00

COMMENT

BUILDING

Argosy Court

Over recent months the Owners of Argosy Court Strata Plan have been liaising with the Supreme Court to obtain an enforcement order for vacant possession of the remaining accommodation buildings upon Lot 620 Murat Road, Exmouth. On the 8th February 2012 the Carnarvon Bailiff came to Exmouth to assist the Strata Company with the execution of a Property (Seizure & Delivery) Order against Mr Wise and Ms McKeown.

The Bailiff attended the site with a local tradesman. The Bailiff instructed Mr Wise and Ms McKeown to collect some personal belongings and vacate the properties after which the locks on all the buildings were changed.

Mr Wise and Ms McKeown were advised by the Bailiff that they may re-enter the buildings under escort of the Exmouth Police to remove the remainder of their personal items. However, should they re-enter any of the buildings in an attempt to 're-enter into possession' they would be arrested by the Police.

The Executive Manager Health and Building (EMHB) is hopeful that this is the start of the end of this drawn out action. Once the personal items are removed from the buildings the Strata Company can then proceed with the removal of the buildings in accordance with the orders of the Council and the State Administrative Tribunal; And finally a full site clean-up.

ENVIRONMENTAL HEALTH

General Duties

The general environmental health functions are continuing with regular food premises, public buildings, on-site waste water system and accommodation inspections continuing together with ongoing sampling of public swimming pools, potable and environmental waters.

This month, Officers have concentrated on public safety at upcoming events within Exmouth (Eg: Monthly Community Markets; GAMEX 2012, AIBT Fishing Tournament 2012 and Whale Shark Festival). Officers have met with event organisers to ensure they are aware of the health and safety requirements when conducting events within Exmouth. State legislation is in place to ensure the health and safety of patrons is maintained throughout events and the Shire's events guide has been provided to assist event organisers in ensuring compliance with the above.

Sentinel Chickens & Mosquito Borne Diseases

The University of Western Australia's Sentinel Chicken Bleeding Program is continuing with monthly bleeding of chicken flocks. There are no new positive blood tests to report of Murray Valley Encephalitis, Kunjin Virus or other flaviviruses from the Exmouth or Carnarvon flocks. Not all flocks were sampled in the inland Pilbara last month but there were no additional positive results returned from all those that were.

In consideration of the above it appears that the spike of virus activity that occurred in the Gascoyne and Pilbara region in January was short lived and has now dissipated.

Waste Management & Recycling

The Chief Executive Officer and the Executive Manager Health & Building attended the CLGF – Gascoyne Collaborative Group Meeting on 22 Feb 2012 in the GDC Office at Carnarvon along with members of the Gascoyne Waste Advisory Committee to discuss the contents of the Draft report - “*Waste Management Infrastructure Cost Benefit Analysis (January 2012)*” prepared by Cardno for the Gascoyne Region. Mr John King from Cardno also attended to receive the comments and feedback from the group.

As reported to the February 2012 OCM, the Draft report compared three potential options of how recycling may be implemented in the Gascoyne:-

- Option One: Using mobile baling and/or crushing and/or shredding plant to move between the towns (and Coral Bay) and process the materials;
- Option Two: To centralise all the processing infrastructure in Carnarvon and freight the uncompacted material to Carnarvon for processing and on-freighting of aluminium and/or plastic and/or paper/cardboard to Perth and the re-use of reclaimed materials such as mulch, crushed glass and crushed concrete in Carnarvon; and
- Option Three: To purchase processing infrastructure for each location, process on-site then freight and/or re-use reclaimed materials as appropriate.

Mr King received some very important feedback from the group on matters of fact that were identified from the largely ‘desk top’ analysis conducted from the Perth offices of Cardno. Mr King was made aware of actual freight costs out of Exmouth and Shark Bay, actual population figures of all three centres including an allowance for annualised average visitor numbers in each town and the existing plant and machinery that each Shire already had at its disposal. The group also expressed that the CBA should cover the complete waste cycle including the benefits to be gained from reduced quantities of waste entering the tip sites eg reduced waste to be managed, covered and increasing the life of the tip.

Following detailed discussions relating to the above matters and how they could potentially affect the outcome of the CBA, Cardno were requested to analyse a fourth option being:-

- To purchase infrastructure for each location for the processing and on-freighting of aluminium and/or plastic and/or paper/cardboard to Perth;
- To purchase glass crushing infrastructure for each location for the local re-use of reclaimed crushed glass material in concrete manufacturing and/or road construction; and
- To purchase industrial shredding plant which would be based in Carnarvon with the capability of such plant to be wet hired to the Shire’s of Exmouth and/or Shark Bay on an as needs basis.

The GDC expect to receive the final CBA report by late March/April. It is anticipated that a final report to Council relating to the recommendations of this report will be presented to Council at the May OCM.

Occupational Safety & Health

The Councils OSH consultants are scheduled to visit for 4 days commencing March 12th and will include a full ‘Desktop Audit’ of the organisation. These audits were previously carried out in 2006 and 2009. The EMHB is confident that this next audit will show further progressive improvement in OSH for the organisation. Inspections will also be conducted of the administration building, library, swimming pool, depot and the tourist information centre.

Paltridge Memorial Swimming Pool

February	<u>2012</u>	<u>2011</u>	<u>2010</u>
Pool users	3432	3004	4216

February was a busy month at the pool as demonstrated by the above attendance figures. In-term swimming was due to take place on the 20th of February but unfortunately had to be cancelled due to a lack of swimming teachers. It has been rescheduled to take place on the 12th of March.

The pool will be hosting a community event called the *SIDS- Swim for the Kids* on Saturday 31st of March. This event is to raise money for research into the prevention of SIDS (Sudden infant death syndrome) and also to encourage the community to be active and live a healthy lifestyle. The event is as follows:-

1. Teams consist of between 2 and 12 swimmers;
2. Teams swim for 4 hours on Saturday March 31st between 1.30pm and 5.30pm;

3. There are no restrictions on how long a person swims providing at least one person is in the water at all times during the swimathon.
4. Any swim style is acceptable.

This is shaping up to be a great community event and the Shire of Exmouth are offering free entry to the pool but requiring a gold coin donation on entry. These donations will be added to the money raised for the *SIDS-Swim for the Kids* charity.

Other large events happening at the pool are the High School Swimming Carnival on the 29th of March and the Primary School Swimming Carnival on the 30th of March.

Stakeholder Consultation – New Water Play Park and Paltridge Memorial Swimming Pool Upgrade

South Coast Design (SDC) was recently appointed the consultancy contract to prepare concept plans for the above. Mr Francis Robinson of SDC was in Exmouth for the first week of March and spent from Tuesday 6th to Thursday 8th March meeting with Council officers, pool staff and consulting with various representatives of the main user groups in relation to the development of a new Water Play Park and the upgrade of the Paltridge Memorial Swimming Pool and related infrastructure.

On Thursday 1 March and again on 6 March invitations were extended to the following stakeholder groups via email to meeting with Mr Robinson:-

- Exmouth Dive Centre
- Ningaloo Whaleshark'n'Dive
- Ningaloo Dreaming
- Health Dept (Liesl Green)
- Local Aqua Fitness Instructors
- Swim Instructors/Learn to Swim Providers
- EDHS Phys Ed Teacher
- EDHS Student Council
- Exmouth Amateur Swimming Club
- Underwater Hockey Players
- Exmouth Play Group
- Exmouth Mothers Group
- Senior Citizens

Unfortunately representatives from only a few of the above stakeholder groups made arrangements to meet with Mr Robinson. Notwithstanding the low community response, Mr Robinson has advised the EMHB that the comments received from those that he did meet with were very helpful and assisted him to gain a good understanding of the different user groups and demands on particular facilities at the Pool. Some feedback was also provided in relation to the Water Play Park.

Mr Robinson will now prepare two, possibly three concept plans for the Council's consideration before the final concept plan/s are made available to the public.

CONSULTATION

Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

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 – 10.5.1

That the Council of the Shire of Exmouth receive the Executive Manager Health & Building Report for the month of March 2012.

COUNCIL DECISION – 08-0312 – 10.5.1

Moved Councillor Thompson, Seconded Councillor Fitzgerald.

That the Council of the Shire of Exmouth receive the Executive Manager Health & Building Report for the month of March 2012.

CARRIED 3/0

10. REPORTS OF OFFICERS

10.6 Executive Manager Town Planning

10.6.1 General Report

Location: Exmouth
 Applicant: N/A
 File Reference: LP.PL.0
 Disclosure of Interest: Nil
 Date: 28th February 2012
 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

The schedule below indicates the current status of planning applications lodged with the Shire of Exmouth.

COMMENT

Below is a summary of planning applications and approvals up to 6th March 2012

Application No	Lodgement Date	Lot	Property Address	Decision	Date Determined
PA7/12	24/01/12	302	Minilya-Exmouth Road	Approved	10/02/12
PA8/12	25/01/12	102	16 Tautog St	March OCM	
PA9/12	25/01/12	106	17 Page St	Approved	20/02/12
PA10/12	30/01/12	65	Inggarda Lane	March OCM	
PA11/12	30/01/12	23	1 Kennedy St	Approved	17/12/12
PA12/12	07/02/12	389	21 Corella Court	Approved	21/02/12
PA13/12	08/02/12	325	7 Gnulli Court	March OCM	
PA14/12	13/02/12	784	11 Carr Way	Approved	08/03/12
PA15/12	14/02/12	21	14 Nimitz Street	Approved	22/02/12
PA16/12	16/02/12	429	21 Fitzhardinge Street	Awaiting information from applicant 07/03/12	
PA17/12	21/02/12	154	5 Griffin Way	Approved	01/03/12
PA18/12	23/03/12	1112	1 Nimitz Street	Approved	09/03/2012
PA19/12	27/02/12	1378	19 Preston Street	Neighbour consultation closes 22/03/12	
PA20/12	01/03/12	254	16 Davidson Street	Processing	
PA21/12	01/03/12	115	29 Snapper Loop	Neighbour consultation closes 23/03/12	
PA22/12	01/03/12	116	31 Snapper Loop	Neighbour consultation closes 23/03/12	
PA23/12	06/03/12	133	12 Bluefin Cove	Neighbour consultation closes 30/03/12	

Town Planning Scheme No. 3 - Amendment 19

The amendment was presented to Council during the October Council meeting for final adoption and it is currently still with WAPC for approval.

Town Planning Scheme No. 3 - Amendment 28

The amendment was presented to Council during the February Council meeting for initiation. The amendment was forward to EPA for assessment.

District Water Management Strategy

The preparation of the District Water Management Strategy is progressing well. Cardno will be submitting a draft plan in April 2012.

Exmouth South Structure Plan

TME Planning and Engineering Consultants were appointed to undertake the preparation of the Exmouth South Structure Plan. Council officials held the inception meeting on the 23 February to clarify the scope of work. The consultants are currently conducting stakeholder consultations and it was decided that there will not be any public forum but a detailed survey will be sent to the community to cover the issue of marine supply bases in Exmouth.

Lot 900 Madaffari Drive, Exmouth: Vacant Strata Subdivision

Council is notified that under delegated authority, the Executive Manager Town Planning has provided an objection to Western Australian Planning Commission on the proposed vacant survey strata subdivision on the above lot. The objection was based on what was agreed during the State Administration Tribunal mediation for the ODP amendment approval. A copy of correspondence advising the WAPC of the recommendation for refusal is provided at *Attachment 1*.

Lot 300 King Place, Exmouth: Freehold Subdivision

Council is notified that the Western Australian Planning Commission has approved the freehold subdivision on the above lot. The subdivision will yield 3 group housing sites zoned R20 with a dwelling yield of 12. (refer *Attachment 2*).

Lefroy Street Housing Project

The Town Planning department is in receipt of a letter (refer *Attachment 3*) from the Minister of Transport, Housing, Emergency services acknowledging Council submission for the Lefroy Street Housing Project.

Ranger Services

A summary of the activities performed by the Ranger during February 2012.

	Dogs	Camping	Parking	Litter	Fire	Off road	Other
Warning/caution	3	1	0	1	6	0	1
Infringement	0	0	0	0	0	0	0
Court	0	0	0	0	0	0	0
December-January Total	3	1	0	1	6	0	1
July-November Total	64	183	40	3	35	5	14
2011-2012 Totals	67	184	40	4	41	5	15

Emergency Services

A series of thunderstorms from Monday 20th to Wednesday 22nd February 2012, started a total of 8 fires in and around Exmouth Gulf, Bullara Station, Ningaloo Station, Learmonth Airport, Doole Island and the Cape Range in the Department of Defence land.

The fire that started in the Department of Defense land on top of the Cape Range was the only fire that was difficult to extinguish as the land on which it was burning was inaccessible to vehicles. A water bombing helicopter was requested through the Fire and Emergency Services Authority to attack the fire front from the air in an attempt to control the fire before it could get out of control. After assessing the situation and looking at fire history for the region, including the 1999 fire that burnt to the edge of the town site and north to the Lighthouse, a Sikorsky Helicopter was deployed to Exmouth for the first time ever and attacked the fire for 2 ½ days until it was required back in Perth.

Upon leaving Exmouth, the crew of the Helicopter advised that the fire was extinguished. Crews from the Shire of Exmouth, the Department of Environment and Conservation, the Exmouth Volunteer Bush Fire Brigade, the Exmouth Volunteer Fire and Rescue Service and the Fire and Emergency Service all worked together in the management of the fire.

Thank you letter from the Shire of Carnarvon

On Saturday 21 January 2012, two Shire employees were deployed with the grader and loader to assist the Shire of Carnarvon with the fires that had been burning for over a month to install containment lines as directed by the Carnarvon Complex Fires Incident Management Team. On 15 February 2012, a letter of thanks from the Shire of Carnarvon was received expressing their gratitude to the Shire of Exmouth for providing assistance and support during the fires. (refer to *Attachment 4*).

CONSULTATION

Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Shire of Exmouth Town Planning Scheme No. 3

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Objective: 2 - To consistently apply the Principles of Good Governance

- Key Actions 1.To continue ethical and responsible decision making

Strategic Objective: 3 - To communicate effectively

- Key Actions 1. To convey relevant information using appropriate communication channels

Strategic Objective 4: To promote socioeconomic development

- Key Actions 1. Manage land use development
2. Promote culture, arts and recreation
3. Support and manage tourism

VOTING REQUIREMENTS

Simple Majority

OFFICER’S RECOMMENDATION – 10.6.1

That the Council of the Shire of Exmouth receive the Executive Manager Town Planning Report for the month of March2012.

COUNCIL DECISION – 09-0312 – 10.6.1

Moved Councillor Fitzgerald, Seconded Councillor Thompson.

That the Council of the Shire of Exmouth receive the Executive Manager Town Planning Report for the month of March 2012.

CARRIED 3/0

10. REPORTS OF OFFICERS

10.6 Executive Manager Town Planning

10.6.2 Nimitz Street Outline Development Plan

Location: Pt UCL, Lot 5001, 847 Pt 500, 609& Closed Road,
Nimitz Street and Reid Street, Exmouth
Applicant: RPS
File Reference: LP.SU.0.6
Disclosure of Interest: Nil
Date: 6 March 2012
Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

This report recommends Council to adopt the Outline Development Plan (ODP) for Nimitz Street in accordance with clause 5.2.3 of the Shire of Exmouth Town Planning Scheme No. 3 for advertising subject to the approval of issues discussed in this report (refer *Attachment 5*).

BACKGROUND

The subject land is generally bound by Nimitz Road to the north, Reid Street to the east, Cameron Street to the west and LIA Creek to the south. The subject land is located approximately 500m south of the existing Exmouth Town Centre, which can be accessed via Kennedy Street. The existing Exmouth Mixed-Use Industry area is located directly to the west of the subject land, separated by Reid Street. The Welsh Street Industry area is located to the south of the subject land.

The southern portion of the site is zoned 'Open Space Recreation' while the northern portion of the site is currently zoned 'residential development' with portions reserved for 'drainage reserve – A small section in the north west corner of the site is identified as being 'Flood Prone Land'.

Description of the proposal:

The Outline Development Plan (ODP) provides a framework for the consideration of subdivision and development within the subject site. The ODP incorporates a mix of low and medium density lot sizes including Residential R17.5, R20 and R30. A breakdown of the potential lot yield and density is provided in the table below:

DENSITY CODE ESTIMATED LOTS ESTIMATED

R17.5	214 lots	214 dwelling units
R20	58 lots	58
R30	4 lots	42
Total		314

¹Based on strict interpretation of the minimum average lot size requirements of the R-Codes

The Shire of Exmouth Town Planning Scheme No 3 Clause 5.2.3 makes provision for the preparation of an Outline Development Plan before granting and/or recommending approval to any development which involves subdivision in an area zoned residential development.

Clause 5.2.3 (c-e) outline the contains and the process of the ODP approval as follows;

The Council may require that the Outline Development Plan include sufficient detail on the following:

- (i) the area covered by the Outline Development Plan and its relation to surrounding landholdings;*
- (ii) the physical and environmental characteristics of the land;*
- (iii) the proposed allocation of land uses;*
- (iv) the principal road and other transport and movement systems;*

- (v) *the provision of infrastructure and services;*
 - (vi) *special provisions applying to the subdivision or development of land where not otherwise provided by the Scheme or where provisions may be at variance with the Scheme;*
 - (vii) *the relevant provisions of adopted planning policies, strategies and structure plans;*
 - (viii) *the proposed timeframe and staging of development; and*
such other information as the Council considers appropriate.
- (d) *When an Outline Development Plan has been prepared to the satisfaction of the Council, the Council shall advertise or require the Proponent to cause the Plan to be advertised for public inspection. This is to include notifying, in writing, all owners of land within an area determined by the Council as likely to be affected by the Plan, and such public authorities as the Council nominates, and inviting each owner and nominated public authority to make a submission to the Council.*
 - (e) *The Council is to consider any submissions received and resolve to:*
 - (i) *approve the Outline Development Plan with or without modifications; or*
 - (ii) *refuse to adopt the proposed Outline Development Plan.*
 - (f) *If within 60 days of the Council receiving the proposed Outline Development Plan, or such further time as may be agreed in writing between the proponent and the Council, the Council has not made one of the determinations referred to in sub-clause 5.2.3 (e), the Council is deemed to have refused to adopt the proposed Outline Development Plan.*
 - (g) *Within 21 days of making its determination under sub-clause 5.2.3 (e), or deemed refusal under sub-clause 5.2.3 (f) the Council is to forward the Outline Development Plan, a summary of all submissions and its recommendation to the Commission.*
 - (h) *The Commission is to consider the Outline Development Plan and information supplied by the Council and resolve to:*
 - (i) *approve the Outline Development Plan with or without modifications; or*
 - (ii) *refuse to adopt the proposed Outline Development Plan.*
 - (i) *If within 60 days of the Commission receiving the proposed Outline Development Plan, or such further time as may be agreed in writing between the proponent and the Commission, the Commission has not made one of the determinations referred to in sub-clause 5.2.3 (h), the Commission is deemed to have refused to adopt the proposed Outline Development Plan.*
 - (j) *If the Commission resolves to adopt the proposed Outline Development Plan with or without modifications it is to notify the Council and the proponent of its decision within 14 days of the date of the Commission's decision.*
 - (k) *If the Commission requires modifications to the proposed Outline Development Plan the proponent is to resubmit the modified proposed Outline Development Plan for adoption by the Council and the Commission.*
 - (l) *If the Council, in consultation with the Commission, is of the opinion that any modification to the proposed Outline Development Plan is substantial, the Council may:*
 - (i) *readvertise the proposed Outline Development Plan; or*
 - (ii) *require the proponent to readvertise the proposed Outline Development Plan in accordance with the procedures set out in sub-clause 5.2.3 (d).*
 - (m) *The use, subdivision, or development of land the subject of an Outline Development Plan is to be in accordance with the endorsed Outline Development Plan for the land, relevant provisions of the Scheme, planning policies, and any other provisions applying to the land as specified in the endorsed Outline Development Plan.*
 - (n) *The Council may, with the approval of the Commission, approve a minor change to or departure from an Outline Development Plan if in the opinion of the Council, the change or departure does not materially alter the intent of the Outline Development Plan. Any other change or departure to an Outline Development Plan is to follow the procedures set out in this clause.*

Basically the submitted ODP is in line with the above scheme provisions. However there are a few issues which will be discussed under comments.

COMMENT

The Shire's Town Planning Scheme No.3, Exmouth Structure Plan 2011, Exmouth Flood Study 2007, Guidelines for the Preparation of Local Structure Plan for Urban Release Areas 1992 Neighbourhood Design Policy and various State Planning Policies specify development standards for assessing ODP. The above documents will be used to assess the ODP. An assessment of the proposal will be undertaken under the listed headings;

Land Tenure

Reserve 31212

The proposed ODP includes Reserve 31212 reserved by the scheme for Open space and Recreation. This reserve is vested to the Shire. The applicant proposes a few lots within this reserve. During the initial consultation the applicant was advised to include all the land for residential development. Council The applicant/ Shire will be required to initiate a scheme amendment 29 to change the zoning on the portion of land to rezone it to residential. The initiation of this amendment does not affect Council's capacity to consider the current ODP.

It is recommended that Council cede part of the reserve 31212 to Landcorp including the portion left as open space and recreation to enable this project to go ahead.

The applicant/ Shire will be required to initiate a scheme amendment 29 to change the zoning on the portion of the reserve to rezone it to residential.

Lot 500

The ODP includes a portion of lot 500 reserved for 'drainage reserve'. Council has management order over this portion of land has been cleared of native title and heritage issues to enable the Reid Street Flood Mitigation Project. However, the land is in excess of what is required for the above project.

The applicant proposes a few lots and open space within this Lot.

It is recommended that Council cede part of Lot 500 and advise RPS that the portion of open space and recreation should not be counted as open space provision as it is already Council's land.

Heritage and Native Title Issues

Landcorp is still progressing clearance on the UCL.

Drainage Issues

The plan proposes a drainage swale which transverse across the site. This swale follows an already established reserve and will be used for drainage purposes.

Design Roads

The ODP shows a clear road hierarchy to service the area.

Housing Densities

The ODP proposes a variety of housing densities including R17.5, R20 and R30. The ODP provides a diversity of residential housing options that accommodate the diverse needs of the Exmouth community.

It is recommended that the grouped housing sites are not supported for holiday accommodation.

Public Open Space

The applicant states that the plan provides 13% of the gross subdividable area as Open Space. The plan does not distinguish between passive and active open space and it includes Council's land. Most of the open space will be used for drainage purpose and this will need to be taken into account when calculating open spaces provided by the plan.

On this basis, it is therefore recommended that the applicant will have to clearly calculate the Open space provided in the plan which excludes a portion of Reserve 31212 and Lot 500 which are already Council land

and pay Council Cash in Lieu for Open Space which Council should use or the developer to develop the land framed by Reid and Nimitz Street as a major park.

Power Station Buffer

It should be noted a recent study shows no effect of the power station to the proposed development and the operators of the power station will be putting in place more noise attenuation measures to further reduce the noise.

Other Issues

Other issues that need to be resolved include:- uses to be allowed, dust management, co-location of infrastructure within the subdivision. These will be dealt with at officer level when the applicant submits an application for subdivision. The final application will be brought to Council for consideration.

Based on the issues discussed above it is recommended that Council adopt the ODP for advertising.

STATUTORY ENVIRONMENT

Planning and Development Act 2005
Town Planning Scheme No.3

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Objective: 2 - To consistently apply the Principles of Good Governance

- Key Actions 1.To continue ethical and responsible decision making

Strategic Objective: 3 - To communicate effectively

- Key Actions 1. To convey relevant information using appropriate communication channels

Strategic Objective 4: To promote socioeconomic development

- Key Actions 1. Manage land use development
2. Promote culture, arts and recreation
3. Support and manage tourism

Strategic Objective 5: To value our environment and heritage

- Key Actions 1. To develop and implement policies and statutory processes that ensure balanced decision making

VOTING REQUIREMENTS

Simple Majority

OFFICER’S RECOMMENDATION – 10.6.2

That the Council of the Shire of Exmouth adopt an Outline Development Plan (ODP) for Nimitz Street, Exmouth in accordance with Clause 5.2.3 of the Shire of Exmouth Town Planning Scheme No. 3 for advertising.

And further:-

The following modifications and issues being addressed prior to the final adoption of the ODP;

- 1. That Council cede part of Lot 500 ‘drainage reserve’ and part of Reserve 31212 earmarked for development to LandCorp to enable this subdivision to proceed;*
- 2. That Council will be required to initiate a scheme amendment 29 to change the zoning on the portion of Reserve 31212 immediately west of Reid Street zoned Recreation and Open Space to Residential; and*

3. *The applicant to re-calculate the Open space provided in the plan which excludes a portion of Reserve 31212 and Lot 500 which are already Council land and identifies open space that is passive and is open space and drainage.*

COUNCIL DECISION – 10-0312 – 10.6.2
--

Moved Councillor Winzer, Seconded Councillor Thompson.

That the Council of the Shire of Exmouth adopt an Outline Development Plan (ODP) for Nimitz Street, Exmouth in accordance with Clause 5.2.3 of the Shire of Exmouth Town Planning Scheme No. 3 for advertising.

And further:-

The following modifications and issues being addressed prior to the final adoption of the ODP;

1. *That Council cede part of Lot 500 ‘drainage reserve’ and part of Reserve 31212 earmarked for development to LandCorp to enable this subdivision to proceed;*
2. *That Council will be required to initiate a scheme amendment 29 to change the zoning on the portion of Reserve 31212 immediately west of Reid Street zoned Recreation and Open Space to Residential; and*
3. *The applicant to re-calculate the Open space provided in the plan which excludes a portion of Reserve 31212 and Lot 500 which are already Council land and identifies open space that is passive and is open space and drainage.*

CARRIED 3/0

10. REPORTS OF OFFICERS

10.6 Executive Manager Town Planning

10.6.3 Change of Use - Holiday Accommodation (PA8/12)

Location: Lot 102 (16) Tautog Street, Exmouth
 Applicant: S. & J. Kirch
 File Reference: A439
 Disclosure of Interest: Nil
 Date: 7th March 2012
 Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

This report recommends that the Council of the Shire of Exmouth grant conditional planning approval for change of use - Holiday Accommodation upon Lot 102 (16) Tautog Street, Exmouth.

BACKGROUND

The subject property is located within the Residential zone. The land has a lot area of 932sqm and contains a 3 bedroom dwelling with an attached northern outdoor living area approximately 3m from the adjoining boundary. This application seeks Council's planning approval for a change of use - holiday accommodation upon Lot 102 (16) Tautog Street, Exmouth (refer **Attachment 6**).

Proposal summary:

- Maximum number of occupants: 6 persons
- Maximum number of vehicles: 2 vehicles and 1 trailers (inc. boats on trailers)
- No changes to existing development
- No pets without owner's consent
- Property to be managed by Ningaloo Reef Holidays
- Code of Conduct and Management Statement for occupants
- Emergency Escape Plan for occupants

COMMENT

The change of use can be assessed against the Shire of Exmouth Town Planning Scheme No. 3 and local planning policy 6.27: Holiday Accommodation. These instruments outline the permissibility and development standards for holiday accommodation (defined below) within the Residential zone. Relevant holiday accommodation design objectives sought to:

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

Definitions

- **Holiday accommodation** means: *any land or buildings used for accommodation and recreation for holiday purposes but does not include a hotel or a motel; and*
- **Short term stay** means: *where the room or bed is occupied for not more than 90days in any 12 month period by the same guest.*

Generally the development complies with the Scheme however there are issues which require modifications, as discussed herein:

Amenity

The tenant Code of Conduct and Management Statement will be provided to tenants as part of the contract and a copy will be suitably located in a predominant location within the dwelling. The owners of the property will maintain the upkeep and appearance of the property. A local caretaker will manage tenants and bookings.

Key issues are covered by the Code of Conduct which includes: no noise after 10pm, no fish cleaning, parking location and maximum vehicles, occupancy, bin collection and emergency contacts. The framework is considered sufficient however to maintain the residential amenity, a condition shall be applied to ensure the use can be rescinded if in the opinion of Council the holiday accommodation use adversely affects the neighbourhood amenity and/or reduces the reasonable enjoyment of owners/occupiers of land.

Further, it is recommended that the management framework include a provision to state that it is the tenants responsibility to remove bins after collection noting bins can only remain on the verge for a maximum of one day and is a finable offence under the local law.

Occupancy

The proposed occupancy [6 maximum] is consistent with the desired residential scale and conforms to the limitation of a residential dwelling being occupancy by "*a single person, a single family or no more than 6 unrelated persons.*" Occupancy under the current planning controls restricts occupancy based on 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; 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.*

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

Schedule 1: Allowable Occupants: Lot 102 (16) Tautog St, Exmouth

Bedroom 1: Total floor space: 12.38m², Approximate Air Space: 34.0m³
Allowable occupants: 2 adults **OR** 4 children **OR** 1 adult and 2 children

Bedroom 2: Total floor space: 10.52m², Approximate Air Space: 28.9m³
Allowable occupants: 2 adults **OR** 3 children **OR** 1 adult and 1 child

Bedroom 3: Total floor space: 9.2m², Approximate Air Space: 25.3m³
Allowable occupants: 1 adult and 1 child **OR** 3 children

*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 on a 2.75m ceiling height.

A total of 6 persons are proposed. To accord with the schedule above, occupancy shall be limited to 6 persons; this includes no more than 5 occupants over the age of 10 at any one time. Alternative occupancy combinations can be accommodated as per Schedule 1 above. This limitation shall be conditioned to accord with local laws and holiday accommodation policy.

Access/parking

Legal access is provided via an existing crossover to Tautog Street. The crossover and driveway is unsealed and constructed with fines while consistent with Council's crossover policy the Scheme provides specific standards which prevail. The provision requires all parking spaces including access to be constructed and sealed to the satisfaction of Council. Any crossover is therefore required to be paved utilising sprayed bitumen, bituminous concrete, insitu concrete, paving bricks or blocks. The Policy provides reference to unsealed gravel and limestone however these materials do not achieve the intent of the Scheme.

It is recommended that the existing crossover be upgraded to a suitable standard with a minimum 1m seal to reduce any potential impact upon the Shire's road drainage system and applicant advised of Council's contribution (maximum \$500.00) towards the upgrade.

Parking in tandem for 4 vehicles is provided on-site. To reduce the impact of parking, it is recommended that parking should be located behind the dwelling set outline to reduce impact upon the streetscape, thus a maximum of 3 vehicles is recommended.

Management framework

The supporting documentation is considered sufficient to achieve an effective management framework. Although various amendments are required as per the issues outlined above and shall be conditioned to be revised and approved by Council prior to the use commencing.

Neighbour Consultation

Adjoining property owners were invited to comment on the proposal, with the consultation period closing 29 February 2012 (21 days). Comments were received, tabled below is a summary:

Property	Response	Officers comments
17 Tautog Street	No response	Comment received highlighted the need to ensure that conditions/management framework is complied with by tenants. The proposal is compatible with the Residential zone by limiting the occupancy to a maximum of 6 persons. However, it is recommended that internal signage be provided leading to the outdoor living area to highlight considerations of neighbours with minimal noise. This management practice has worked successfully in Skipjack Circle.
16 Tautog Street	No response	
14 Tautog Street	No response	
18 Tautog Street	No objection, provided comment	
15 Page Street	No response	
13 Page Street	No response	

Council officers recommend that the Council of the Shire of Exmouth grant conditional planning approval for the change of use – holiday accommodation.

CONSULTATION

Consult - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

Planning and Development Act 2005
Shire of Exmouth Town Planning Scheme No.3
Health Act 1911

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.
Policy 6.27 - Holiday Accommodation

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Objective: 2 - To consistently apply the Principles of Good Governance

- Key Actions 1.To continue ethical and responsible decision making

Strategic Objective: 3 - To communicate effectively

- Key Actions 1. To convey relevant information using appropriate communication channels

Strategic Objective 4: To promote socioeconomic development

- Key Actions 1. Manage land use development
2. Promote culture, arts and recreation
3. Support and manage tourism

Strategic Objective 5: To value our environment and heritage

- Key Actions 1. To develop and implement policies and statutory processes that ensure balanced decision making

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.6.3

That the Council of the Shire of Exmouth grants conditional planning approval for change of use - holiday accommodation upon Lot 102 (16) Tautog Street, Exmouth subject to the following conditions:-

1. *The development shall be carried out at all times in accordance with the Local Planning Scheme, the approved plans (PA8/12) and local planning policy 6.27: Holiday Accommodation to the satisfaction of Council officers;*
2. *The maximum number of overnight occupants allowed within the dwelling at the same time shall be (six (6) persons. Further the maximum occupancy for each room shall accord with the Shire of Exmouth Health Local Law and Council Policy. This includes no more than five (5) occupants over the age of 10 at any one time. Potential occupants being advised of this prior to booking;*
3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that is permitted on the property is two (2) and one (1) respectively. The property does not include the Council road verge or adjoining/nearby vacant land, parking in these areas is prohibited; Potential occupants shall be advised of this prior to booking;*
4. *The property providing at least two (2) 240 litre rubbish bins prior to the use commencing;*
5. *The existing crossover shall be reinstated in accordance with Council Policy with a maximum width of six (6) metres to the satisfaction of Council officers. As a guide, the first one (1) metre of the crossover shall be suitably sealed to reduce any potential impact upon Council's road drainage system;*
6. *The owner shall submit a revised Management Statement and Tenant Code of Conduct to the Shire of Exmouth for written approval prior to the use commencing. The revisions shall clarify:-*
 - i. *The number of allowable occupants to accord with Schedule 1 below (total allowable is 6 but no more than 5 persons over 10 years of age at one time);*
 - ii. *Add the approved parking location to be limited to the driveway hardstand; and parking on Council road verge or adjoining/nearby vacant land is prohibited;*
 - iii. *Include details stating whether pets are allowed and any limitations/management;*
 - iv. *Add tenant's responsibly to remove bins after collection; bins can only remain on the verge for a maximum (1) one day and is a finable offence under the local law;*
 - v. *add internal signage on entry to the outdoor living area to reinforce tenants to be considerate of neighbours with minimal noise;*
 - vi. *Add suitable contact details including the Management Agent and relevant emergency services (Hospital, Police, Fire Station, SES etc) and appropriate Cyclone procedures and information relevant to the property; and*
 - vii. *Add a waterwise message such as "Use water wisely. Please wash boats and cars on the lawn;"*
7. *The occupants Code of Conduct shall be clearly displayed in the premises at all times;*

8. *Prior to the property being used for holiday accommodation, an approved smoke alarm must be installed on or near the ceiling in each guest bedroom (including Kid's dorm and Games Room); and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms and the remainder of the building. The smoke alarms must be installed in accordance with AS3786 and be connected to the consumer mains power;*
9. *A system of lighting must be installed to assist with the evacuation of occupants in the event of a fire and be activated by the smoke alarm required by Condition 8 above; and consist of a light incorporated within the smoke alarm or the lighting located in the corridor, hallway or areas served by the smoke alarm. Where the evacuation lighting is not of the type incorporated in the smoke alarm, it shall be provided with emergency backup power supply;*
10. *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:
 - i. *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
 - ii. *no fires are to be lit outside with the exception of a gas barbeque.**
11. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
12. *If in the opinion of Council the use hereby approved adversely affects the local amenity or causes a nuisance or annoyance or reduces the enjoyment to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity, Council may vary or rescind the approval in accordance with Policy;*
13. *The use hereby approved shall not commence until a final inspection has been undertaken by Council officers to ensure all conditions of planning approval have been fully complied with; and*
14. *The approval hereby granted shall be valid for a period of two (2) years from the date of this approval. Should the development approved not substantially commence within this time, the approval will lapse.*

Advice

- i) *In regards to Condition (2) above, the number of persons per room shall accord with the following:
 - *For every person over the age of 10 years, there is to be a minimum of 14 cubic metres of air space per person; and*
 - *For every person between the ages of 1 & 10 years, there is to be a minimum of 8 cubic metres of air space per person.**

Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of six (6) guests. This includes no more than five (5) occupants over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

Schedule 1: Allowable Occupants: Lot 102 (16) Tautog St, Exmouth

Bedroom 1: Total floor space: 12.38m², Approximate Air Space: 34.0m³
Allowable occupants: 2 adults **OR** 4 children **OR** 1 adult and 2 children

Bedroom 2: Total floor space: 10.52m², Approximate Air Space: 28.9m³
Allowable occupants: 2 adults **OR** 3 children **OR** 1 adult and 1 child

Bedroom 3: Total floor space: 9.2m², Approximate Air Space: 25.3m³
Allowable occupants: 1 adult and 1 child **OR** 3 children

*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 on a 2.75m ceiling height.

- ii) *Should the holiday accommodation be viewed as a 'Lodging House' at any time under the Health Act 1911, a permit pursuant to the Shire of Exmouth Health Local Laws will be required. For further information, please contact the Shire of Exmouth's Health Services on 9949 3000.*
- iii) *Should the applicant be aggrieved by this decision, a right of review may exist pursuant to the State Administrative Tribunal Act 2004. A request for review should be made within 28 days of notice of this decision to the State Administrative Tribunal.*

COUNCIL DECISION – 11-0312 – 10.6.3

Moved Councillor Fitzgerald, Seconded Councillor Thompson.

That the Council of the Shire of Exmouth grants conditional planning approval for change of use - holiday accommodation upon Lot 102 (16) Tautog Street, Exmouth subject to the following conditions:-

- 1. The development shall be carried out at all times in accordance with the Local Planning Scheme, the approved plans (PA8/12) and local planning policy 6.27: Holiday Accommodation to the satisfaction of Council officers;***
- 2. The maximum number of overnight occupants allowed within the dwelling at the same time shall be (six (6) persons. Further the maximum occupancy for each room shall accord with the Shire of Exmouth Health Local Law and Council Policy. This includes no more than five (5) occupants over the age of 10 at any one time. Potential occupants being advised of this prior to booking;***
- 3. The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that is permitted on the property is two (2) and one (1) respectively. The property does not include the Council road verge or adjoining/nearby vacant land, parking in these areas is prohibited; Potential occupants shall be advised of this prior to booking;***
- 4. The property providing at least two (2) 240 litre rubbish bins prior to the use commencing;***
- 5. The existing crossover shall be reinstated in accordance with Council Policy with a maximum width of six (6) metres to the satisfaction of Council officers. As a guide, the first one (1) metre of the crossover shall be suitably sealed to reduce any potential impact upon Council's road drainage system;***
- 6. The owner shall submit a revised Management Statement and Tenant Code of Conduct to the Shire of Exmouth for written approval prior to the use commencing. The revisions shall clarify:-***
 - i. The number of allowable occupants to accord with Schedule 1 below (total allowable is 6 but no more than 5 persons over 10 years of age at one time);***
 - ii. Add the approved parking location to be limited to the driveway hardstand; and parking on Council road verge or adjoining/nearby vacant land is prohibited;***
 - iii. Include details stating whether pets are allowed and any limitations/management;***

- iv. *Add tenant's responsibly to remove bins after collection; bins can only remain on the verge for a maximum (1) one day and is a finable offence under the local law;*
 - v. *add internal signage on entry to the outdoor living area to reinforce tenants to be considerate of neighbours with minimal noise;*
 - vi. *Add suitable contact details including the Management Agent and relevant emergency services (Hospital, Police, Fire Station, SES etc) and appropriate Cyclone procedures and information relevant to the property; and*
 - vii. *Add a waterwise message such as "Use water wisely. Please wash boats and cars on the lawn;"*
7. *The occupants Code of Conduct shall be clearly displayed in the premises at all times;*
8. *Prior to the property being used for holiday accommodation, an approved smoke alarm must be installed on or near the ceiling in each guest bedroom (including Kid's dorm and Games Room); and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms and the remainder of the building. The smoke alarms must be installed in accordance with AS3786 and be connected to the consumer mains power;*
9. *A system of lighting must be installed to assist with the evacuation of occupants in the event of a fire and be activated by the smoke alarm required by Condition 8 above; and consist of a light incorporated within the smoke alarm or the lighting located in the corridor, hallway or areas served by the smoke alarm. Where the evacuation lighting is not of the type incorporated in the smoke alarm, it shall be provided with emergency backup power supply;*
10. *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:*
- i. *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
 - ii. *no fires are to be lit outside with the exception of a gas barbeque.*
11. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
12. *If in the opinion of Council the use hereby approved adversely affects the local amenity or causes a nuisance or annoyance or reduces the enjoyment to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity, Council may vary or rescind the approval in accordance with Policy;*
13. *The use hereby approved shall not commence until a final inspection has been undertaken by Council officers to ensure all conditions of planning approval have been fully complied with; and*
14. *The approval hereby granted shall be valid for a period of two (2) years from the date of this approval. Should the development approved not substantially commence within this time, the approval will lapse.*

Advice

- i) *In regards to Condition (2) above, the number of persons per room shall accord with the following:*
 - *For every person over the age of 10 years, there is to be a minimum of 14 cubic metres of air space per person; and*
 - *For every person between the ages of 1 & 10 years, there is to be a minimum of 8 cubic metres of air space per person.*

Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of six (6) guests. This includes no more than five (5) occupants over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

Schedule 1: Allowable Occupants: Lot 102 (16) Tautog St, Exmouth

Bedroom 1: Total floor space: 12.38m², Approximate Air Space: 34.0m³
Allowable occupants: 2 adults **OR** 4 children **OR** 1 adult and 2 children

Bedroom 2: Total floor space: 10.52m², Approximate Air Space: 28.9m³
Allowable occupants: 2 adults **OR** 3 children **OR** 1 adult and 1 child

Bedroom 3: Total floor space: 9.2m², Approximate Air Space: 25.3m³
Allowable occupants: 1 adult and 1 child **OR** 3 children

*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 on a 2.75m ceiling height.

- ii) *Should the holiday accommodation be viewed as a 'Lodging House' at any time under the Health Act 1911, a permit pursuant to the Shire of Exmouth Health Local Laws will be required. For further information, please contact the Shire of Exmouth's Health Services on 9949 3000.*
- iii) *Should the applicant be aggrieved by this decision, a right of review may exist pursuant to the State Administrative Tribunal Act 2004. A request for review should be made within 28 days of notice of this decision to the State Administrative Tribunal.*

CARRIED 3/0

10. REPORTS OF OFFICERS

10.6 Executive Manager Town Planning

10.6.4 Change of Use - Holiday Accommodation (PA13/12)

Location: Lot 325 (7) Gnulli Ct, Exmouth 6707
 Applicant: Ray White Exmouth
 File Reference: A1439
 Date: 20 March 2012
 Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

This report recommends that the Council of the Shire of Exmouth grant conditional planning approval for the change of use - holiday accommodation upon Lot 325 (7) Gnulli Court, Exmouth.

BACKGROUND

The subject property is zoned Marina and is provided with a private mooring in canal arm 3. In 2010, Council granted planning approval for a dwelling and jetty upon the land which has limited vegetation coverage however the approval highlighted the paving access around dwelling and landscaping to the balance (extensive native plants). This application seeks Council's planning approval for a change of use - holiday accommodation upon Lot 325 Gnulli Court, Exmouth (refer *Attachment 7*).

Proposal summary:

- Maximum number of occupants: 12 persons (no more than 10 adults)
- Maximum number of vehicles: 3 vehicles and 2 trailers (inc. boats on trailers)
- No changes to existing development
- No pets
- Property to be managed by Ray White Exmouth
- Code of Conduct and Management Statement for occupants
- Emergency Escape Plan for occupants

COMMENT

The change of use can be assessed against the Shire of Exmouth Town Planning Scheme No. 3 and local planning policy 6.27 and 6.30. These instruments outline the permissibility and development standards for holiday accommodation (defined below) within the Maria zone. Relevant holiday accommodation design objectives sought to:

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

Definitions:

- **Holiday accommodation** means: *any land or buildings used for accommodation and recreation for holiday purposes but does not include a hotel or a motel; and*
- **Short term stay** means: *where the room or bed is occupied for not more than 90 days in any 12 month period by the same guest.*

Generally the development complies with the Scheme however there are issues which require modifications, as discussed herein:

Amenity

The tenant Code of Conduct and Management Statement will be provided to tenants as part of the contract and a copy will be suitably located in a predominant location within the dwelling. A gardener will maintain the landscaped areas and a 6monthly property condition report will be provided to the owner by the management agent.

Key issues are covered by the Code of Conduct which includes: no noise after 10pm, no pets, no fish cleaning, parking location and maximum vehicles, occupancy, bin collection and emergency contacts. Areas of the management framework require amendments to address parking and occupancy issues. To maintain the residential amenity, a condition shall be applied to ensure the use can be rescinded if in the opinion of Council the holiday accommodation use adversely affects the neighbourhood amenity and/or reduces the reasonable enjoyment of owners/occupiers of land.

Further, it is recommended that the management framework include a provision to state that the tenant is responsible for removing bins after collection noting bins can only remain on the verge for a maximum of one day and is a finable offence under the local law.

Occupancy

Occupancy numbers exceed the desired residential scale meaning occupancy by "*a single person, a single family or no more than 6 unrelated persons.*" The application seeks the maximum occupancy of 12 persons and the planning controls permit a higher occupancy subject to compliance with *Health Act 1911* and relevant planning instruments. The number of allowable occupants is restricted by the ventilation requirements under the Act, which defines the following:

- c. *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*
- d. *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): -

Schedule 1: Allowable Occupants: Lot 325 (7) Gnulli Court, Exmouth

Bedroom 1: Total floor space: 16.84m², Approximate Air Space: 45.47m³
Allowable occupants: 3 adult **OR** 5 children **OR** 1 adult and 3 children

Bedroom 2: Total floor space: 12.58m², Approximate Air Space: 33.96m³
Allowable occupants: 2 adults **OR** 4 children **OR** 1 adult and 2 children

Bedroom 3: Total floor space: 11.56m², Approximate Air Space: 31.21m³
Allowable occupants: 2 adult **OR** 3 children **OR** 1 adult and 2 children

Bedroom 4: Total floor space: 10.88m², Approximate Air Space: 29.38m³
Allowable occupants: 2 adult **OR** 3 children **OR** 1 adult and 1 child

*The air space is calculated with an AVERAGE 2.7m ceiling height

A total of 12 persons are proposed. To accord with the schedule above, occupancy shall be limited to 12 persons; this includes no more than 9 occupants over the age of 10 at any one time. Alternative occupancy combinations can be accommodated as per Schedule 1 above. This limitation shall be conditioned to accord with local laws and holiday accommodation policy.

Access/parking

Legal access is provided via an existing crossover [6m width] to Gnulli Court. A double carport caters for two vehicles and tandem parking for two small vehicles can be achieved wholly upon the land. To preserve the streetscape the number of vehicles shall be limited to 3 and 1 trailer (including boats).

Canal/jetty

Safety barriers or similar method shall be applied in appropriate locations to provide a 'child safe' outdoor living area. This will assist in alleviating the safety issues that the canal poses to unfamiliar tenants and the canal access easement shall not be impeded at any time.

The jetty permits 15m powercraft and 10m sailcraft to be moored in the approved mooring envelope. Council does not have a copy of the approved Department of Transport jetty license and a condition shall be applied to ensure that the use of the jetty by tenants is restricted until evidence of a jetty license and compliance with the Boat Management and Mooring Plan (as amended) is demonstrated. This may include a revision to the management framework.

Management framework

The supporting documentation is considered sufficient to achieve an effective management framework. Although various amendments are required as per the issues outlined above and shall be conditioned to be revised and approved by Council prior to the use commencing.

Neighbour Consultation

Adjoining property owners were invited to comment on the proposal, with the consultation period closing 6 March 2012 (21 days) and no comments were received.

Property	Response	Officers comments
10 Kestrel Place	No response	The proposal seeks the maximum occupancy rate permissible (12 unrelated persons) and is similar to a guest/boarding house. This scale may adversely affect the local amenity. Should this occur it is recommended that Council limit the occupancy to only "a single person, a single family or no more than 6 unrelated persons."
12 Kestrel Place	No response	
13 Gnulli Court	No response	
5 Gnulli Court	No response	
8 Gnulli Court	No response	
9 Gnulli Court	No response	

Council officers recommend that the Council of the Shire of Exmouth grant conditional planning approval for the change of use – holiday accommodation.

CONSULTATION

Consult - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

Planning and Development Act 2005
Shire of Exmouth Town Planning Scheme No.3
Health Act 1911

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.
Policy 6.27 - Holiday Accommodation

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Objective: 2 - To consistently apply the Principles of Good Governance

- Key Actions 1.To continue ethical and responsible decision making

Strategic Objective: 3 - To communicate effectively

- Key Actions 1. To convey relevant information using appropriate communication channels

Strategic Objective 4: To promote socioeconomic development

- Key Actions
 1. Manage land use development
 2. Promote culture, arts and recreation
 3. Support and manage tourism

Strategic Objective 5: To value our environment and heritage

- Key Actions
 1. To develop and implement policies and statutory processes that ensure balanced decision making

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.6.4

That the Council of the Shire of Exmouth grant conditional planning approval for the change of use - holiday accommodation upon Lot 325 (7) Gnulli Court, Exmouth subject to the following conditions:-

1. *The development shall be carried out at all times in accordance with the Local Planning Scheme, the approved plans (PA13/12) and Local Planning Policy 6.27: Holiday Accommodation;*
2. *The maximum number of overnight occupants allowed within the dwelling at the same time shall be twelve (12) persons. Furthermore, the maximum occupancy for each room being in accordance with the Shire of Exmouth Health Local Law and Council Policy. This includes no more than ten (10) occupants over the age of 10 at any one time. Potential occupants being advised of this prior to booking;*
3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that is permitted on the property, limited to the driveway hardstand, is three (3) and one (1) respectively OR two (2) and two (2) respectively. The property does not include the Council road verge or adjoining/nearby vacant land, parking in these areas is prohibited. Potential occupants shall be advised of this prior to booking;*
4. *The property providing at least three (3) 240 litre rubbish bins prior to the use commencing;*
5. *The jetty shall not be used for the mooring of any tenant vessel without written approval by the Shire of Exmouth. Any approval will require a revised Management Statement and Tenant Code of Conduct;*
6. *The owner shall submit a revised Management Statement and Tenant Code of Conduct to the Shire of Exmouth for written approval prior to the use commencing. The revisions shall clarify:-*
 - i. *The number of allowable occupants to accord with Schedule 1 below (Total allowable is 12 but no more than 10 persons over 10 years of age at one time);*
 - ii. *Add maximum number of vehicles and trailers (including boats on trailers) is four (4);*
 - iii. *Add the approved parking location to be limited to the driveway hardstand; and parking on Council road verge or adjoining/nearby vacant land is prohibited;*
 - iv. *Add tenant's responsibly to remove bins after collection; bins can only remain on the verge for a maximum (1) one day and is a finable offence under the local law;*
 - v. *Add canal access easement shall not be impeded at any time and the use of the jetty is restricted; and*
 - vi. *Include reference to canal safety and detailed use/location of 'childsafes' barriers.*
7. *The occupants Code of Conduct shall be clearly displayed in the premises at all times;*
8. *Prior to the property being used for holiday accommodation, an approved smoke alarm must be installed on or near the ceiling in each guest bedroom (including Kid's Dorm and Games Room); and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms and the remainder of the building. The smoke alarms must be installed in accordance with AS 3786 and be connected to the consumer mains power;*
9. *A system of lighting must be installed to assist with the evacuation of occupants in the event of a fire and be activated by the smoke alarm required by Condition 8 above; and consist of a light incorporated*

within the smoke alarm or the lighting located in the corridor, hallway or areas served by the smoke alarm. Where the evacuation lighting is not of the type incorporated in the smoke alarm, it shall be provided with emergency backup power supply;

10. *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:

 - i. *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
 - ii. *no fires are to be lit outside with the exception of a gas barbeque.**
11. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
12. *If in the opinion of Council the use hereby approved adversely affects the local amenity or causes a nuisance or annoyance or reduces the enjoyment to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity, Council may vary or rescind the approval in accordance with Policy;*
13. *The use hereby approved shall not commence until a final inspection has been undertaken by Council officers to ensure all conditions of planning approval have been fully complied with; and*
14. *The approval hereby granted shall be valid for a period of two (2) years from the date of this approval. Should the development approved not substantially commence within this time, the approval will lapse.*

Advice

- i) *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) guests. This includes no more than ten (10) occupants over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

<p>Schedule 1: Allowable Occupants: Lot 325 (7) Gnulli Court, Exmouth</p> <p>Bedroom 1: Total floor space: 16.84m², Approximate Air Space: 45.47m³ Allowable occupants: 3 adult OR 5 children OR 1 adult and 3 children</p> <p>Bedroom 2: Total floor space: 12.58m², Approximate Air Space: 33.96m³ Allowable occupants: 2 adults OR 4 children OR 1 adult and 2 children</p> <p>Bedroom 3: Total floor space: 11.56m², Approximate Air Space: 31.21m³ Allowable occupants: 2 adult OR 3 children OR 1 adult and 2 children</p> <p>Bedroom 4: Total floor space: 10.88m², Approximate Air Space: 29.38m³ Allowable occupants: 2 adult OR 3 children OR 1 adult and 1 child</p> <p>*The air space is calculated with an AVERAGE 2.7m ceiling height.</p>
--

- 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 the applicant be aggrieved by this decision, a right of review may exist pursuant to the State Administrative Tribunal Act 2004. A request for review should be made within 28 days of notice of this decision to the State Administrative Tribunal.*

COUNCIL DECISION – 12-0312 – 10.6.4
--

Moved Councillor Fitzgerald, Seconded Councillor Thompson.

That the Council of the Shire of Exmouth grant conditional planning approval for the change of use - holiday accommodation upon Lot 325 (7) Gnulli Court, Exmouth subject to the following conditions:-

1. *The development shall be carried out at all times in accordance with the Local Planning Scheme, the approved plans (PA13/12) and Local Planning Policy 6.27: Holiday Accommodation;*
2. *The maximum number of overnight occupants allowed within the dwelling at the same time shall be twelve (12) persons. Furthermore, the maximum occupancy for each room being in accordance with the Shire of Exmouth Health Local Law and Council Policy. This includes no more than ten (10) occupants over the age of 10 at any one time. Potential occupants being advised of this prior to booking;*
3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that is permitted on the property, limited to the driveway hardstand, is three (3) and one (1) respectively OR two (2) and two (2) respectively. The property does not include the Council road verge or adjoining/nearby vacant land, parking in these areas is prohibited. Potential occupants shall be advised of this prior to booking;*
4. *The property providing at least three (3) 240 litre rubbish bins prior to the use commencing;*
5. *The jetty shall not be used for the mooring of any tenant vessel without written approval by the Shire of Exmouth. Any approval will require a revised Management Statement and Tenant Code of Conduct;*
6. *The owner shall submit a revised Management Statement and Tenant Code of Conduct to the Shire of Exmouth for written approval prior to the use commencing. The revisions shall clarify:-*
 - i. *The number of allowable occupants to accord with Schedule 1 below (Total allowable is 12 but no more than 10 persons over 10 years of age at one time);*
 - ii. *Add maximum number of vehicles and trailers (including boats on trailers) is four (4);*
 - iii. *Add the approved parking location to be limited to the driveway hardstand; and parking on Council road verge or adjoining/nearby vacant land is prohibited;*
 - iv. *Add tenant's responsibly to remove bins after collection; bins can only remain on the verge for a maximum (1) one day and is a finable offence under the local law;*
 - v. *Add canal access easement shall not be impeded at any time and the use of the jetty is restricted; and*
 - vi. *Include reference to canal safety and detailed use/location of 'childsafes' barriers.*
7. *The occupants Code of Conduct shall be clearly displayed in the premises at all times;*
8. *Prior to the property being used for holiday accommodation, an approved smoke alarm must be installed on or near the ceiling in each guest bedroom (including Kid's Dorm and Games Room); and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms and the remainder of the building. The smoke alarms must be installed in accordance with AS3786 and be connected to the consumer mains power;*
9. *A system of lighting must be installed to assist with the evacuation of occupants in the event of a fire and be activated by the smoke alarm required by Condition 8 above; and consist of a light incorporated within the smoke alarm or the lighting located in the corridor, hallway or areas served by the smoke alarm. Where the evacuation lighting is not of the type incorporated in the smoke alarm, it shall be provided with emergency backup power supply;*
10. *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;*

- i. *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
- ii. *no fires are to be lit outside with the exception of a gas barbeque.*

11. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
12. *If in the opinion of Council the use hereby approved adversely affects the local amenity or causes a nuisance or annoyance or reduces the enjoyment to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity, Council may vary or rescind the approval in accordance with Policy;*
13. *The use hereby approved shall not commence until a final inspection has been undertaken by Council officers to ensure all conditions of planning approval have been fully complied with; and*
14. *The approval hereby granted shall be valid for a period of two (2) years from the date of this approval. Should the development approved not substantially commence within this time, the approval will lapse.*

Advice

- i) *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) guests. This includes no more than ten (10) occupants over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

Schedule 1: Allowable Occupants: Lot 325 (7) Gnulli Court, Exmouth

Bedroom 1: Total floor space: 16.84m², Approximate Air Space: 45.47m³
Allowable occupants: 3 adult **OR** 5 children **OR** 1 adult and 3 children

Bedroom 2: Total floor space: 12.58m², Approximate Air Space: 33.96m³
Allowable occupants: 2 adults **OR** 4 children **OR** 1 adult and 2 children

Bedroom 3: Total floor space: 11.56m², Approximate Air Space: 31.21m³
Allowable occupants: 2 adult **OR** 3 children **OR** 1 adult and 2 children

Bedroom 4: Total floor space: 10.88m², Approximate Air Space: 29.38m³
Allowable occupants: 2 adult **OR** 3 children **OR** 1 adult and 1 child

*The air space is calculated with an AVERAGE 2.7m ceiling height.

- ii) *Should the holiday accommodation be viewed as a ‘Lodging House’ at any time under the Health Act 1911, a permit pursuant to the Shire of Exmouth Health Local Laws will be required. For further Information, please contact the Shire of Exmouth’s Health Services on 9949 3000.*
- iii) *Should the applicant be aggrieved by this decision, a right of review may exist pursuant to the State Administrative Tribunal Act 2004. A request for review should be made within 28 days of notice of this decision to the State Administrative Tribunal.*

CARRIED 2/1

Councillor Winzer requested his vote against be recorded.

10. REPORTS OF OFFICERS

10.6 Executive Manager Town Planning

10.6.5 Dwelling – Lot 65 Inggarda Lane, Exmouth

Location: Lot 65 Inggarda Lane Exmouth 6707
 Applicant: Matthews McDonald Architects
 File Reference: A1853
 Disclosure of Interest: Nil
 Date: 20 March 2012
 Author: Executive Manager Town Planning, Rhassel Mhasho
 Signature of Author: 

Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

This report recommends that the Council of the Shire of Exmouth grant conditional planning approval for a dwelling upon Lot 65 Inggarda Lane, Exmouth.

BACKGROUND

The subject land is located with the Marina zone, specifically within precinct 1 of the Exmouth Marina Village Precinct 'B' planning control area, encompassing a 481sqm lot area. Presently the developable area is vacant land with no vegetation coverage and the waterways area contains a jetty development. This application seeks Council's planning approval for a two storey dwelling upon Lot 65 Inggarda Lane, Exmouth.

Various dispensations from the Design Guidelines are sought by the owner's architects to improve the design and character of the dwelling listed below with justification provided by the architect summarised (refer *Attachment 8*).

<i>Dispensation</i>	<i>Justification</i>
<i>Rear setback (balcony) 6.8m in lieu of 8m OR 62% rear canal frontage in lieu of 50% [44% applying average setback];</i>	<i>Applying an average setback, the design complies; no visual impact on sightlines; limited width does not make the balcony 'active outdoor area;' provides passive cooling for northern ground floor windows.</i>
<i>Side setback (western upper floor) 1.2m in lieu of 2.2m AND wall length 16m in lieu of 9m; Side setback (eastern upper floor) 1.2m in lieu of 1.5m AND wall length 11m in lieu of 9m;</i>	<i>Provides articulation [visual interest] composed of horizontal minor openings combined with contrasting cladding material panels to reduce the impact of height, bulk and scale.</i>
<i>Garage setback 5m in lieu of 5.5m;</i>	<i>No impact on sightlines; promotes visual interest in streetscape through articulation (variations to setbacks); colour/texture [balance] treatments to garage door reduces the visual impact and large ground and upper floor setbacks reduce the scale/bulk of the building in context.</i>

Proposal summary:

- Ground floor: double garage, store, laundry, 2x bedroom, rumpus, bathroom, rear deck and spa; total floor area: 145sqm.
- Upper floor: open planned living/dining/kitchen, 2x bedrooms, rear balcony and 2x bathrooms; total floor area: total floor area: 111sqm.
- Boat trailer parking adjacent to entry.
- Total floor area: 256sqm.

COMMENT

The two storey dwelling and can be assessed against the Shire of Exmouth Town Planning Scheme No. 3, R-Codes and Exmouth Marina Precinct B – Modified Outlined Development Plan. These instruments outline

the permissibly for this proposal within the Exmouth Marina Village Precinct B, a planning control area. To accord with the Scheme, a dwelling within Precinct 1 is classified as a 'P' use meaning the use is permitted.

No design objectives are provided in the Precinct B - Modified Outline Development Plan. In the absence of performance standards, the Scheme and R-codes provides relevant design objectives to determine the merits of the proposal, notably:-

- *“provide for visitors and pedestrian movements;*
- *promote and safeguard health, safety, environmental [built/natural] quality and the general welfare and amenity of the locality;*
- *encourage a high standard of development within the zone;*
- *contribute towards attractive streetscapes and security for occupants and passers-by, ensure adequate privacy and open space for occupants, and an attractive setting for buildings;*
- *ensure adequate provision of secure, visually acceptable and accessible on-site parking for residents and visitors; and*
- *ensure adequate provision of direct sun and ventilation for buildings and to ameliorate the impacts of building bulk, interference with privacy, and overshadowing on adjoining properties.”*

Generally the development accord with the Scheme however there are issues which requires modifications, as discussed herein:-

	Required	Provided	Officer Comment
Car parking	2 bays	Double garage, Boat parking	Complies. Issue
Setbacks	Front Minimum 4.0m for building envelope. Minimum 5.5m for garages. Side Ground floor zero Upper R-codes Rear Minimum 5m from canal wall for 50% balance 8m.	4m 5m Zero 2.2m/1.6m 5m (62%) balance 8m	Complies. Issue. Complies. Issue. Issue.
Fencing	Colorbond/masonry	Colorbond	Complies.
Balcony	Rear 0.5m	1.2m	Issue.
Private open space	Minimum private open space of 16sqm with a minimum dimension of 3.3m	30sqm	Complies.
Articulation and detailing	Design features are to be incorporated to reduce large areas of blank walls along the frontage.	Articulation is used to balance the development with variations in material, texture and treatments to the garage door.	Cut-outs and projections reduce the bulk and scale of the dwelling. The maritime design uses small opening and lightweight materials, generally complies.
Services	Rubbish bin storage areas are to be screened from public view.	Screened refuse area/ services.	Condition to comply.

Access/Parking

Legal access is proposed via a 5.3m wide crossover to Inggarda Lane. The land does not have reciprocal rights of carriageway which relates to shared crossovers (joint development of land) and to comply with the desire streetscape, the width shall be conditioned to be 4.5m.

Boat parking is provided adjacent to the front western boundary with no formal vehicular access. The use of the proposed parking area will require a vehicular movement over Council's verge and a pedestrian footpath and is not supported; however, the space may be used for emergencies only. An alternative solution such as a

‘dry dock’ or private storage is recommended to house any boat. This arrangement does not achieve the design objectives to:

- *contribute towards attractive streetscapes and security for occupants and passers-by, ensure adequate privacy and open space for occupants, and an attractive setting for buildings; and*
- *ensure adequate provision of secure, visually acceptable and accessible on-site parking for residents and visitors.*

Garage setback

The design caters for 2 vehicles to be housed in a double garage; under the design guidelines a 5.5m garage setback is prescribed however adjoining precincts permit a 5m garage setback. Factoring the length of a small vehicle, according to Main Road standards, the minimum length is 5.2m and the intent of the setback provision under the Scheme is for the parking of vehicles including visitor parking. Thus it is recommended that a 5.2m garage setback be conditioned to visitor car parking is provided on-site.

Upper side setback

Both side setbacks on the first floor require a variation to the prescribed R-codes setbacks. The western upper floor seeks a 1m variation (1.2m in lieu of 2.2m) and a 7m wall length variation (16m in lieu of 9m). The design uses articulation (projections/minor opening and material changes) to enhance visual interest which would otherwise be a 16m blank wall. Generally 15m is the maximum allowable ‘blank wall’ without providing appropriate articulation. However this standard is prescribed by the R-codes to be 9m. Overshadowing is not a major issue in the North West when factoring a 45 vertical sun angle (1m height=1m shadow). Based on midday calculation, a shadow cast of 5.2m is projected on the adjoining eastern property. No development approvals have been issued for the property and the cast is considered acceptable in the local climate. The eastern upper floor seeks a 0.3m variation (1.2 in lieu of 1.5m) and 3m wall length variation (11m in lieu of 9m). This will provide for cross ventilation [passive cooling] and natural lighting to an internal staircase. The justification provided by the architect [and supported above] demonstrates that the variations achieve a site responsive design and satisfies the design objectives to:

- *ensure adequate provision of direct sun and ventilation for buildings and to ameliorate the impacts of building bulk, interference with privacy, and overshadowing on adjoining properties; and*
- *promote and safeguard health, safety, environmental [built/natural] quality and the general welfare and amenity of the locality.*

It is recommended that both variations be permitted to enhance the high standard of development with an emphasis on building ‘identity’ promoting some individuality of dwelling appearance within the streetscape.

Rear balcony

Part of the rear master bedroom balcony exceeds the desired rear balcony setback provision. A variation of 0.7m (1.2m in lieu of 0.5m) is sought, and it is considered that the intent of the Design Guidelines is to encourage articulation through this provision meaning to permit a usable safe balcony the building set out [length] should be reduced. This reduces the bulk mass imposed on the canal frontage. No variation is supported.

Other Issues

- Colour Palette: no information is provided regarding the external colours to be applied to walls and roof. A condition shall be applied ensuring colours are consistent with Council’s colour palette.
- Integrated Concrete Drain: the ICD has not been identified in the submitted plan. A footnote is recommended to advise the proponent about the requirements of the design guidelines. This will include structural requirements for the proposed spa.
- Landscaping: no information is provided at this stage regarding landscaping. A condition shall be applied to ensure a landscaping plan is provided to ensure any parked boat trailer is sufficiently screened to reduce the impact upon the streetscape.
- Secondary Retaining wall: the applicant proposes to build a spa, deck and balcony within the no load zone. A condition shall be applied to ensure the developments comply with the design guidelines and must be certified by a Structural Engineer and approved by Council.
- Spa drainage: wastewater from the spa shall be conditioned to be drained to the kerb and gutter in Inggarda Lane. No wastewater is permitted within the ICD or canal waterways.

Considering the above issues, Council officers recommend that the Council of the Shire of Exmouth grant conditional planning approval for a dwelling.

CONSULTATION

Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

Planning and Development Act 2005
Shire of Exmouth Town Planning Scheme No.3
(Officer's reference to Acts or Regulations)

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Objective: 2 - To consistently apply the Principles of Good Governance

- Key Actions 1.To continue ethical and responsible decision making

Strategic Objective: 3 - To communicate effectively

- Key Actions 1. To convey relevant information using appropriate communication channels

Strategic Objective 4: To promote socioeconomic development

- Key Actions 1. Manage land use development
2. Promote culture, arts and recreation
3. Support and manage tourism

Strategic Objective 5: To value our environment and heritage

- Key Actions 1. To develop and implement policies and statutory processes that ensure balanced decision making

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.6.5

That the Council of the Shire of Exmouth grant conditional planning approval for a dwelling upon Lot 65 Inggarda Lane, Exmouth subject to the following conditions:

- 1. The development shall be carried out generally in accordance with the approved plans (PA10/12) and the Exmouth Marina Village Precinct B - Modified Outline Development Plan to the satisfaction of Council officers;*
- 2. The upper floor rear balcony and building shall be constructed to achieve a minimum rear setback of five (5) metres from the canal set-out line for a maximum 50% lot width. The balance shall be setback eight (8) metres;*
- 3. Upper side setback shall be in accordance with the approved plans (PA10/12);*
- 4. Garage setback shall be 5.2 metres;*
- 5. Vehicle crossovers between the road carriageway and the property boundary shall not exceed 4.5 metres in width and excludes any splays. Further the driveway shall have a minimum side setback of 750mm for the driveway on the front lot boundary;*
- 6. The ground floor rear cantilevered deck shall be constructed with a minimum rear setback of 4.5 metres measured from the canal set-out line;*
- 7. A landscaping plan shall be submitted for the approval of Council and landscaping being established in accordance with that approved plan prior to occupation of the dwelling. The plan should demonstrate screening of the proposed boat/trailer parking space;*

8. *Development shall have external colours consistent with Council's Colour Palette (refer attached);*
9. *No painting finishes are permitted on the existing concrete retaining walls located at the canal face or the Secondary Retaining Wall at the landside of the lower terrace;*
10. *No fencing is permitted to the front boundary or forward of the building line on the side on the boundaries or to the lower terrace level;*
11. *Fencing on side and rear boundaries shall be 1.8 metres, with an exception of the side boundary to the rear of the dwelling which shall be 1.5 metres in height; and any fencing shall be constructed in one or a combination of the following:-*

<u>Material</u>	<u>Colour</u>
Colorbond Steel	Terrace or Similar
Painted / Rendered Masonry	Limestone or Similar
Limestone	Natural

12. *Part of the development within the three (3) metre no building zone shall be cantilevered in accordance with the Exmouth Marina Exmouth Marina Village Precinct B - Modified Outline Development Plan and certified by a Structural Engineer and approved by Council;*
13. *The Integrated Concrete Drain Area must not be penetrated without consent of a Structural Engineer and must be managed in such a way that either:*
 - a) *the ICD's impermeable membrane is no longer relied upon for drainage, the water that would have been drained through the ICD will be drained over the secondary canal wall on the boundary of that lot and this outcome must be certified by a Civil Engineer; or*
 - b) *the integrated concrete drain is filled over in a way that is certified by a Civil Engineer as complying with all of the following principles:*
 - (i) *the fill must be free draining;*
 - (ii) *barriers must be installed to prevent fine materials from the general plot infiltrating and clogging the free draining material (such as by wrapping the free draining material in bidum);*
 - (iii) *the fill over the integrated concrete drain must be drained through the integrated concrete drain outlet; and*
 - (iv) *separation of material on the general plot and on the integrated concrete drain must occur over the integrated concrete drain (such as the cut off wall).*
14. *The spa development subject to Condition 9 above, shall ensure that all wastewater is directed to the kerb and gutter in Inggarda Lane to the satisfaction of Council officers. This is in recognition of the purpose of the Integrated Concrete Drain to maintain the vertical canal wall;*
15. *Storm water from any landscaped areas within the landscaping zone shall be retained on the site and/or directly discharged into the Shires road drainage system via subsurface drainage or surface run off;*
16. *Owners shall be responsible for ensuring that no materials deleterious to the water quality enters the canals; and responsible for the ongoing maintenance of the canal wall, private jetties in a structurally sound condition;*
17. *Owners shall be responsible for the stability of the interface between the lot and the water of the canal, including walls, which is required to be maintained to the satisfaction of Council;*
18. *The development being connected to reticulated sewer and water;*
19. *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;*

20. *External clothes drying facilities, rubbish bin and all service fittings and fixtures shall not be visible from public view; and*
21. *The approval granted is valid up to two (2) years of the date of this approval. Should the use approved not substantially commence within this time, the approval will lapse.*

Advice

- i) *Prior to any construction, the applicant is required to obtain a building license approval from the Shire of Exmouth.*
- ii) *the Integrated Concrete Drain Area (ICD) is located at the rear of the secondary retaining wall, and serves to ensure that nutrient run off from domestic uses is retained on-site rather than entering the canal system. The ICD is 2.2m wide constructed across the full width of the lot.*
- iii) *The canal walls are not to be altered, extended or removed without prior written approval of the Council.*
- iv) *Lot owner is advised of a continuous layer of geo-fabric grid lies 1000mm below ground level (at 4.25 AHD) from the rear of the secondary wall for 6.0 metres into the Lot. This geo-fabric grid is an integral part of the retaining wall design and must not be damaged, cut or penetrated without the approval of a Structural Engineer and approved by Council.*
- v) *The approval granted is not to be construed as approval granted under the Local Government (Miscellaneous Provisions) Act 1960, Building Regulations 1989 or any other relevant statutory approval.*
- vi) *Should the applicant be aggrieved by this decision, a right of review may exist pursuant to the State Administrative Tribunal Act 2004. A request for review should be made within 28 days of notice of this decision to the State Administrative Tribunal.*

COUNCIL DECISION – 13-0312 – 10.6.5
--

Moved Councillor Winzer, Seconded Councillor Thompson.

That the Council of the Shire of Exmouth grant conditional planning approval for a dwelling upon Lot 65 Inggarda Lane, Exmouth subject to the following conditions:

1. *The development shall be carried out generally in accordance with the approved plans (PA10/12) and the Exmouth Marina Village Precinct B - Modified Outline Development Plan to the satisfaction of Council officers;*
2. *The upper floor rear balcony and building shall be constructed to achieve a minimum rear setback of five (5) metres from the canal set-out line for a maximum 50% lot width. The balance shall be setback eight (8) metres;*
3. *Upper side setback shall be in accordance with the approved plans (PA10/12);*
4. *Garage setback shall be 5.2 metres;*
5. *Vehicle crossovers between the road carriageway and the property boundary shall not exceed 4.5 metres in width and excludes any splays. Further the driveway shall have a minimum side setback of 750mm for the driveway on the front lot boundary;*
6. *The ground floor rear cantilevered deck shall be constructed with a minimum rear setback of 4.5 metres measured from the canal set-out line;*
7. *A landscaping plan shall be submitted for the approval of Council and landscaping being established in accordance with that approved plan prior to occupation of the dwelling. The plan should demonstrate screening of the proposed boat/trailer parking space;*
8. *Development shall have external colours consistent with Council's Colour Palette (refer attached);*

9. *No painting finishes are permitted on the existing concrete retaining walls located at the canal face or the Secondary Retaining Wall at the landside of the lower terrace;*
10. *No fencing is permitted to the front boundary or forward of the building line on the side on the boundaries or to the lower terrace level;*
11. *Fencing on side and rear boundaries shall be 1.8 metres, with an exception of the side boundary to the rear of the dwelling which shall be 1.5 metres in height; and any fencing shall be constructed in one or a combination of the following:-*

<u>Material</u>	<u>Colour</u>
<i>Colorbond Steel</i>	<i>Terrace or Similar</i>
<i>Painted / Rendered Masonry</i>	<i>Limestone or Similar</i>
<i>Limestone</i>	<i>Natural</i>

12. *Part of the development within the three (3) metre no building zone shall be cantilevered in accordance with the Exmouth Marina Exmouth Marina Village Precinct B - Modified Outline Development Plan and certified by a Structural Engineer and approved by Council;*
13. *The Integrated Concrete Drain Area must not be penetrated without consent of a Structural Engineer and must be managed in such a way that either:*
 - a) *the ICD's impermeable membrane is no longer relied upon for drainage, the water that would have been drained through the ICD will be drained over the secondary canal wall on the boundary of that lot and this outcome must be certified by a Civil Engineer; or*
 - b) *the integrated concrete drain is filled over in a way that is certified by a Civil Engineer as complying with all of the following principles:*
 - (i) *the fill must be free draining;*
 - (ii) *barriers must be installed to prevent fine materials from the general plot infiltrating and clogging the free draining material (such as by wrapping the free draining material in bitum);*
 - (iii) *the fill over the integrated concrete drain must be drained through the integrated concrete drain outlet; and*
 - (iv) *separation of material on the general plot and on the integrated concrete drain must occur over the integrated concrete drain (such as the cut off wall).*
14. *The spa development subject to Condition 9 above, shall ensure that all wastewater is directed to the kerb and gutter in Inggarda Lane to the satisfaction of Council officers. This is in recognition of the purpose of the Integrated Concrete Drain to maintain the vertical canal wall;*
15. *Storm water from any landscaped areas within the landscaping zone shall be retained on the site and/or directly discharged into the Shires road drainage system via subsurface drainage or surface run off;*
16. *Owners shall be responsible for ensuring that no materials deleterious to the water quality enters the canals; and responsible for the ongoing maintenance of the canal wall, private jetties in a structurally sound condition;*
17. *Owners shall be responsible for the stability of the interface between the lot and the water of the canal, including walls, which is required to be maintained to the satisfaction of Council;*
18. *The development being connected to reticulated sewer and water;*
19. *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;*
20. *External clothes drying facilities, rubbish bin and all service fittings and fixtures shall not be visible from public view; and*

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

Advice

- i) *Prior to any construction, the applicant is required to obtain a building license approval from the Shire of Exmouth.*
- ii) *The Integrated Concrete Drain Area (ICD) is located at the rear of the secondary retaining wall, and serves to ensure that nutrient run off from domestic uses is retained on-site rather than entering the canal system. The ICD is 2.2m wide constructed across the full width of the lot.*
- iii) *The canal walls are not to be altered, extended or removed without prior written approval of the Council.*
- iv) *Lot owner is advised of a continuous layer of geo-fabric grid lies 1000mm below ground level (at 4.25 AHD) from the rear of the secondary wall for 6.0 metres into the Lot. This geo-fabric grid is an integral part of the retaining wall design and must not be damaged, cut or penetrated without the approval of a Structural Engineer and approved by Council.*
- v) *The approval granted is not to be construed as approval granted under the Local Government (Miscellaneous Provisions) Act 1960, Building Regulations 1989 or any other relevant statutory approval.*
- vi) *Should the applicant be aggrieved by this decision, a right of review may exist pursuant to the State Administrative Tribunal Act 2004. A request for review should be made within 28 days of notice of this decision to the State Administrative Tribunal.*

CARRIED 3/0

10. REPORTS OF OFFICERS

10.6 Executive Manager Town Planning

10.6.6 Signage on Local Government Property

Location: Lot 101 Murat Road, Exmouth
 Applicant: Simon Doughty
 File Reference: LP.PL.0
 Disclosure of Interest: Nil
 Date: 08 March 2012
 Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

This report recommends that the Council of the Shire of Exmouth provide 'in-principle' support for the product display sign to be wholly located upon private property providing an exemption to the maximum vertical and horizontal dimension of two (2) metres subject to town planning requirements.

BACKGROUND

In February, Council received a written request from the new owner of Ningaloo Reef Dreaming to consider whether the Shire would permit a removal 'fibreglass whaleshark' currently a registered vehicle to remain stationary upon local government property on the corner of Pellew Street/Murat Road. The owner has been advised of the Town Revitalisation Plan and has proposed to establish the vehicle as public art (refer *Attachment 9*).

COMMENT

Art in appropriate public places (streets, squares, buildings, foreshores and parks etc.) fosters a sense of place and provides a unique identify in the community. Public art should be defined to include any artwork specifically commissioned for a site [originally designed and produced for public space] that is visible and contributes to the public space. Artworks may be permanent, temporary or functional features within the landscape.

Without altering the development to remove the class of a 'vehicle' the proposal should not be considered public art and any vehicle is therefore subject to the vehicle local law. It is noted that the proposal for an education and interpretation whaleshark reflects and celebrates local heritage and culture associated with the Ningaloo Reef.

Local law

The local law defines the vehicle as a trailer (defined below) and is subject to the relevant provisions tabled below. Trailer: *means a vehicle (not including a semi-trailer) drawn by another vehicle but not including a sidecar attachment to a motor cycle or any vehicle that comes within the description of a caravan in the Road Traffic Act;*

Provision	Compliance
Verge Parking s16	(2) A person, not being the occupier of the land abutting on to a street verge, shall not without consent of that occupier, drive, park or stand a vehicle upon that verge.
Service Vehicle/Trailer Parking s23	(1) A person shall not park a service vehicle, commercial vehicle or trailer – (a) On a street verge for more than four hours consecutively; or (b) On a street verge for the purpose of repairing, servicing or cleaning that vehicle.

	A person shall not park a service vehicle, commercial vehicle or trailer on a road or street verge within six (6) metres of where that road or street verge meets or intersects with another road or street verge.
Vehicle Parking s24	A person shall not park a vehicle on any portion of a street, parking facility or public place – <ul style="list-style-type: none"> (a) if the vehicle is exposed for sale; (b) if that vehicle is not licensed under the Road Traffic Act; (c) if that vehicle is a trailer, caravan or boat (d) if that vehicle is being used as a commercial sign board; or (e) For the purpose of effecting repairs to it, other than the minimal repairs necessary to enable the vehicle to be moved to a place other than a road.

Product Display Sign

The vehicle is a development which is displayed for the purpose of advertising and therefore is a classed a product display sign. Council will need to determine whether to provide 'in principle' support for the development to be wholly sited upon private property, providing a variation to the maximum vertical and horizontal dimension prescribed as follows:-

A Product Display sign shall be located wholly within the boundaries of the lot, placed so as to not cause any interference, whether directly or indirectly, to vehicular traffic or pedestrians, have no moving parts, limited to a maximum of one sign per street frontage on any one lot and have a maximum vertical or horizontal dimension of 2.0m.

Council officers recommend that the Council of the Shire of Exmouth provide 'in-principle' support for the product display sign to be wholly located upon private property providing an exemption to the maximum vertical and horizontal dimension of two (2) metres subject to town planning requirements.

CONSULTATION

Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Shire of Exmouth Town Planning Scheme No.3

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

Policy 6.9 - Signage

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Objective: 2 - To consistently apply the Principles of Good Governance

- Key Actions 1.To continue ethical and responsible decision making

Strategic Objective: 3 - To communicate effectively

- Key Actions 1. To convey relevant information using appropriate communication channels

Strategic Objective 4: To promote socioeconomic development

- Key Actions
 1. Manage land use development
 2. Promote culture, arts and recreation
 3. Support and manage tourism

Strategic Objective 5: To value our environment and heritage

- Key Actions 1. To develop and implement policies and statutory processes that ensure balanced decision making

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.6.6

That the Council of the Shire of Exmouth provide 'in-principle' support for the product display sign to be wholly located upon private property providing an exemption to the maximum vertical and horizontal dimension of two (2) metres subject to Town Planning Scheme requirements.

COUNCIL DECISION – 14-0312 – 10.6.6

Moved Councillor Fitzgerald, Seconded Councillor Thompson.

That the Council of the Shire of Exmouth provide 'in-principle' support for the product display sign to be wholly located upon private property providing an exemption to the maximum vertical and horizontal dimension of two (2) metres subject to Town Planning Scheme requirements.

CARRIED 3/0

10. REPORTS OF OFFICERS**10.7 Executive Manager Engineering Services****10.7.1 General Report**

Location: Exmouth
 Applicant: Keith Woodward
 File Reference: Nil
 Disclosure of Interest: Nil
 Date: 15 March 2012
 Author: Executive Manager Engineering Services, Keith Woodward
 Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

The following report provides an overview of the Engineering Services 2011/2012 and 2012/2013 Construction and Capital Programs.

BACKGROUND**Engineering Services Project Schedule**

The Engineering Services Project Schedule 2011/2012 provides an overview of the project start 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.

- 2011/2012 Engineering Services Project Status Schedule. *Attachment 1*
- 2011/2012 Engineering Services Capital Status Schedule. *Attachment 2*
- Draft 2012/2013 Engineering Services Projects and Capital Schedule. *Attachment 3*

COMMENT

Nil

CONSULTATION

Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

FINANCIAL IMPLICATIONS

As per Shire 2011/2012 Budget

STRATEGIC IMPLICATIONS

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 – 10.7.1

That the Council of the Shire of Exmouth receive the Executive Manager Engineering Services Report for the month of March 2012.

COUNCIL DECISION – 15-0312 – 10.7.1

Moved Councillor Thompson, Seconded Councillor Winzer.

That the Council of the Shire of Exmouth receive the Executive Manager Engineering Services Report for the month of March 2012.

CARRIED 3/0

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

Nil

12. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**COUNCIL DECISION – 16-0312 – ITEM 12**

Moved Councillor Winzer, Seconded Councillor Fitzgerald.

*That the Council of the Shire of Exmouth accept the New Business of an Urgent Nature –Exmouth Town Centre and Foreshore Revitalisation Plan.***CARRIED 3/0****12. REPORTS OF OFFICERS****12.1 Exmouth Town Centre and Foreshore Revitalisation Plan**

Location:	Exmouth
Applicant:	N/A
File Reference:	LP.PL.7
Disclosure of Interest:	Nil
Date:	12 March 2012
Author:	Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer:

Chief Executive Officer, Bill Price

SUMMARY

That the Council of the Shire of Exmouth:

1. Adopts the Exmouth Town Centre and Foreshore Revitalisation final design subject any modifications raised by the Townscape Committee; (refer *Attachment I*) AND
2. Adopts the Exmouth Town Centre and Foreshore Revitalisation Plan and authorises the Chief Executive Officer to act on behalf of Council to finalize the text modifications including recommendations prior to advertising the draft Policy.

BACKGROUND

In April 2011, Council in partnership with the Department of Regional Development and Lands undertook the Exmouth Town Centre and Foreshore Revitalisation Plan. The key objective was to “provide a blueprint [strategy] for future development and enhance [economic] retail/commercial development and opportunities in the Town Centre, providing a place for the resident and non-resident populations to interact, enjoy and live.”

Council engaged Hassell Studio, as the preferred consultant in May 2011, to undertake the project which involved production of detailed designs and the adoption of the designs in November 2011. This report is tabled to Council to review the final design for adoption with or without modifications. To date the following activities have progressed for the formal adoption of the final design:

- June 2011: production of a site analysis [issues paper] report; the report identified key environmental qualities of the townsite, providing evidence based rationale for future land-use opportunities and constraints;
- August 2011: production of two draft conceptual plans and two public visioning workshops held on the 16/17 August;

- September 2011: production of Community Engagement Outcomes report [profile paper]; key community values were identified for inclusion in the preferred conceptual options;
- October 2011: presentation of the final draft options and report presented to Council and the Townscape Committee for review;
- November 2011: two draft conceptual plans were presented to Council and the Townscape Committee to determine a preferred option for public advertisement; and two open days were held on the 17/18 November and public comment period commenced on the 18 November, closing 9 December 2011 (22 days). A survey was undertaken to assist in determining various changes to the public realm. (refer *Attachment 2*).

COMMENT

The purpose of the Exmouth Town Centre and Foreshore Revitalisation Plan (the 'Policy') is to provide a strategy to promote economic development within the Town Centre zone and a Foreshore Management Plan with associated linkages to the Exmouth Gulf. These strategic documents will inform the local planning scheme review, influencing future Scheme zoning and provisions.

The Policy is envisioned to be adopted by Council as a local planning policy, to ensure that aspects of the strategy have statutory powers which will only become operational after the following procedures have been completed:-

- a) The Council having prepared and adopted a draft Policy shall publish a notice once a week for 2 consecutive weeks in a local newspaper circulating within the Scheme Area giving details of where the draft Policy may be inspected, and in what form and during what period (being not less than 21days) submissions may be made.*
- b) Policies which the Council considers may be inconsistent with other provisions of the Scheme or with State and regional planning policies are to be submitted to the Commission for consideration and advice.*
- c) The Council shall review the draft Policy in the light of any submissions made and advice received and shall then resolve either to finally adopt the draft Policy with or without modification, or not to proceed with the draft Policy.*
- d) Following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area.*

It is considered that final designs reflect the community consensus and these changes to the public realm can be supported. However there are minor issues with the supporting text specifically in the urban design recommendations which should be reviewed and revised to the satisfaction of Council. Any changes to the supporting text will not change the adopted designs but will influence the urban design elements and development requirements to enhance the public realm.

Council officers recommend that the Council of the Shire of Exmouth adopt the draft Policy subject to modifications and undertake the above procedure to formalise the adopted design as a local planning policy.

CONSULTATION

Inform - in accordance with Council Policy 1.25.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Shire of Exmouth Town Planning Scheme No.3

POLICY IMPLICATIONS

Policy 1.25 – Communication and Consultation.

Townscape Enhancement Strategy 2001

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Objective: 2 - To consistently apply the Principles of Good Governance

- Key Actions 1.To continue ethical and responsible decision making

Strategic Objective: 3 - To communicate effectively

- Key Actions 1. To convey relevant information using appropriate communication channels

Strategic Objective 4: To promote socioeconomic development

- Key Actions 1. Manage land use development
2. Promote culture, arts and recreation
3. Support and manage tourism

Strategic Objective 5: To value our environment and heritage

- Key Actions 1. To develop and implement policies and statutory processes that ensure balanced decision making

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 12.1

That the Council of the Shire of Exmouth:

- 1. Adopts the Exmouth Town Centre and Foreshore Revitalisation final design subject any modifications raised by the Townscape Committee; AND*
- 2. Adopts the Exmouth Town Centre and Foreshore Revitalisation Plan and authorizes the CEO to act on behalf of Council to finalize the text modifications including recommendations prior to advertising the draft Policy.*

Advice

The supporting text including recommendations will be adopted as a draft Policy and will be advertised for public comments in accordance with the statutory requirements listed under clause 9.6 of the Shire of Exmouth Town Planning Scheme No.3.

COUNCIL DECISION – 17-0312 – 12.1

Moved Councillor Fitzgerald, Seconded Councillor Winzer.

That the Council of the Shire of Exmouth:

- 1. Adopts the Exmouth Town Centre and Foreshore Revitalisation final design subject any modifications raised by the Townscape Committee; AND*
- 2. Adopts the Exmouth Town Centre and Foreshore Revitalisation Plan and authorizes the CEO to act on behalf of Council to finalize the text modifications including recommendations prior to advertising the draft Policy.*

Advice

The supporting text including recommendations will be adopted as a draft Policy and will be advertised for public comments in accordance with the statutory requirements listed under clause 9.6 of the Shire of Exmouth Town Planning Scheme No.3.

CARRIED 3/0

13. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS

Nil

14. CLOSURE OF MEETING

The Acting Shire President took the opportunity to wish Jenni Mitchell all the best for her future in Queensland with her partner Shaun and daughter Ella and the new edition still to come. On behalf of the Council the Acting Shire President presented Jenni with a gift and proceeded to declare the meeting closed at 4.10pm.