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15 MARCH 2012

## **Shire of Esperance**

### **ALL PURPOSE COMMITTEE**

### **NOTICE OF MEETING AND AGENDA**

An All Purpose Committee meeting of the Shire of Esperance will be held at Council Chambers on 20 March 2012 commencing at 1.00 pm to consider the matters set out in the attached agenda.

MJ (Mal) Osborne

**Chief Executive Officer**

### **DISCLAIMER**

No responsibility whatsoever is implied or accepted by the Shire of Esperance for any act, omission or statement or intimation occurring during Council or Committee meetings. The Shire of Esperance disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings. Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

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

### **ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST**

Council is committed to a code of conduct and all decisions are based on an honest assessment of the issue, ethical decision-making and personal integrity. Councillors and staff adhere to the statutory requirements to declare financial, proximity and impartiality interests and once declared follow the legislation as required.

### **ATTACHMENTS**

Please be advised that in order to save printing and paper costs, all attachments referenced in this paper are available in the original Agenda document for this meeting.

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## SHIRE OF ESPERANCE

### AGENDA

#### ALL PURPOSE COMMITTEE MEETING TO BE HELD IN COUNCIL CHAMBERS ON 20 MARCH 2012 COMMENCING AT 1.00 PM

1. **OFFICIAL OPENING**

2. **ATTENDANCE**

**Members**

Cr M Heasman	President	Town Ward
Cr V Brown	Deputy President	Rural Ward
Cr N Bowman		Rural Ward
Cr R Mansell		Town Ward
Cr L McIntyre		Town Ward
Cr W Rodgers		Town Ward
Cr B Stewart, JP		Town Ward
Cr N Walker		Rural Ward

**Shire Officers**

Mr M J (Mal) Osborne	Chief Executive Officer
Mr G Harris	Director Engineering Services
Mr R Hindley	Director Development Services
Mr S McKenzie	Manager Engineering Administration
Mrs B O'Callaghan	Manager Financial Services
Mr G Golinski	Manager Governance & Strategic Projects
Ms C Spain	Minutes Secretary

**Members of the Public & Press**

3. **APOLOGIES & NOTIFICATION OF GRANTED LEAVE OF ABSENCE**

Cr P Griffiths	Town Ward
Mr R Hilton	Director Community Services

4. **PUBLIC QUESTION TIME**

5. **DEPUTATIONS, PRESENTATIONS, INSPECTIONS, PETITIONS**

Nil

**6. DECLARATION OF MEMBERS INTERESTS**

**6.1 Declarations of Financial Interests – Local Government Act Section 5.60a**

**6.2 Declarations of Proximity Interests – Local Government Act Section 5.60b**

**6.3 Declarations of Impartiality Interests – Admin Regulations Section 34c**

**7. CONFIRMATION OF MINUTES**

**That the Minutes of the All Purpose Committee Meeting of the 21 February 2012 be confirmed as a true and correct record.**

## **8. MATTERS REQUIRING A DETERMINATION OF COUNCIL**

### **Item: 8.1**

#### **ADOPTION OF DRAFT LOCAL PLANNING POLICY**

<b>Author/s</b>	Peter Wilks	Town Planner
<b>Authorisator/s</b>	Douglas Fotheringham Richard Hindley	Manager Planning Services  Director Development Services

**File Ref: TPS23/LPP**

#### **Applicant**

Internal – Planning Services

#### **Executive Summary**

To consider the adoption of Local Planning Policy – Wind Turbines

#### **Recommendation in Brief**

That Council adopt draft Local Planning Policy: Wind Turbines as per Clause 2.4 of Local Planning Scheme No. 23 (LPS 23), and Advertise the adopted policy as required under Clause 2.4.3 of LPS 23.

#### **Background**

At the Ordinary Meeting of Council on 13 December 2011, Council resolved to initiate Local Planning Policy – Wind Turbines and to commence advertising in accordance with Clause 2.4 of LPS 23. The advertising period was commenced 13 January 2012 and finished 3 February 2012. During that period no submissions were received.

#### **Officer's Comment**

Public Advertising of the draft LPP was undertaken in accordance with Clause 2.4.1 of LPS 23, with the advertising period from 13 January 2012 to 3 February 2012.

At the close of the advertising period, no submissions were received on the draft LPP.

In accordance with Clause 2.4.2 of LPS 23, Planning Services has undertaken a review of the draft LPP and has decided that no modifications are necessary.

#### **Consultation**

In accordance with Clause 2.4.3 of LPS 23, if the local government resolves to adopt an LPP, the local government is to publish notice of the adopted LPP once in a newspaper circulating in the Scheme area.

#### **Financial Implications**

The costs associated with advertising of the Local Planning Policy in accordance with the provisions of LPS 23 have been provided for in the 2011/2012 Budget.

#### **Asset Management Implications**

There are no perceived asset management implications associated proposed Policy..

**Statutory Implications**            Local Planning Scheme No. 23  
   Planning and Development Act 2005  
   Local Government Act 1995

**Policy Implications**

Regular review of policies is appropriate to ascertain relevance with current Council direction and compliance with any legislative requirements.

Local Planning Policies are guidelines used to assist the local government in making decisions under the Local Planning Scheme and may address land use as well as requirements. Although Local Planning Policies are not part of the Local Planning Scheme they must be consistent with, and cannot vary, the intent of the Local Planning Scheme provisions, including the Residential Design Codes. In considering an application for Planning Approval, the local government must have due regard to relevant Local Planning Policies as required under Clause 10.2 of the Local Planning Scheme.

**Strategic Implications**

Strategic Action Plan 2007 - 2027

*Service Delivery – Through benchmarking, community consultation and continual improvement, aim for a standard of services and service delivery that is assured of quality, innovation and consistency.*

**Environmental Considerations**

There are no perceived environmental considerations associated with the proposed Policy.

**Attachments**

A.     Attachment A - LPP Wind Turbines

**Officer's Recommendation**

**That Council:**

- 1. Adopt Local Planning Policy: Wind Turbines in accordance with Clause 2.4 of Local Planning Scheme No. 23 as per Attachment A; and**
- 2. Advertise the adopted policy as required under Clause 2.4.3 of LPS 23.**

**Voting Requirement**                            Simple Majority



<b>Policy Name:</b>	<b>LOCAL PLANNING POLICY: WIND TURBINES</b>
<b>Objective:</b>	To provide a framework for the assessment of proposed Wind Turbines in the Shire of Esperance.
<b>Key Words:</b>	Wind Turbines
<b>Statutory Compliance:</b>	Local Planning Scheme No. 23

**Policy Aims:**

To allow for the construction of Wind Turbines where ancillary to existing development throughout the Shire whilst ensuring the local character and amenity is not compromised.

**Policy Provisions:**

Definition

A wind turbine is defined as:

*“any equipment that is used to convert and then store and/or transfer energy from the wind into usable electrical energy. The term includes any equipment used in the activity such as base, blades, generator, pole, tower, transformer, vane, wire, inverter, batteries etc”.*

A domestic wind turbine is defined as:

*“any wind energy system that is used to generate electricity for domestic energy consumption with a rated capacity of 2.2kW or less”.*

Application Information

➤ *New Applications*

The following information is required to be submitted to enable an assessment of ancillary wind turbines proposals:

- Completed ‘Application for Planning Approval’ form;
- Payment of application fee in accordance with Council’s Fees & Charges Schedule;
- Three (3) copies of the following:
  - Site plan (to scale) showing the predominant use of the land, including all structures in relation to the lot boundaries and location of the proposed wind turbine(s) and any other infrastructure to support the turbines;
  - Elevations of the proposed wind turbines, showing the appearance of the turbines, the height of the turbine hub from natural ground level and the length of the blades.
- Details of the wind turbine, i.e. potential noise output (published sound power level for the turbine and any other generators), presence of secondary generators, etc.

All applications for Wind Turbines require a building license to be submitted after the issuance of a valid Planning Approval.

Other Requirements

➤ *Compliance with Environment Protection (Noise) Regulations 1997*

*Any applicant for a wind turbine must ensure that the installation, maintenance and operation of the turbine effectively minimises any impacts, particularly visual and/or noise generation and does not exceed the prescribed limits in the **Environmental Protection (Noise) Regulations 1997** or any other relevant legislation. If in the opinion of Council, the system or its use is causing nuisance or annoying to neighbours or owner/occupiers of the land in the vicinity of the approval uses, Council may under its planning scheme controls require the turbine to be modified or remove the nuisance or annoyance.*

### Policy Application Area

Wind Turbines are not a land use, and are seen as being ancillary to the predominant land use with the following exception: In the residential zone, only Domestic Wind Turbines are permitted. As such they are allowed in all zones, aside from the Central Area zone, pending planning approval and advertising requirements under Clause 9.4 of Local Planning Scheme No. 23 for structures that may cause nuisance to neighbouring landowners.

### Development Requirements

The following development requirements apply to Wind Turbines:

- The wind turbine and any infrastructure required to support the turbine or allow for its operation must not adversely affect the amenity of the locality by reason of emission of noise;
- The wind turbine and any infrastructure required to support the turbine or allow for its operation must not adversely affect the visual amenity of the locality;
- If proposing to connect the system to the Horizon Power grid, a copy of the agreement between the proponent and the Agency that the system complies with their requirements shall be provided to the Shire with the application for planning approval.
- All Wind Turbines are to be constructed of non-reflective materials, and fitted with some form of automatic breaking, manual breaking and speed protection;
- All units must be locked to allow for maintenance, and to allow the unit to cease operations during noise sensitive periods;
- All units must be maintained to avoid adverse impacts on adjoining properties.
- In Residential zones, Domestic Wind Turbines must:
  - Be located on lots of over 2000 square metres in size or where there is no power connection available;
  - Not be located in the primary street setback;
  - Be setback from the side and rear boundaries by a distance equal to the height of the turbine hub from natural ground level;
  - Be less than 6m in height at the hub from natural ground level;
  - Comply with *Environmental Protection (Noise) Regulations 1997*. (Note: In the event of Council receiving neighbourhood noise complaints, the applicant will be responsible for providing evidence from a suitably qualified acoustic consultant to prove the system's compliance with *Environmental Protection (Noise) Regulations 1997*).
- In Rural Residential and Rural Smallholdings zones, must:
  - Not be located in the primary street setback;
  - Not be less than 10 metres from any side or rear setback;
  - Not be located outside of an approved building envelope;
  - Comply with *Environmental Protection (Noise) Regulations 1997*. (Note: In the event of Council receiving neighbourhood noise complaints, the applicant will be responsible for providing evidence from a suitably qualified acoustic consultant to prove the system's compliance with *Environmental Protection (Noise) Regulations 1997*).
- In Industrial and Agriculture – General zones, must:
  - Not be located in the primary street setback;
  - Be setback a minimum of 3 metres from all boundaries.
- In Country Town zones, requirements will be as per the residential zone.
- Any Wind Turbine exceeding 9 metres in height will require the approval of Council.

### Varying Development Requirements:

Variations to the Development Requirements will require Council approval.

**Item: 8.2**

**ENTRY CONTROL SYSTEM - BOILC**

<b>Author/s</b>	John Toomey	Manager Recreation & Youth services
<b>Authorisator/s</b>	Rod Hilton	Director Community Services

**File Ref: B128**

**Applicant**

Bay of Isles Leisure Centre

**Location/Address**

Bay of Isles Leisure Centre

**Executive Summary**

This item is a request to consider the installation of entry control systems to the Bay of Isles Leisure Centre. Specifically to:

- Prevent unrestricted access to the aquatic area and health & fitness area
- Improve the statistical accuracy of records of users
- Increase the income for the facility
- Upgrade the visual amenity of the entry foyer and reception area

**Background**

It is recommended that:

- A turnstile, entry gate and exit gate be installed between reception and the aquatic hall
- A turnstile and combination entry and exit gate be installed between reception and the health & fitness side of the facility
- Centaman software be upgraded to accommodate scanning of membership cards
- Reception counter be refurbished and extended to join with kiosk counter
- Worn and soiled foyer and corridor floor covering be replaced
- Foyer display boards and signage be upgraded to become professional, consistent and visually pleasing.

Installation of entry control systems will improve BOILC's risk management relating to supervision of children, improve efficiency of user entry to the facility, improve statistical information of our user groups and increase revenue. The pay back period for the project based upon a 15% increase in revenue is 11 months.

BOILC has had open entry to the two main aspects of the facility since it was refurbished in 2000. This system relies upon the integrity of all users and the diligence of the facility's receptionist for all users to be accounted for in entry statistics as either members or casual visits. At off-peak times the numbers of patrons evading the existing manual systems is minimal. However, at peak times people are regularly observed simply walking straight into the facility and often the receptionist is engaged in serving customers and unable to intervene. At peak times there is regularly a queue at reception and this in itself leads to members avoiding the sign-in process and walking through. Installation of turnstiles and gates will decrease crowding at reception, thereby improving customer service for both members and non-members.

Benchmarking data indicates we have a high utilisation rate of the facility by our small population base but with much aquatic facility operating cost being relatively fixed, our low absolute number of visitors

results in merely an average subsidy (operating cost) per visit. With installation of turnstiles both our membership base and casual attendance will increase leading to an increase in revenue and improvement in cost-per-visit.

### **Officer's Comment**

There are three main reasons for implementing the above works: (1) to increase patron safety; (2) to reduce the facility's operating deficit; and (3) improve the all-important 'first impression' as potential members enter the facility.

### Patron Safety

Despite our reception and aquatic staff members' best efforts there are regular occasions where children under 12 years of age are dropped off kerbside and left to enter the facility unsupervised. The drowning risk to this age group is significant – and more so if they manage to slip in at times the receptionist is already occupied with other customers. These children often belong to user groups such as Gymnastics and Taekwondo who have activities in the sports court. Currently a large number of these participants attend without a supervising parent.

Occasionally we have members of the public enter the facility, bypass reception and in so doing have access to the gym, dry side male and female changing rooms and crèche. Usually these patrons simply are accessing clean toilets but there is the potential of inappropriate behaviour occurring.

During the installation of the entry control hardware we will take the opportunity to replace the temporary carpet strip that runs down the tiled corridor towards the dry side of the facility. This carpet was installed to reduce the risk of patrons slipping on the glossy tiled floor but was only an interim solution and presents as a trip hazard on occasion.

### Operating Deficit

Similar to other aquatic facilities the BOILC has a significant operating deficit, currently over \$700K annually. Installation of entry control systems has been shown in other facilities to markedly increase revenue as users who were accessing the facility without paying are captured. At BOILC we are aware that there are users that:

- Bypass reception to use the pool and gym without paying
- Have expired memberships but continue to write their membership number on the entry log sheet
- Fabricate membership numbers on the entry log sheet

With an often very busy reception area and a number of casual staff working outside of core hours it is simply not possible to (a) notice and (b) intercept and query every patron who bypasses reception. On some occasions patrons have responded in a hostile manner when queried, generally those without valid memberships.

Barcode scanning at the turnstiles for members will also reduce the queue at reception and improve our attendance statistics thereby resulting in a reduced 'per patron-visit operating cost' for the facility (currently \$3.60). Casual users will enter via reception as normal and use a bar-coded receipt to access.

### Foyer & Reception Area

This area should provide a great first impression of the facility. Currently it arguably presents an impression of clutter, ad hoc signage and worn and tired carpet and reception counter. A relatively simple change in layout of the promotional fixings and material coupled with new carpet, a renovated reception desk and new Club Development Officer display area will revitalise the entry to Esperance's premiere recreation facility.

### Consultation

Geraldton Aquatic Centre and Terry Tyzack Aquatic Centre were consulted regarding their entry control systems and quotes for all aspects of the project have been received and used in preparation of the project budget. Rob Suter and Les Crake were consulted early in the project planning process to discuss the feasibility of installation of the hardware and modifications and the Shire's IT department provided advice about the operation of the scanning software through Civica. Lyn Reid has discussed a number of matters pertaining to software with the suppliers of the entry control hardware.

### Financial Implications

The financial implications arising from this report are a request for \$65,000 to be expended but with a predicted corresponding increase in revenue that will result in a payback period of 11 months. This is based on 2010-11 facility attendance and membership-only revenue of \$560,569 and information from other facilities. Geraldton's aquatic centre advised of a 30% increase in revenue following installation of entry control software. Terry Tyzack Aquatic Centre noted a 20% decrease in aquatic attendance when the aquatic area turnstile was inactive for a month. Using a conservative estimate of 15% increase in revenue predicts \$644,654 indicating an increase of \$84,085 over 11 months. The total quote is \$65,000 and if we inflate it to \$75,000 to cover potential unforeseen contingency costs the payback is under 11 months.

Description		Budget Figure	Amended Figure	Variation
Structural changes to aquatic entry			\$2,800	
Cabling			\$1,200	
Reception renovation			\$12,080	
Entry control hardware & installation			\$27,750	
Equipment linking software to hardware			\$11,280	
Replacement floor covering			\$7,890	
Foyer signage & display improvements			\$2,000	
Contingency			\$10,000	
			<b>\$75,000</b>	
<b>Net result</b>				

### Asset Management Implications

Nil

### Statutory Implications

Nil

### Policy Implications

Nil

### Strategic Implications

Strategic Action Plan 2007 - 2027

### Environmental Considerations

Nil

### Attachments

Nil

**Officer's Recommendation**

**That Council**

- 1) Support the proposal to install entry control systems and upgrade the foyer of the Bay of Isles Leisure Centre.**
- 2) Source funding from Building maintenance reserve funds.**

**Voting Requirement**

Simple Majority

**Item: 8.3**

**ITQ 13/11 & ITQ 14/11 SUPPLY, DELIVERY OF TWO SINGLE AXLE TRUCKS**

<b>Author/s</b>	Neil Williams	Manager Engineering Assets
<b>Authorisator/s</b>	Gavin Harris	Director Engineering Services

**File Ref: ITQ13/11 & ITQ14/11**

**Applicant**

Internal

**Location/Address**

Engineering

**Executive Summary**

To consider quotations for the Supply, Delivery and Licensing of two New Single axle 6 Tonne Tip Trucks utilising trade in of the Shire's Existing 2004 Isuzu single axle tip trucks and the outright purchase offers received in relation to a WALGA initiated disposal tender.

**Recommendation in Brief**

That Council accept quotations ITQ 13/11 and ITQ 14/11 from Albany City Isuzu Trucks for the supply delivery and licensing of two 2012 Isuzu 300 Medium single cab chassis trucks as specified and trade in the Shire's Existing 2004 Isuzu NPR300 Medium Single Axle Tip Trucks. Also Council not accept the outright purchase offers from PVT Sales Pty Ltd under WALGA disposal tender RFT 045-11.

**Background**

The WALGA Preferred Supplier System was used to obtain quotes from the three (3) providers of trucks being Daimler Trucks Perth, Albany City Isuzu Trucks and WA Hino.

WALGA was engaged to run tenders for the disposal of the Shire's existing trucks which were advertised on Wednesday the 14<sup>th</sup> December, 2011 and closed Thursday 22<sup>nd</sup> December, 2011. One tender was received for the outright purchase of each truck. Where the tendered prices did represent best value to the shire, the outright purchase offers were considered in the evaluation process.

All three (3) companies supplied quotations to replace the trucks including trade changeover figures.

Tenders were evaluated with the following criteria:

Description of Qualitative Criteria	Weighting
Whole of Life Costs	50%
Mechanical Assessment	30%
Provision of Service Abilities	10%
Operator Assessment	10%

The assessment matrix (below) allows the tenders / quotations to be evaluated in an unbiased manner where the supplier with the highest overall points may be considered to be the most advantageous quotation. This is to be used as a guide only during the assessment and is not necessarily binding.

### Officer's Comment

Shire staff evaluated the machinery from the supplied technical information, photos, internet, discussion with the various sales representatives and previous experience.

### Assessment

<b>Company</b>	Daimler Trucks Perth	Albany City Isuzu Trucks	WA Hino
<b>Make and Model</b>	Fuso Canter FEC71	Isuzu 300 Medium	Hino 717 Long
<b>Score</b>	80.77	80.38	75.65

From the above table the company with the best score based on the assessment criteria is Daimler Trucks Perth with Albany City Isuzu Trucks a very close second. As the above table shows the score for the top two models very similar with little separating them however Albany City Isuzu Trucks is the preferred supplier based on whole of life costs, purchase price and trade pricing.

### Consultation

Workshop Supervisor  
Construction Supervisor  
Plant Operators  
Company Representatives  
WALGA

### Financial Implications

Council has allocated \$140,000 for the purchase and \$44,000 for the trade within its 2011/12 Budget. The purchase of these trucks is \$1,057.29 over the budgeted amount. The over budget is due to unbudgeted changes to the trucks specifications in relation to the tipper configuration resulting in higher than expected purchase price for the trucks. The over budget amount can be funded through under budget results associated with other heavy plant purchases.

### Asset Management Implications

Nil

### Statutory Implications

Local Government (Functions and General) Regulations 1996 Part 4 and Section 3.57 of the Local Government Act 1995.

### Policy Implications

Nil

### Strategic Implications

#### Strategic Action Plan 2007 - 2027

85. Maintain and endeavour to increase road maintenance and construction funding and develop plans for the stable and predictable allocation of resources over the long term

- a) *Base road construction and maintenance decisions on identified priorities under the road hierarchy system adopted for rural road network within the Shire.*
- b) *Utilise and continuously improve best practise methodology to optimise the utilisation of plant/equipment, resources and materials in road construction and the preservation of the Shire's road asset.*



### **Environmental Considerations**

Nil

### **Attachments**

- A. ITQ 13-11 Quotations - *Under Separate Cover*
- B. ITQ 14-11 Quotations - *Under Separate Cover*

### **Officer's Recommendation**

#### **That Council**

1. **Accept quotations ITQ 13/11 and ITQ 14/00 from Albany City Isuzu Trucks for the supply delivery and licensing of two (2) 2012 Isuzu 300 Medium single cab chassis GVM 6500kgs / GCN 10,000kgs as specified and trade in the Shire's existing 2004 Isuzu NPR300 Medium Single axle Tip Truck (Registration E21059, Shire ID T86, Plant No. 60004) and trade in the Shire's existing 2004 Isuzu NPR300 Medium Single Axle Tip Truck (Registration E21063, Shire ID T87, Plant No. 60005).**

**And;**

2. **Not accept the outright purchase offers from PVT Sales Pty Ltd under the WALGA disposal tender RFT 045-11.**

**Voting Requirement**

Simple Majority

**Item: 8.4**

**ITQ 16/11 SUPPLY AND DELIVERY OF ONE NEW BULLDOZER**

<b>Author/s</b>	Neil Williams	Manager Engineering Assets
<b>Authorisator/s</b>	Gavin Harris	Director Engineering Services

**File Ref:** ITQ16/11

**Applicant**

Internal

**Location/Address**

Engineering

**Executive Summary**

To consider, quotations for the Supply and Delivery and licensing of one new Bulldozer approx. (120-130kW), utilising trade in of the Shire's Existing 2007 Caterpillar D6RXL Bulldozer, Registration E23127, Shire ID D10, Plant No. 102004 and the outright purchase offers received in relation to a WALGA initiated disposal tender.

**Recommendation in Brief**

That Council accept quotation ITQ 16/11 from Westrac Pty Ltd for the supply delivery and licensing of Caterpillar D6T XL DS Bulldozer as specified utilising trade in of the Shire's Existing 2007 Caterpillar D6RXL Bulldozer, Registration E23127, Shire ID D10, Plant No. 102004 and not accept the outright purchase offers from PVT Sales Pty Ltd or Minesite Construction Services under WALGA disposal tender RFT 002\_12.

**Background**

The WALGA Preferred Supplier system was used to obtain quotes from three (3) providers of bulldozers being Westrac Pty Ltd, Komatsu Aust Pty Ltd and Hitachi Construction Machinery (Aust).

WALGA was engaged to run a tender for the disposal of the Shire's existing dozer which was advertised on Wednesday the 1<sup>st</sup> February, 2012 Wednesday 8<sup>th</sup> February 2012. Two tenders were received for the outright purchase of the dozer. Tendered outright purchase prices were received from PVT Sales Pty Ltd and Minesite Construction Services. The tendered price from PVT Sales Pty Ltd was used in the evaluation process where applicable.

All three (3) companies supplied quotations to replace the dozer with two companies providing trade changeover figures.

Tenders were evaluated with the following criteria:

Description of Qualitative Criteria	Weighting
Whole of Life Costs	50%
Mechanical Assessment	30%
Provision of Service Abilities	10%
Operator Assessment	10%

The assessment matrix (below) allows the tenders / quotations to be evaluated in an unbiased manner where the supplier with the highest overall points may be considered to be the most advantageous quotation. This is to be used as a guide only during the assessment and is not necessarily binding.

#### **Officer's Comment**

Shire staff evaluated the machinery from the supplied technical information, photos, discussion with the various sales representatives and previous experience.

#### **Assessment**

<b>Company</b>	Westrac Pty Ltd	Komatsu Aust Pty Ltd	Hitachi Construction Machinery (Aust)
<b>Make and Model</b>	Caterpillar D6T XL DS	Komatsu D65EX-16	John Deere 850J
<b>Score</b>	85.31	74.91	80.86

From the above table the company with the best score based on the assessment criteria is Westrac Pty Ltd and is the preferred supplier. It should be noted that the 20 week delivery timing does extend beyond the 90 day validity period related to the outright purchase tenders.

Whilst the evaluation indicated the Caterpillar has the highest whole of life cost, the technical specifications and local service/backup arrangements made the Caterpillar the preferred choice. The bulldozer is a major part of the construction fleet and any downtime can affect the production levels of other construction plant.

The Caterpillar D6T XL DS is fitted with Tier 4 engine meaning less pollution as compared with the Komatsu and John Deere which have Tier 3 engines. The high-rise tracks on the Caterpillar are quicker and easier to maintain and the longer footprint provides better traction.

The Shire has been using Caterpillar dozers for many years and history has shown that it has been a productive plant item with minimal down time related a high level of local service and backup.

#### **Consultation**

Workshop Supervisor  
Construction Supervisor  
Plant Operators  
Company Representatives  
WALGA

#### **Financial Implications**

Council has allocated \$490,000 for the purchase and \$150,000 for the trade within its 2011/12 Budget. The purchase of this dozer is \$60,145 (changeover price) under the budgeted amount.

#### **Asset Management Implications**

Nil

#### **Statutory Implications**

Local Government (Functions and General) Regulations 1996 Part 4 and Section 3.57 of the Local Government Act 1995.

#### **Policy Implications**

Nil

## **Strategic Implications**

### **Strategic Action Plan 2007 - 2027**

85. Maintain and endeavour to increase road maintenance and construction funding and develop plans for the stable and predictable allocation of resources over the long term

- a) *Base road construction and maintenance decisions on identified priorities under the road hierarchy system adopted for rural road network within the Shire.*
- b) *Utilise and continuously improve best practise methodology to optimise the utilisation of plant/equipment, resources and materials in road construction and the preservation of the Shire's road asset.*

## **Environmental Considerations**

Nil

## **Attachments**

A. ITQ 16/11 Quotation Comparison - *Under Separate Cover*

## **Officer's Recommendation**

### **That Council**

1. **accept quotation ITQ 16/11 from Westrac Pty Ltd for the supply delivery and licensing of Caterpillar D6T XL DS Bulldozer as specified utilising trade in of the Shire's Existing 2007 Caterpillar D6R XL Bulldozer, Registration E23127, Shire ID D10, Plant No. 102004, and**
2. **not accept the outright purchase offers from PVT Sales Pty Ltd or Minesite Construction Services under WALGA disposal tender RFT 002\_12.**

## **Voting Requirement**

Simple Majority

**Item: 8.5**

**PORTS FOOTBALL OVAL AND CLUB ROOMS**

<b>Author/s</b>	Rod Hilton	Director Community Services
<b>Authorisr/s</b>	Mal Osborne	Chief Executive Officer

**File Ref: OAC.3.8**

**Applicant**

Greater Sports Ground Redevelopment Committee

**Location/Address**

GSG, Black Street, Esperance.



**Executive Summary**

This report has been prepared to acknowledge receipt of the WA Football Commission report into football facility development within the Shire of Esperance. The report recommends retention of the oval and Ports Football Club facilities on the Greater Sports Ground.

### **Recommendation in Brief**

That the oval and Ports Football Club facilities be retained on the Greater Sports Ground.

### **Background**

The current Greater Sports Ground Redevelopment Plan as endorsed by Council (APO411-318) indicates that stage 7 of the Master Plan for the Greater Sports Ground is a long term plan to develop a premier football oval off the Greater Sports Ground and decommission Ports oval.

During October 2011 the WA Football Commission conducted a review into Esperance football facilities. The report recommended that the Shire of Esperance revisit the GSG Master Plan and consider amending the site plan to include the retention and upgrade of the existing oval for the long term.

At its November 2011 meeting Council resolved (AP1211-003) that the WA Football Commission report be referred to the Greater Sports Ground Redevelopment Committee for review.

The Greater Sports Ground Redevelopment Committee has supported the WA Football Commission recommendation to retain the oval and Ports Football Club facilities on the GSG.

### **Officer's Comment**

The decision to retain Ports Football Club on the GSG has been made as a consequence of the WA Football Commission report suggesting that with current population growth the GSG has sufficient capacity to meet a 25% increase in participation in sports requiring green fields playing space without impacting on the Ports Football Club facilities. The participation rates in green fields playing space sports suggests that AFL football is the fastest growing sport (nationally) whilst other sports such as hockey, cricket, soccer and rugby have remained relatively steady. This supports the concept that the four Esperance football clubs could expect stable or growing memberships into the future.

From Ports Football Club perspective it has advised that it has plans for a \$600,000 upgrade of its facilities which will elevate its status to be a premier sporting pavilion in Esperance. The Club cannot act on its plans until the shire determines the future location of the club and the timing of such a move.

On the negative side are the following issues:

1. Funding for Ports Football Club. The Dept. Sport and Recreation has advised that it has a policy of not funding independent facilities through CSRFF. This may limit the Ports Football Club capacity to attract state government funding. Whether or not the Club has the capacity to raise funds and service its debts is unknown.
2. Cost recovery. The Ports Football Club has frequently complained about its inability to isolate the football ground from other sports grounds on the GSG in order to collect attendance fees at football matches. This problem remains unresolved.
3. Shared facilities. The WA Football Commission report suggests there is an opportunity for the development of an integrated premier level pavilion at the GSG that overlooks both the oval to the east and the hockey fields to the north and west. A large dividable function room and bar could be developed so that the clubs have their own social areas. Public toilets could be shared. The potential of shared facilities has not been identified in the current proposal to redevelop the Indoor Sports Stadium.

### **Consultation**

All major user groups of the GSG were consulted with particular attention paid to The Ports Football Club. The Department of Sport and Recreation and The Western Australian Football Commission were also consulted.

### **Financial Implications**

There are no financial implications arising from this report. However, there is potential for funding opportunities to be missed as a result of non co located facilities.

### **Asset Management Implications**

These have not been taken into consideration given the intent of the Ports Football Club to negotiate a lease with Council. It is expected that Council will require Ports Football Club to absolve the Shire from any ongoing responsibilities or liabilities regarding its facilities.

### **Statutory Implications**

There are no known statutory implications associated with this item.

### **Policy Implications**

There are no policy implications arising from this report.

### **Strategic Implications**

#### Strategic Action Plan 2007 - 2027

25. Develop the Bay of Isles Leisure Centre and Greater Sports Ground as the focal point of sport and recreation in Esperance
  - a) Undertake construction of the Stage 2 of the Bay of Isles Leisure Centre – Indoor Sports Stadium
  - b) Implement the Master Plan for the Greater Sports Ground with staging based on the currently endorsed plan
  - c) Review and plan for the future needs of the Esperance Agricultural Show
  - d) Continue to develop the Bay of Isles Leisure Centre as the focal point for the management of Recreation Services
26. Aim for continuous improvement in the standard of leisure facilities and services in the Shire - through rationalisation, orderly planning and the development of "Centres of Excellence"
  - a) Identify key sports surfaces to be maintained at "competition" standard whilst others are developed to training or basic standard where appropriate
  - b) Strongly encourage sporting and community groups to prepare long term plans for their development
  - c) Support sport and recreation clubs and organizations that are prepared to co-locate and rationalise
  - d) Encourage and facilitate the development of multi-use flexible community facilities

### **Environmental Considerations**

There are no environmental considerations arising from this report.

## **Attachments**

Nil

## **Committee Recommendation**

That :

1. The Greater Sports Ground Redevelopment Master Plan be amended to retain the Ports Football Oval on the Greater Sports Ground; and
2. Council negotiate a lease with Ports Football Club over the club rooms to provide security of tenure which will enable the club to proceed with fundraising and redevelopment of its facilities.

Voting Requirement

Simple Majority

## **Officers Recommendation**

That Council:

1. **Support the Greater Sports Ground Master Plan being amended to reflect the retention of the Ports Football Oval on the Greater Sports Ground; and**
2. **Requests that the Chief Executive Officer negotiate with the Ports Football Club and other user groups on the Greater Sports Ground to maximise the potential for shared facilities and to explore funding partnerships.**

Voting Requirement

Simple Majority



**Item: 8.6**

**HEALTH & FITNESS CENTRE UPGRADE - BAY OF ISLES LEISURE CENTRE**

<b>Author/s</b>	John Toomey	Manager Recreation & Youth services
<b>Authorisator/s</b>	Rod Hilton	Director Community Services

**File Ref:** unsure

**Applicant**

Bay of Isles Leisure Centre

**Location/Address**

Bay of Isles Leisure Centre

**Executive Summary**

This item is a request for Council to allocate funds in the 2012-13 budget to engage a consultant to provide recommendations and cost estimations as part of a needs and feasibility assessment for potential upgrades to the Health & Fitness Centre component of the Bay of Isles Leisure Centre (BOILC). To enable accurate financial planning it is necessary to know the options and costs involved in renovating the area to cope with the increasing membership and attendance and to improve the revenue generating capacity of the 'dry side' of the facility.

**Recommendation in Brief**

It is recommended that Council allocate up to \$15,000 to engage an experienced consultant to provide recommendations and cost estimations for potential upgrades to the Health & Fitness Centre component of the Bay of Isles Leisure Centre (BOILC).

**Background**

Membership to BOILC is approximately 530 which has consistently been more than the corresponding period 12 months ago. Concurrently, the casual gym attendance is higher than it has been previously and is about 400 visits per month. At peak times the gymnasium is at capacity and this is likely to be a limiting factor to further membership growth. In most popular and profitable health and fitness facilities the gym and group fitness areas are considered the area of highest priority in terms of presentation and customer service as they generate more revenue than expense and assist in off-setting the loss incurred by the aquatics area.

Group Fitness classes are similarly normally a revenue generating area of the facility and strive to provide a special atmospheric experience for participants as they exercise to energising music in a purpose-designed studio. This includes traditional aerobics classes, more modern Les Mills pre-choreographed classes, indoor cycling and mind-body classes such as yoga. The recent opening of a specific-purpose competing facility within Esperance has highlighted the deficiencies in the existing BOILC Health & Fitness Centre that despite being popular has arguably suffered from lack of competition and therefore a drive to maintain a high standard of facilities and customer service.

**Officer's Comment**

Currently at BOILC the gym has a sub-optimal floor area that is not purpose-designed. Industry recommendations for aesthetics and supervision reasons recommend a single viewable area for the main gym floor area. Currently the gym floor area is close to T-shaped but also containing an additional alcove and a supervision-obstructing wall. It appears that out of necessity the heavier free-weights equipment has been located near the entry way with the more popular cardiovascular equipment and pin-loaded machines towards the rear of the gym floor. Ideally gyms are set up to locate the equipment

that is most intimidating to new gym goers at the rear of facility and any renovation would address equipment locations.

Benchmarking services engaged in by BOILC in 2011 identified the average Western Australian facility in their study had a net cost per admission for their fitness gym of \$-0.86. Gym (and classes) profit in Western Australian facilities ranged from \$15,000 at Altone Leisure Centre to \$402,000 at Terry Tyzack Aquatic Centre. Unfortunately due to some idiosyncrasies with the set-up of GL accounts in our MARS accounting package it was not possible to isolate BOILC gym income and expenditure for comparison purposes. Other guidelines suggest up to 3.5 members per m<sup>2</sup> of gym floor as a maximum membership level. If for comparison purposes we assume our 400 casual visits are from 133 individual people i.e. giving us a total membership of 633, our ratio becomes 2.94 members per m<sup>2</sup>. It is approaching the suggested maximum number – and in a facility that has an usual floor shape and minimal buffer space between machines. Guidelines suggest 50% of the width of a machine as the safe surrounding space.

The use of qualified Gym Instructors is strongly recommended by the current Fitness Industry Code of Practice from a risk management perspective and the layout of the main gym floor area ought to take this into account with clear vision of all areas of the gym area by a single staff member. The proposed updated Code of Practice stipulates 100% supervision or 100% coverage by CCTV with security alerts installed. Changing the layout of the BOILC gymnasium to a single area will allow best practice, with minimal change to staffing allocation and no need for constant CCTV installation and monitoring.

Staff at the BOILC have reviewed and discussed potential improvements to the facility and the consultants will be invited to consider aspects of the facility that are currently missing, or are perceived as inadequate, for example the addition of:

- purpose-built group fitness studio

- spin studio

- circuit room / boxing circuit / personal training studio

- consideration to the inclusion of a 'wellness suite' including a room(s) able to be rented by a massage therapist, nutritionist, dietician or similar allied health professional.

Renovation of the obsolete kitchen and function room may assist in either expanding the gym area or including some of the above. All the likely improvements are likely to occur under the existing roof space and thereby are likely to be cheaper than adding roof area to the building. It is worth bearing in mind that the large basketball court with its high roof is not required and potentially allows the addition of a second floor. Operational improvements to the management and day to day running of the facility may be considered if consideration is given to relocation of some senior staff offices upstairs next to the existing facility manager's office.

Improvements to the facility will facilitate the development of the dry-side of the BOILC taking its rightful place as a strong source of revenue and placing BOILC as the premiere location for all aspects of health and fitness in Esperance for the foreseeable future. Dedicated and appropriate spaces for group fitness, spin, circuit classes and personal training will remove crowding and scheduling issues that currently prevent BOILC capitalising on these revenue-positive areas.

### **Consultation**

Discussions were had with Rob Suter and Les Crake from the Shire of Esperance some months ago regarding internal walls and which were permanent and which were removable. Fitness Australia's Western Australian representative, Michael Fitzpatrick, provided information relating to the Fitness Industry Code of Conduct and Fitness Australia's Western Australian Advisory Board (of which John Toomey is a member) discussed membership numbers and floor area. Darren Monument from

consultants 'A Balanced View' provided an estimate of floor space per member for new facilities and a guide to costs for various depth reports and recommendations.

### **Financial Implications**

The financial implications arising from this report is the expenditure of up to \$15,000 from the 2011 / 2012 Building Maintenance Account.

Council may at a later date give consideration to funding concept plans and budgeting for future upgrades.

### **Asset Management Implications**

Nil

### **Statutory Implications**

Nil

### **Policy Implications**

Nil

### **Strategic Implications**

#### Strategic Action Plan 2007 - 2027

It is likely the upcoming regional Sport and Recreation Facility and Service Provision Review, funded by Department of Sport and Recreation will briefly consider the adequacy of the Bay of Isles Leisure Centre's capacity to handle future attendance growth.

### **Environmental Considerations**

Nil

### **Attachments**

Nil

### **Officer's Recommendation**

#### **That Council**

1. Allocate up to \$15,000 to engage an experienced consultant to provide a needs and feasibility assessment for the BOILC Health & Fitness Centre.
2. Consider any recommendations from the report in preparation for the 2012 / 2013 budget.

### **Voting Requirement**

Simple Majority

**Item: 8.7**

**COMMUNITY DEVELOPMENT FUND 2012-13**

<b>Author/s</b>	Beth O'Callaghan	Manager Financial Services
<b>Authorisator/s</b>	Darren Kennedy Mal Osborne	Director Corporate Services Chief Executive Officer

**File Ref: C.19.1/1.8.2**

**Applicant**

Corporate Services

**Location/Address**

Internal

**Executive Summary**

To set the amount of Community Development Fund (CDF) funding within the 2012-13 Budget to allow for applications to be decided prior to 30 June 2012.

**Recommendation in Brief**

That Council lists \$250,000 in the 2012-13 Budget to fund applications made under the Shire of Esperance Community Development Fund guidelines.

**Background**

The Council allocated a maximum of \$250,000 to fund CDF grant applications in the 2011-12 financial year. The decision to allocate these funds was made prior to the draft budget deliberations as the process of calling for grant applications has traditionally occurred in April and May of each year.

CDF History				
Year	CDF Approved Pool	No. Applications	CDF Allocation	No. Applications Approved
2009-10	\$200,000	31	\$185,716	15
2010-11	\$250,000	37	\$179,829	22
2011-12	\$250,000	37	\$227,410	25

The above table represents three years historical data of CDF Funding.

The number of applications and allocation amounts in the above table does not include the regular CDF allocations such as Public Relations & Donations; Community Arts & Activities; and Indoor Sports Stadium Subsidy.

**Officer's Comment**

During 2011-12 budget preparations Council allocated \$12,000 for Public Relations & Donations; \$12,000 for Community Arts & Activities; and \$5000 for Indoor Sports Subsidy. These amounts are included in the CDF Approved Pool amounts in the above table.

**Consultation**

Nil

### **Financial Implications**

\$250,000 represents approximately 2% of rates revenue.

### **Asset Management Implications**

Nil

### **Statutory Implications**

The statutory implications associated with this item are Section 6.8 Local Government Act 1995.

### **Policy Implications**

Nil

### **Strategic Implications**

#### Strategic Action Plan 2007 - 2027

1a) Ensure that the annual funds allocated under the Community Development Fund are targeted to the community projects and initiatives. Priority to be given to the key areas:

- Youth activities and projects
- Recreation and leisure activities
- Community Arts Inc and other arts and cultural groups
- Seed funding to enable the allocation of funds from other sources to secure appointment of personnel to community development position (include any Regional Implications eg RDA, GVROC etc)

### **Environmental Considerations**

Nil

### **Attachments**

Nil

### **Officer's Recommendation**

**That Council lists \$250,000 in the 2012-13 Budget to fund applications made under the Shire of Esperance Community Development Fund guidelines.**

**Voting Requirement**

**Absolute Majority**

**Item: 8.8**

**PROPOSED LOCAL PLANNING POLICY - HOLIDAY HOMES**

<b>Author/s</b>	Richard Hindley	Director Development Services
<b>Authorisator/s</b>	Mal Osborne Richard Hindley	Chief Executive Officer Director Development Services

**File Ref: TPS23/LPP; OAP.14**

**Applicant**

Development Services

**Location/Address**

N/A

**Executive Summary**

"Holiday Homes" is a use which requires planning approval under Local Planning Scheme No. 23. The Western Australian Planning Commission (WAPC) has published guidelines that are consistent with the Model Scheme Text (the model on which all schemes are based). As Local Planning Scheme No. 23 was developed before the current version of the Model Scheme Text it is not consistent with the Model Scheme Text in its treatment of "Holiday Homes" and as such the WAPC guidelines can only provide broad guidance. A Local Planning Policy that is consistent with Scheme No. 23 has been prepared and advertised for adoption as a Local Planning Policy. This policy is based on the WAPC policy taking into account the specific provisions of Local Planning Scheme No. 23.

**Recommendation in Brief**

That Council adopt the Holiday Homes – Development Requirements Policy as a Local Planning Policy in accordance with Clause 2.4 of Local Planning Scheme No. 23.

**Background**

The WAPC Guidelines "Holiday Homes – short stay use of residential dwellings" have been utilised to guide development assessments since the Gazettal of Local Planning Scheme No. 23. These guidelines were only generally consistent with Local Planning Scheme No. 23 so as a result a policy was prepared to provide clear and transparent development controls for "Holiday Homes".

"Holiday Homes" are defined as a residential building used for short stay guests, rather than permanent residency, and excluding uses more specifically defined elsewhere (i.e. does not include ancillary accommodation, a bed and breakfast, guesthouse, chalet and short stay accommodation unit).

An item to prepare a policy was considered at the December 2011 Council Meeting where it was resolved (O1211-056 (AP21112-030)):

That Council prepare the Draft Holiday Homes – Development Requirements Policy as a Local Planning Policy in accordance with Clause 2.4 of Local Planning Scheme No. 23.

The policy was advertised for 21 days from Friday 13<sup>th</sup> January 2012 until Friday 3<sup>rd</sup> February 2012 and is now presented back to Council for consideration and approval.

**Officer's Comment**

Holiday homes are a component of the short stay accommodation sector in Esperance and are an important aspect of the overall mix of tourism accommodation. Over recent years a growing number of

holiday homes have been made commercially available, resulting in an increasing trend to purchase or build homes for holiday home use. Existing dwelling stocks have also come under pressure for conversion to "Holiday Homes".

In light of this land use pressure Local Planning Scheme No. 23 assigns permissibility to "Holiday Homes" within the Zoning and Land Use Table. Whilst the Scheme assigns the permissibility of the use it does not provide specific development standards. The policy was prepared to allow the consistent application of development standards to "Holiday Homes".

The objectives of the draft policy are:

1. To establish clear guidelines for the short stay use of holiday homes for tourism accommodation. The policy excludes short term accommodation where there is an onsite manager or owner such as bed and breakfast accommodation and guesthouses.
2. To ensure that short stay use of residential homes occurs within appropriate locations to enhance the tourism experience and reduce existing or future land use conflicts such as impacts on residential amenity.
3. To ensure that all new holiday home rental accommodation is in accordance with relevant legislation, local planning schemes and policies, and management plans.

It is recommended that Council resolve to adopt the "Holiday Homes – Development Requirements Policy" as a Local Planning Policy in accordance with Clause 2.4 of Local Planning Scheme No. 23.

### **Consultation**

As this policy is being adopted under Clause 2.4 of Local Planning Scheme No.23 the policy was advertised for 21 days. The policy is now brought back to Council for adoption.

In this instance a submission was received which request the following amendment to the policy:

Clause 2.5 should be amended to read:

- Dwellings are to comply with the current Building Code of Australia and Local Government policies and standards for the change of use of the building. The compliance of the building with the new use must be determined and certified by a qualified independent person, separate from the Shire. An application must then be submitted to building services for the change of use. Where the existing standard of a dwelling is not able to be certified, consent to the use of the facility as a holiday home may not be granted until the dwelling is upgraded to a satisfactory standard.

This modification was requested due to the perceived strain on internal resources assessing compliance with the Building Code of Australia for the change in use of a dwelling to a holiday home.

It is recommended that the requested amendment be refused on the basis that the Shire is in the best position to assess these facilities for compliance with the Building Code of Australia. Internal procedures (such as checklists) will also be created to assist in reducing the administrative burden that may occur as a result of this policy.

### **Financial Implications**

Whilst no new fees have been proposed at this stage it is envisaged that a fee for the inspections required by this policy will be formulated during the adoption of fees for 2012/13.

### **Asset Management Implications**

N/A

### **Statutory Implications**

Clause 2.4 of Local Planning Scheme No. 23  
Planning and Development Act 2005

### **Policy Implications**

This item relates to policy development.

Local Planning Policies are guidelines used to assist the local government in making decisions under the Local Planning Scheme and may address land use as well as development requirements. Although Local Planning Policies are not part of the Local Planning Scheme they must be consistent with, and cannot vary, the intent of the Local Planning Scheme provisions. In considering an application for Planning Approval, the local government must have due regard to a Local Planning Policy as required under Clause 10.2 of Local Planning Scheme No. 23.

### **Strategic Implications**

#### Strategic Action Plan 2007 - 2027

Service Delivery – through benchmarking, community consultation, and continual improvement, aim for a standard of services and service delivery that is assured of quality, innovation and consistency.

*No. 113. Maintain the high standard of customer services and aim for continuous improvements in this area.*

*b) Develop standards to ensure consistent treatment of development applications*

### **Environmental Considerations**

Nil

### **Attachments**

- A. Draft Holiday Homes Planning Policy
- B. Submission

### **Officer's Recommendation**

#### **That Council:**

- 1. Adopt the Holiday Homes – Development Requirements Policy as a Local Planning Policy in accordance with Clause 2.4 of Local Planning Scheme No. 23.**
- 2. Advertise the adopted policy as required under Clause 2.4.3 of LPS 23.**

### **Voting Requirement**

Simple Majority



Council Policy No.:	
Policy Name:	<b>Holiday Homes – Development Requirements Policy</b>
Objective:	<i>To provide a framework for the assessment and approval of Holiday Homes</i>
Key Words	<i>Holiday Homes</i>
Statutory Compliance	<i>Local Planning Scheme No. 23</i>

## 1 Objectives and definitions

### 1.1 Objectives

The objectives of this policy are:

- 1.1.1 To establish clear guidelines for the short stay use of holiday homes for tourism accommodation. The policy excludes short term accommodation where there is an onsite manager or owner such as bed and breakfast accommodation and guesthouses.
- 1.1.2 To ensure that short stay use of residential homes occurs within appropriate locations to enhance the tourism experience and reduce existing or future land use conflicts such as impacts on residential amenity.
- 1.1.3 To ensure that all new holiday home rental accommodation is in accordance with relevant legislation, local planning schemes and policies, and management plans.

### 1.2 Definitions

For the purpose of this policy the following definitions apply:

**Holiday home** means a residential building used for short stay guests, rather than permanent residency, and excluding uses more specifically defined elsewhere (i.e. does not include ancillary accommodation, a bed and breakfast, guesthouse, chalet and short stay accommodation unit).

**Short stay** means that no person is to stay for more than three months in any 12 month period.

**Landowner/manager** means the owner of the premises for short stay purposes.

**Grouped dwelling** means a dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partially vertically above another, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property.

**Multiple dwelling** means a dwelling in a group of more than one dwellings on a lot where any part of a dwelling is vertically above part of any other but does not include a group dwelling.

Further useful definitions are contained within Schedule 1.

## **2 Planning application and approval considerations**

### **2.1 Application**

An application for planning approval should be lodged with local government where holiday homes are a 'D' or 'A' use in the zoning table of Local Planning Scheme No. 23. In assessing applications, the local government shall have due regard to Local Planning Scheme No. 23, policies, tourism strategy (if and when adopted) and relevant standards such as the Building Code of Australia.

### **2.2 Advertising**

If holiday homes are a A use in Local Planning Scheme No. 23, the local government will advertise the proposal for public comment. During the advertising period, the local government will notify, in writing, the owners and occupiers of adjoining and nearby properties likely to be impacted by the proposal. Comments received during any consultation process will be considered in the assessment of the application.

### **2.3 Location**

It is recognised that, in certain locations, the renting of residential premises for short stay holiday accommodation is a legitimate way in which alternative, short stay tourism accommodation can be provided. To reduce conflict between holiday homes and ordinary dwellings, particularly in the residential zone, ideally holiday homes should be within preferred areas identified either through the tourism component of the relevant local planning strategy, or in a local planning policy. As a guide, holiday homes are most appropriate in areas of high tourism amenity and close proximity to key tourism attractions such as the beach, town centre or rural areas. Suburban locations may not be appropriate. In general, holiday homes should be residential dwellings on freehold lots and not units or apartments unless the entire complex is established for this purpose.

For those already operating in an area that was previously approved for holiday home letting, and where new approvals will no longer be granted, the holiday home use can continue as a non conforming use.

### **2.4 Amenity**

A key concern with respect to the occupation of dwellings as holiday homes is to ensure that any such uses will not adversely impact on residential amenity currently enjoyed by residents in surrounding properties. Any activities that result in a loss of enjoyment by neighbouring properties, for instance, unacceptable levels of noise, will be considered a breach of this approval.

### **2.5 Building standard**

Dwellings should comply with the Building Code of Australia and local government policies and standards. Where the existing standard of a dwelling is considered to be inappropriate, consent to the use of the facility as a holiday home may not be granted until the dwelling is upgraded to a satisfactory standard. If, after inspection, the dwelling is considered to be unsafe or inadequate for holiday house use, the application will be refused.

### **2.6 Approval**

Approval may be granted for a holiday home subject to compliance with relevant legislation, local planning schemes and policies. Local government should be notified of any changes to a holiday home that may be deemed to affect the approval of the dwelling for such a purpose.

### **2.7 Grouped or multiple dwellings**

The use of grouped or multiple dwellings will generally not be supported for holiday home accommodation given the potential impacts on adjoining residents, unless all owner are in agreement.

### **3 Approval conditions**

Conditions in relation to the approval of applications for holiday homes will include the following.

#### **3.1 Management**

A holiday home management plan should be submitted as part of the planning application and prior to the commencement of business. In the case of an established business, the management plan should be submitted to local government within 12 months from the adoption of the local planning policy.

The management plan will include:

- Nomination of a local manager/caretaker within the vicinity of the property. Where properties are remote from a town site or CBD, alternative arrangements for a manager/caretaker may be considered.
- Details of how nuisance issues such as noise will be addressed by the manager.
- A fire and emergency response plan

Other matters such as car parking provision, signage, the number of people occupying the premises, maximum period of stay can be imposed as part of the planning approval and subsequently enforced as pursuant to the Planning and Development Act 2005.

#### **3.2 Fire and emergency response plans**

In all cases, an emergency response plan (i.e. fire escape route maps) is required to be clearly displayed in a conspicuous location within the dwelling, plus:

- each bedroom is to be fitted with a hard wired smoke detector;
- a fire extinguisher, in a clearly visible location, is to be maintained in proper working order as prescribed in AS 1851;
- outside barbeques are to be gas or electric.

#### **3.3 Approval period**

Initial approval should be granted for a limited period of one year, and renewed on a three year to five year period subject to compliance as determined by the local government to ensure that there is minimal impact on the amenity of neighbouring properties. This is designed to provide a degree of certainty to operators, while providing a degree of control to the local government. Existing holiday homes where it can be demonstrated that there is a history of minimal or no conflicts should be considered for the identified longer approvals subject to the requirements of the relevant local government.

### **4 Holiday homes register, non compliance and voluntary accreditation**

#### **4.1 Holiday homes register**

A register of approved holiday homes should be established and maintained by the local government. The register should record basic details of the property including the contact details of the owner and/or manager; property address; and configuration (number of bedrooms, number of beds, bathrooms, car parking spaces etc). These matters should be considered for inclusion in the approved management plans for the operation of the holiday home.

## 4.2 Non compliance and cancellation

Any breach of approval conditions or the management plan can be dealt within accordance with the enforcement provisions of local planning schemes and/ or cancellation of a registration. A new application may be considered after a 12 month period. A breach of a planning approval may be brought to the attention of local government as a result of an inspection or report by local government staff, a police report or by a member of the public.

## 4.3 Voluntary accreditation

Holiday home owners/managers are encouraged to attain accreditation from the Tourism Council of Western Australia.

Accreditation is a non regulatory, voluntary means of addressing the identified customer service and consumer protection issues. The benefits of accreditation include improvements in the quality of accommodation product through the application of standards, capture of accommodation provider details.

## 5 Other matters

It is recommended that landowners/ managers seek independent legal advice on legislative requirements regarding the use and management of holiday homes. This would include, but is not limited to, checking the requirements of the Equal Opportunity Act 1984 and the Fair Trading Act 1987.

As many residential public liability insurance policies exclude the use of premises for short term rentals, it is recommended that landowners/managers check this matter with their insurance providers.

## Other Useful Definitions

**'D'** use means that the use is not permitted unless the local government has exercised its discretion by granting planning approval;

**'A'** use means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4

**"ancillary accommodation"** self-contained living accommodation on the same lot as a single house that may be attached or detached from the single house occupied by members of the **same** family as the occupiers of the main dwelling.

**"bed and breakfast"** means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast

**"chalet"** means an individual self-contained premises usually comprising cooking facilities, ensuite, living area and one or more bedrooms designed to accommodate short stay guests, forming part of a tourist facility and where occupation by any person is limited to a maximum of three months in any twelve month period

**"chalet park"** means a site occupied by buildings or units which, although constructed in the nature of residential units, are not for occupation as permanent dwellings and are set aside exclusively for occupation on a temporary basis principally for vocational use but also for short stay and overnight accommodation;

**"eco-tourist facility"** means a form of tourist accommodation that is designed, constructed, operated and of a scale so as not to destroy the natural resources and qualities that attract tourists to the location. The development should utilise sustainable power, have a low energy demand through incorporation of passive solar design, provide for low water consumption, ecologically sensitive waste processing and disposal with no pollutant product

**"farm stay"** means a residential building, bed and breakfast, chalet or similar used to accommodate short-stay guests on a farm or rural property and where occupation by any person is limited to a maximum of three months in any 12 month period

**“guesthouse”** means integrated premises for short-stay guests comprising serviced accommodation units and on-site tourist facilities such as reception, centralised dining, and management and where occupation by any person is limited to a maximum of three months in any 12 month period

**“holiday cottages”** means two or more detached dwellings on one lot let for holiday purposes, none of which is occupied by the same tenant for a continuous period of more than four months;

**“holiday home”** means a residential building used to provide accommodation for short-stay guests, rather than permanent residency, and excluding those uses more specifically defined elsewhere

**“hostel”** means lodging house which is not open to the public generally, but is reserved for use solely by students and staff of educational establishments, members of societies, institutes or associations;

**“hotel”** means premises providing accommodation the subject of a hotel licence under the Liquor Licensing Act 1988 (as amended) and may include a betting agency, but does not include a tavern or motel;

**“motel”** means premises used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the accommodation of patrons with motor vehicles and may comprise premises licensed under the *Liquor Licensing Act 1988*

**“serviced apartment”** means a complex where all units or apartments provide for self-contained accommodation for short stay guests and where integrated reception and recreation facilities may be provided and where occupation by any person is limited to a maximum of three months in any 12-month period

**“short stay accommodation”** and **“tourism development”** mean a building, or group of buildings forming a complex, designed for the accommodation of short stay guests and which provides on-site facilities for the convenience of guests and for management of the development, where occupation by any person is limited to a maximum of three months in any 12 month period

**“tourist resort”** means an integrated, purpose built luxury or experimental premises for short stay guests comprising accommodation units and on-site tourism facilities such as reception, restaurant and leisure facilities like swimming pool, gymnasium, tennis courts, and where occupation is limited to a maximum of three months in any 12 month period

**Response to proposed Holiday Homes – Development Requirements Policy**

Under clause 2.5 of the above policy, there is a requirement for Holiday Homes to comply with the Building Code of Australia. The Shire's Building Services team does not have the time and resources to carry out the inspections necessary to assess this requirement. It is considered that the above policy needs to be amended to have the property assessed by a qualified impartial person.

Clause 2.5 should be amended to read:

*Dwellings are to comply with the current Building Code of Australia and Local Government policies and standards for the change of use of the building. The compliance of the building with the new use must be determined and certified by a qualified independent person, separate from the Shire. An application must then be submitted to building services for the change of use. Where the existing standard of a dwelling is not able to be certified, consent to the use of the facility as a holiday home may not be granted until the dwelling is upgraded to a satisfactory standard.*

Les Crake  
Manager Building Services

Signed: 

Date: 16<sup>th</sup> January 2012

RECEIVED  
16 JAN 2012  
SHIRE OF  
ESPERANCE

**Item: 8.9**

**PROPOSED FREESTANDING SIGN ON LOT 29 COOLGARDIE-ESPERANCE HIGHWAY, SALMON GUMS**

<b>Author/s</b>	Peter Wilks	Town Planner
<b>Authorisator/s</b>	Douglas Fotheringham Richard Hindley	Manager Planning Services Director Development Services

**File Ref: COO5/LT0029 - 10.2012.01912.1**

**Applicant**

Greg Rowe & Associates

**Location/Address**

Lot 29 Coolgardie-Esperance Highway, Salmon Gums



**Executive Summary**

To consider approval of a Freestanding Sign on Lot 29 Coolgardie-Esperance Highway, Salmon Gums. Main Roads have no objections in principle. No comments or objections were received from neighbour referrals. The Officer Recommendation is for approval with conditions.

**Recommendation in Brief**

That Council resolve to approve the proposed Freestanding Sign on Lot 29 Coolgardie-Esperance Highway, Salmon Gums.

## **Background**

Lot 29 Coolgardie-Esperance Highway, Salmon Gums, is adjacent and to the south of the Service Station. The adjoining lot to the south is also vacant. The land on the opposite side of the highway is a rest area.

The application was lodged with Planning Services on 21 February 2012. It proposes a 4.2m by 8.3m Freestanding Sign on Lot 29 Coolgardie-Esperance Highway, Salmon Gums. The sign will have the Office of Road Safety as anchor tenants with ancillary advertising displayed on off-peak / end of campaign periods.

In accordance with the provisions of Local Planning Scheme No. 23 (LPS 23) and the Signs Local Law, the freestanding sign requires Council's consideration. This is on the basis that the overall height of the sign, and the size of the sign, exceeds the requirements as provided for in the Signs Local Law.

The subject lot is zoned 'Country Town' in accordance with LPS 23, and is currently vacant. Under the Local Planning Strategy, the land is identified as having an ultimate purpose of 'Residential'.

## **Officer's Comment**

In accordance with the provisions of the Signs Local Law, the requirements for a freestanding sign are:

- The area on each face shall not exceed the equivalent of 1m<sup>2</sup> for every 3m of street frontage of the lot on which the sign is located up to a maximum of 4m<sup>2</sup>; and
- Where there are no buildings on the lot, a freestanding sign shall have a maximum height of 3m.

The current proposal does not comply with the requirements of the Signs Local Law as:

- The overall advertising area on the Billboard per face is approximately 18.26m<sup>2</sup>; and
- The sign is proposed to be 2.2m high.
- The overall dimensions of the structure containing the sign is 4.2m by 8.3m.

The proposed sign exceeds the referenced provisions in the Signs Local Law. However, Council does have the discretion to approve signs that do not comply with the provisions. There were no objections in principle from Main Roads or neighbours. Taking these matters into consideration with the location and immediate surroundings, the proposal's potential impact on the visual amenity of the area is considered to be acceptable. Therefore, Council can approve the application.

## **Consultation**

As the proposal is on land adjacent to the Coolgardie-Esperance Highway, Main Roads WA was asked for comment and indicated they had no objection in principle.

In addition, as the position of the Billboard has the potential to affect the amenity of the locality, advertising to nearby landowners was undertaken. No comments or objections were received.

## **Financial Implications**

There are no known financial implications arising from these recommendations of this report.

## **Asset Management Implications**

There are no known asset management implications arising from the recommendations of this report



**Statutory Implications**            Planning and Development Act 2005  
   Local Planning Scheme No. 23  
   Local Laws Relating to Signs 2004

Please note that an Absolute Majority decision is a requirement of the Local Law.

**Policy Implications**

The Department of Local Government has recently advised that the Joint Standing Committee on Delegated Legislation has found no clear provisions in Acts of Parliament that confer power to local governments to make local laws that provide for offences for non-compliance over signs and structures on private land. Therefore local laws, if made under the Local Government Act 1995, must be for signs and devices that are only on local government property and public areas that are under the control, care and management of the local government, and must be of a non-planning and non-development nature.

Based on this advice, Officers are currently preparing a report for Council's consideration which will repeal the current Local Laws Relating to Signs 2004 and propose a Local Planning Policy dealing with advertising devices on private property.

**Strategic Implications**

Strategic Action Plan 2007 - 2027

67. Aim to ensure that all development in the Shire of Esperance is carried out in a way that is sustainable.

74. Ensure that intrusive or intensive land developments do not occur without thorough scrutiny and an appropriate approval process.

**Environmental Considerations**

There are no known Environmental Considerations arising from this report.

**Attachments**

A.     Plans for Proposed Billboard

**Officer's Recommendation**

**That Council approve Development Application 10.2012.1912.1 submitted by Greg Rowe and Associates for Proposed Freestanding Sign (4.2m by 8.3m Billboard Sign) on Lot 29 Coolgardie-Esperance Highway, Salmon Gums subject to the following conditions:**

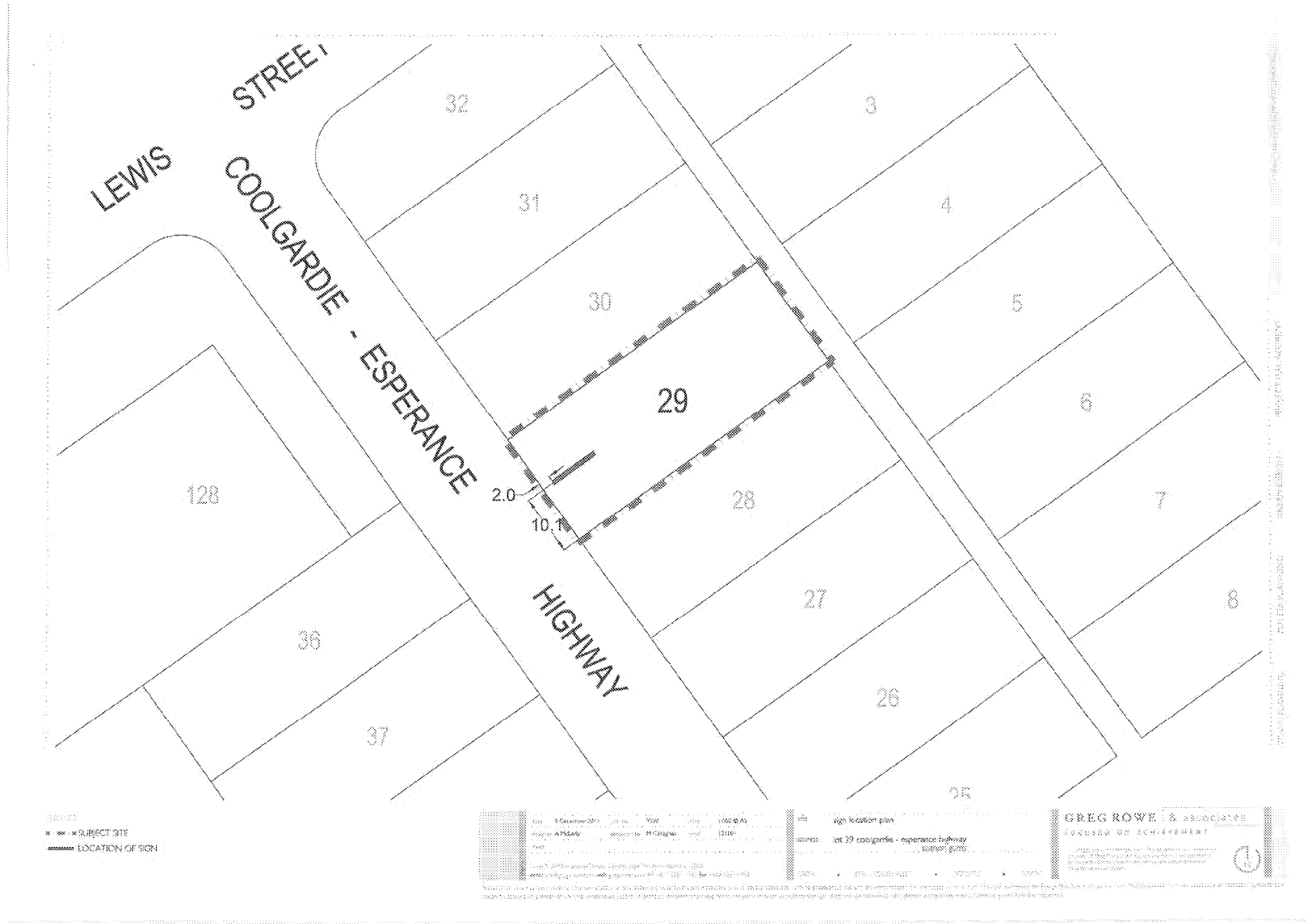
- 1) Development shall be in accordance with the approved plans. The development shown on the approved plans is not to be altered or amended without the prior written consent of the Shire of Esperance (Planning Services).**
- 2) The owner or licensee of a sign shall keep the sign hereby approved clean and free from unsightly matter and shall maintain it in good order and condition.**
- 3) The sign hereby approved shall be securely fixed to the structure by which it is supported, to the satisfaction of Shire of Esperance (Building Services).**
- 4) The structure hereby approved shall be sound and capable of withstanding any forces that it would be reasonably subjected to without collapsing, deforming or moving from the position on which it is erected to the satisfaction of Shire of Esperance (Building Services).**

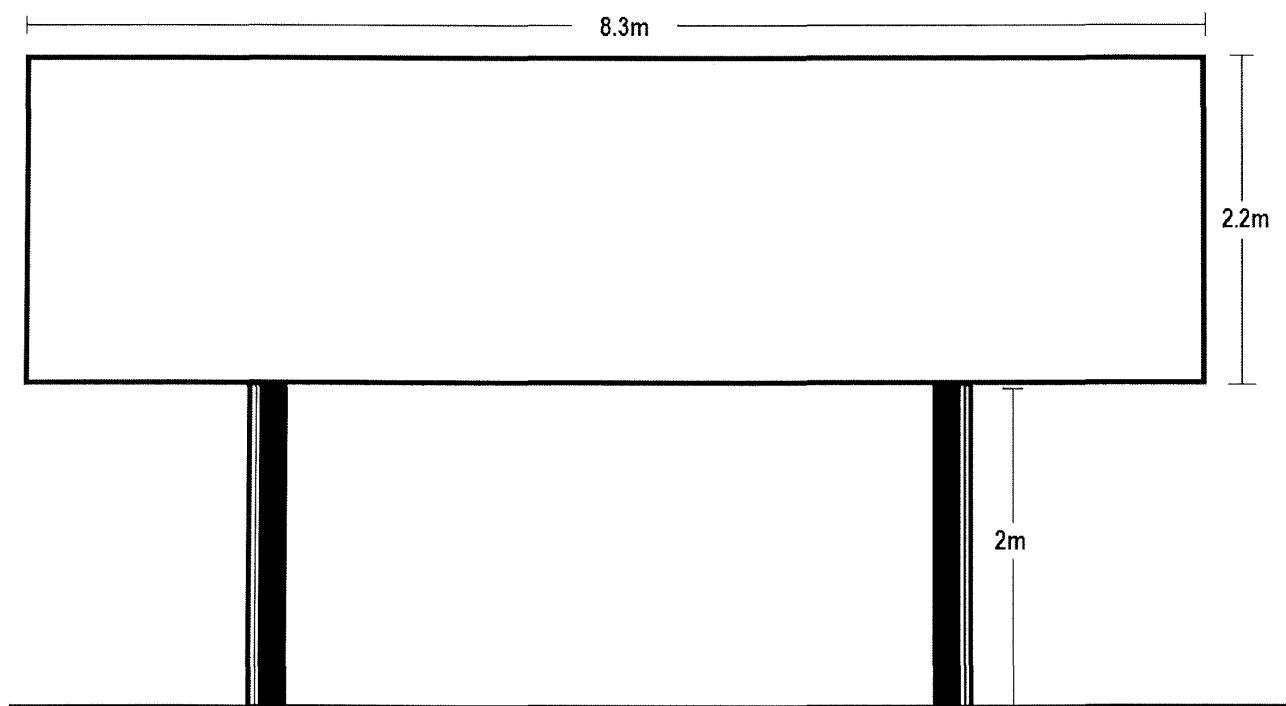
**And the following advice notes:**

- 1) Please note this is not a Signs License. A Signs License is required to be obtained prior to any development commencing on-site.**
- 2) The development hereby approved will need to comply with the requirements of the appropriate Statutory Authorities.**
- 3) If the development the subject of this approval is not substantially commenced within a period of two years from the date of this approval, the approval shall lapse and be of no further effect.**
- 4) Advertising shall not breach any advertising code administered by the Advertising Standards Bureau or any State or National Legislation.**
- 5) You are advised that the prior consent of Main Roads WA is required prior to the construction of the sign.**
- 6) The letter size and legibility of the legend should generally conform to the requirements of Austroads Guide to Traffic Management Part 10: Traffic Control and Communication Devices.**

**Voting Requirement**

**Absolute Majority**





**Item: 8.10**

**VETERAN CAR CLUB (INC) ESPERANCE - APPLICATION FOR LEASE RES. 44921 MCLEAN RD**

<b>Author/s</b>	Priscilla Davies	Business Analysis & Improvement Coordinator
<b>Authorisator/s</b>	Greg Golinski Mal Osborne	Manager Governance & Strategic Projects Chief Executive Officer

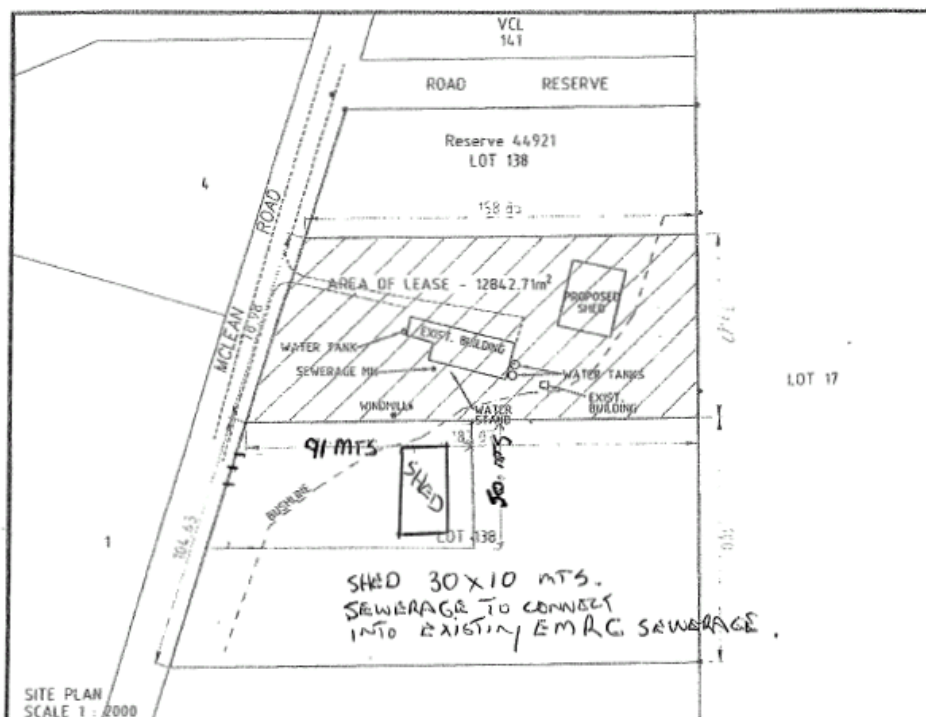
**File Ref: R44921**

**Applicant**

Veteran Car Club (Inc) Esperance

**Location/Address**

Portion of Reserve 44921, McLean Road, Esperance



**Executive Summary**

An application has been received from the Veteran Car Club (Inc) Esperance to lease a portion of land on Reserve 44921, to be used as a meeting place for the club as well as an area to perform restorative work on old cars for members. A portion of the Reserve is currently under lease to the Esperance Mechanical Restoration Group (EMRG) adjacent to the portion proposed by the Veteran Car Club (Inc) Esperance. The EMRG is in support of this proposal.

**Recommendation in Brief**

That Council:

1. Support a lease on part of Reserve 44921 being prepared, between the Shire of Esperance and the Veteran Car Club (Inc) Esperance, that is congruent with the lease already in place with the Esperance Mechanical Restoration Group.

2. Authorise the CEO to negotiate the terms of the above lease with the Veteran Car Club.

### **Background**

In correspondence addressed to the Shire dated 30 January 2012, the Chairman of the Veteran Car Club (Inc) Esperance, Mr Colin Danks made the following request:

*"The Esperance Veteran Car Club is applying for lease of land on part of Lot 138 reserve 44921, to put club shed on for the following reasons:*

- 1. To hold our monthly meetings.*
- 2. To have club runs from shed.*
- 3. To do vehicle inspections for cars that is on concessional licenses for CMC.*
- 4. To do restoration on old cars for members.*
- 5. For display of club memorabilia and storage of same.*
- 6. Also for the muscle cars to have facilities and for them to join our club.*
- 7. Plus a meeting place for other car clubs."*

The Reserve was vested to the Shire on 13 June 1997 and a portion of this was subsequently leased to the Esperance Mechanical Restoration Group. Due to the size of this Reserve (4.4ha), Council has previously sought to ensure that this land is available for community groups to undertake their activities, particularly given the constraints on the said land. There is sufficient land available on this Reserve to accommodate both clubs and allow for a shared utilisation of utility services.

A letter supporting this application is attached from the Esperance Mechanical Restoration Group.

### **Officer's Comment**

The Reserve has sufficient area to incorporate additional community uses and the similarity between the applicant and the existing lessee on the Reserve would be of benefit to both clubs through the utilisation of like resources. The applicant has requested a portion of the Reserve adjacent to the existing lessee and additional land will still be available for further community groups as and when requested.

The management of the Reserve is vested to the Shire of Esperance with a purpose listed as 'Storage and Display of Machinery'. The leasing of land to the Veteran Car Club (Inc) Esperance is consistent with this purpose.

As a lease is a disposal of property, it must be administered in accordance with section 3.58 of the *Local Government Act 1995*. Although this section generally only allows for disposal to the highest bidder at a public auction, or by public tender, subsections (3) and (4) give Council the ability to deal exclusively with an individual party so long as public notice is given of the disposition, and the name of the party, the consideration paid, and a valuation of the property (not older than 6 months previous) is disclosed.

### **Consultation**

Esperance Mechanical Restoration Group Inc.  
Shire of Esperance Planning Services

### **Financial Implications**

Nil

### **Asset Management Implications**

Nil

### **Statutory Implications**

Sec 5.42(1) of the Local Government Act 1995 enables Council to delegate some powers duties to the CEO.

Sec 3.58 of the Local Government Act 1995 deals with disposal of property.

### **Policy Implications**

Nil

### **Strategic Implications**

Strategic Action Plan 2007 - 2027

*NO.108 Manage Council finances in a way that provides stability, predictability and value for money for ratepayers*

### **Environmental Considerations**

Nil

### **Attachments**

- A. Application - Lease of Land for Club Shed R44921 - Veteran Car Club (inc) Esperance
- B. Letter of Support for Lease - Esperance Mechanical Restoration Group Inc.

### **Officer's Recommendation**

#### **That Council:**

- 1.Support a lease on part of Reserve 44921 being prepared, between the Shire of Esperance and the Veteran Car Club (Inc) Esperance, that is congruent with the lease already in place with the Esperance Mechanical Restoration Group.**
- 2.Authorise the Chief Executive Officer to negotiate the terms of the above lease with the Veteran Car Club.**

### **Voting Requirement**

Simple Majority



Veteran Car Club (inc) Esperance

P.O.Box 2409

Esperance WA 6450

30<sup>th</sup> Jan 2012

Attention Darren Kennedy and Mal Osborne

The Esperance Shire

P.P. Box

Esperance WA 6450

Dear Sirs,

The Esperance Veteran Car Club is applying for lease of land on part of Lot 138 reserve 44921, to put club shed on for the following reasons.

1. To hold our monthly meetings.
2. To have club runs from shed.
3. To do vehicle inspections for cars that is on concessional licenses for CMC.
4. To do restoration on old cars for members.
5. For display of club memorabilia and storage of same.
6. Also for the muscle cars to have facilities and for them to join our club.
7. Plus a meeting place for other car clubs.

Note: Australian Day in Port Authority Park, we had 45 cars on display. Veteran and muscle cars.

These cars attracted plenty of attention and a great day was had by all.

The Veteran Car Club has met with the Esperance Mechanical Restoration Group on the 14<sup>th</sup> Jan 2012 at 9 AM. All members and groups agreed as per plan. This is the best option for land. For parking and shed for sewerage and water as there is no duplication of facilities. Also power one day for both groups.

Thank you

Signed-----

A handwritten signature in black ink, appearing to read "Colin Danks", written over a dashed line.

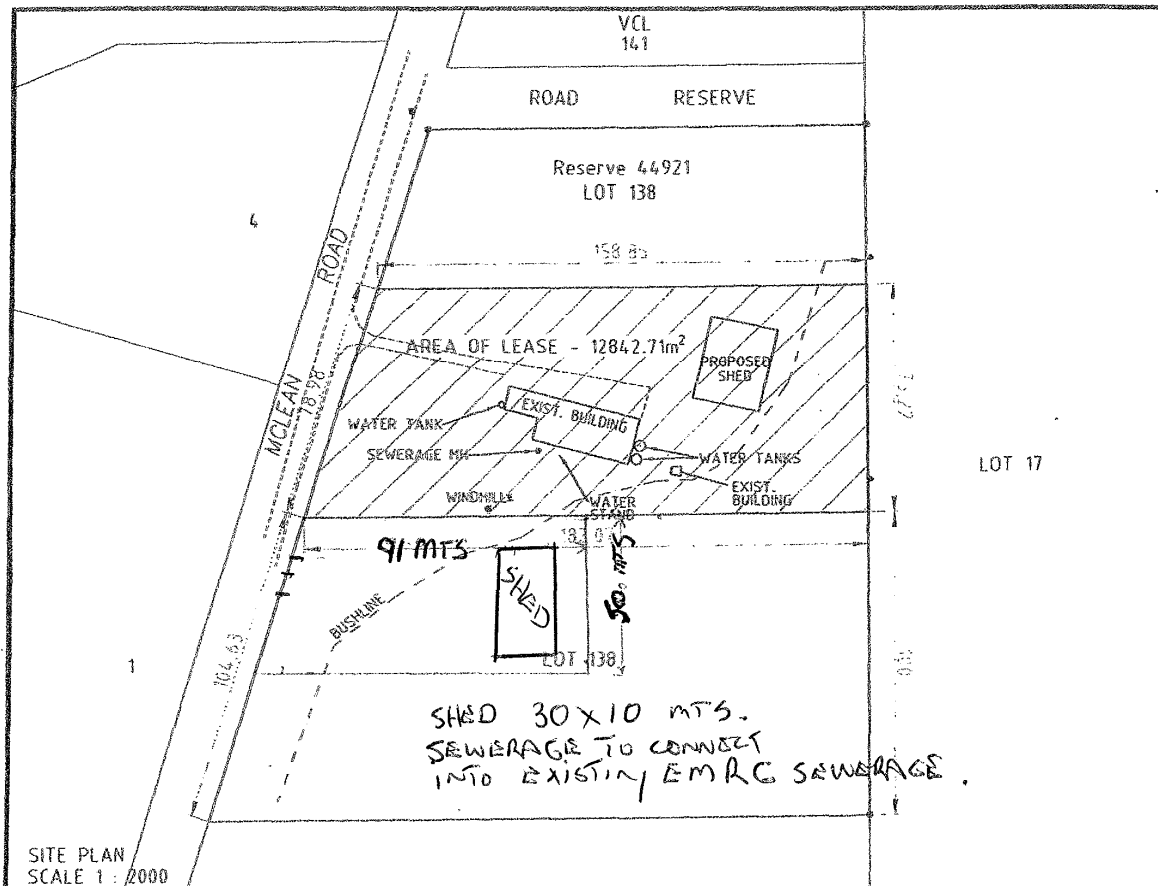
Colin Danks (Chairman) VCC Esperance



Fig 1. EXPM



LOCALITY PLAN  
SCALE 1 : 20000



SITE PLAN  
SCALE 1 : 2000

## SHIRE OF ESPERANCE

### ESPERANCE MECHANICAL RESTORATION GROUP (INC) LEASE

Scale	AS SHOWN	Drawn	Noeline McNamara	Date	23/11/2010	Drawing No.	38900101
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Esperance Mechanical Restoration Group Inc.  
P.O. 1323 Esperance 6450  
President. Frank Antonioli.



6 February 2012  
*Related CR12-570*

Mr. M. Osbourne  
Attn. Mr. D. Kennedy

Dear Sir

It has been passed at the January 2012 meeting of the above Club that the members support the application of the Esperance branch of the Veteran Car Club for the parcel of land adjoining their lease and will assist them where possible in their future developments.

A handwritten signature in cursive script, appearing to read "T.G. Reimers".

T.G. Reimers  
Hon. Secretary

**Item: 8.11**

**BUILDING ACT 2011 - FEES**

<b>Author/s</b>	Les Crake	Manager Building Services
<b>Authorisator/s</b>	Richard Hindley	Director Development Services

**File Ref: OAB.5**

**Applicant**

Development Services (Building Services)

**Location/Address**

N/A

**Executive Summary**

The new Building Act 2011 comes into full effect as of the 2<sup>nd</sup> April 2012 and accordingly the Building Regulations have been revised on the 29<sup>th</sup> February which has resulted in the fee structure for building and demolition “permits” (previously licence) being amended.

**Recommendation in Brief**

That Council adopt the modified and new fees as contained in the Building Regulations 2012 – Schedule 2. As a result of adopting these fees several existing fees will need to be replaced or removed.

**Background**

Standard fees and charges for building applications are amended from time to time however, with the implementation of the new Act there will be a different method for processing applications which will allow for the alternative of private certification. From 2 April 2012, there will be two options for builders to have their applications assessed. Option one is by a private certifier which will be deemed a “certified application”. This assessed application is then submitted to the Shire for a “permit”. Option two is that the status quo remains and that the builder is able to submit their application for assessment directly to the Shire (as is how it is currently done now).

**Officer’s Comment**

The change from the current system to the option of a private certifier means that time constraints are put in place that will result in a fully completed certified application needing to be issued with a permit (or refused) within fourteen (14) calendar days of its submission to the Shire. Option two allows for the “uncertified” application to be submitted to the Shire which will need to be fully assessed and issued with a permit (or refused) within thirty-five (35) calendar days once all information is received.

A number of existing fees are replaced by the new fee schedule; the fees being replaced are shown as struck through in Attachment B.

**Consultation**

Building Commission  
Master Builders Association  
Local Builders

**Financial Implications**

The financial implications from the new fees are unable to be determined due to the option of applications being submitted to a private certifier instead of the Shire. However local builders may find

the current system more suitable to their process. It is anticipated that further detail regarding the impact of the fee changes should be available during the annual budget process.

**Asset Management Implications**

Nil

**Statutory Implications**

Building Act 2011

Building Regulations 2012 - New fees effective as of 2 April 2012.

**Policy Implications**

Nil

**Strategic Implications**

Strategic Action Plan 2007 - 2027

Nil

**Environmental Considerations**

Nil

**Attachments**

- A. Building fees for 2012
- B. Current Fees

**Officer's Recommendation**

**That Council**

1. Notes the new fees for occupancy permits and building approval certificates effective from 2 April 2012 as per attachment A - Building Regulations 2012 – Schedule 2.
2. Request the Chief Executive Officer undertakes all requisite statutory advertising in relation to this matter

**Voting Requirement**

Simple Majority

**Building Regulations 2012**  
**Fees Schedule 2**  
Applications for building permits, demolition permits **Division 1**

**Schedule 2 — Fees**

[r. 11]

**Division 1 — Applications for building permits, demolition permits**

Item	Application	Fee
1.	Certified application for a building permit (s. 16(1)) —	
	(a) for building work for a Class 1 or Class 10 building or incidental structure	0.19% of the estimated value of the building work as determined by the relevant permit authority, but not less than \$90
	(b) for building work for a Class 2 to Class 9 building or incidental structure	0.09% of the estimated value of the building work as determined by the relevant permit authority, but not less than \$90
2.	Uncertified application for a building permit (s. 16(1))	0.32% of the estimated value of the building work as determined by the relevant permit authority, but not less than \$90
3.	Application for a demolition permit (s. 16(1)) —	
	(a) for demolition work in respect of a Class 1 or Class 10 building or incidental structure	\$90
	(b) for demolition work in respect of a Class 2 to Class 9 building	\$90 for each storey of the building
4.	Application to extend the time during which a building or demolition permit has effect (s. 32(3)(f))	\$90

**Building Regulations 2012**

**Schedule 2 Fees**

**Division 2 Application for occupancy permits, building approval certificates**

**Division 2 — Application for occupancy permits,  
building approval certificates**

Item	Application	Fee
1.	Application for an occupancy permit for a completed building (s. 46)	\$90
2.	Application for a temporary occupancy permit for an incomplete building (s. 47)	\$90
3.	Application for modification of an occupancy permit for additional use of a building on a temporary basis (s. 48)	\$90
4.	Application for a replacement occupancy permit for permanent change of the building's use, classification (s. 49)	\$90
5.	Application for an occupancy permit or building approval certificate for registration of strata scheme, plan of re-subdivision (s. 50(1) and (2))	\$10 for each strata unit covered by the application, but not less than \$100
6.	Application for an occupancy permit for a building in respect of which unauthorised work has been done (s. 51(2))	0.18% of the estimated value of the unauthorised work as determined by the relevant permit authority, but not less than \$90

**Building Regulations 2012**  
**Fees Schedule 2**  
**Other applications Division 3**

Item	Application	Fee
7.	Application for a building approval certificate for a building in respect of which unauthorised work has been done (s. 51(3))	0.38% of the estimated value of the unauthorised work as determined by the relevant permit authority, but not less than \$90
8.	Application to replace an occupancy permit for an existing building (s. 52(1))	\$90
9.	Application for a building approval certificate for an existing building where unauthorised work has not been done (s. 52(2))	\$90
10.	Application to extend the time during which an occupancy permit or building approval certificate has effect (s. 65(3)(a))	\$90

**Division 3 — Other applications**

Item	Application	Fee
1.	Application as defined in regulation 31 (for each building standard in respect of which a declaration is sought)	\$2 000

Shire of Esperance					
Schedule of Fees & Charges 2011/2012					
Dept		Statutory Fee Indicator	GST	2011/2012	Variation
	<b>Economic Services....continued</b>				
	<b><u>BUILDING CONTROL</u></b>				
	<b><u>Building Licence Fees (Statutory)</u></b>				
Building	<del>Residential buildings or outbuildings (Class 1 or 10 Building)</del> <del>\$85 minimum.</del> <del>Estimated value of the proposed construction as determined by the Local Government.</del>	Yes	No-OOS	0.35%	
Building	<del>Commercial &amp; Industrial Buildings (other than Class 1 or 10)</del> <del>\$85 minimum.</del> <del>Estimated value of the proposed construction as determined by the Local Government.</del>	Yes	No-OOS	0.20%	
	<b>Building Licence Fees - Amended Plans</b>				
Building	Amendment to plans and specification after assessment has been undertaken.	Yes	No-OOS	25% of Building Licence Application paid fees	
Building	Amendment to plans and specification after building licence has been issued.  <i>Note: If a verification assessment is required to determine a 'Performance Based Alternative Solution' all associated costs (including peer assessment) to be paid by the applicant.</i>	Yes	No-OOS	50% of Building Licence Application fee but not less than \$85 for Class 1 & 10; \$125 for Class 2 to 10	◆
Building	Amendment to Building Licence - (Change of builder,	No	Yes	\$70.00	◆
	<b><u>Building Approval Certificate (Statutory)</u></b>				
Building	<del>Residential buildings or outbuildings (Class 1 or 10 Building)</del> <del>\$170 minimum.</del> <del>Estimated current value of the unauthorised building work as determined by the Local Government.</del>	Yes	No-OOS	0.70%	
Building	<del>Commercial &amp; Industrial Buildings (other than Class 1 or 10)</del> <del>\$170 minimum.</del> <del>Estimated current value of the unauthorised building work as determined by the Local Government.</del>	Yes	No-OOS	0.40%	
Building	<del>Assessment of unauthorised work not in accordance with Building licence.</del> <del>Estimated current value of the unauthorised building work as determined by the Local Government.</del>	Yes	No-OOS	100% of original fee or \$170- whichever is greater	
Building	Inspection fee - Unauthorised Works	No	Yes	\$115.00	◆
	<b>All Building Applications (Mandatory)</b>				
Building	Builders Registration Board Levy	Yes	No	\$41.50	◆
Building	B.C.I.T.F Levy (for work greater than \$20,000)	Yes	No	0.2% x value (GST included)	
Building	BCITF Accounting Collection fee (Set by BCITF)	Yes	Yes	\$6.60	
Building	BRB Accounting fee (Set by BRB)	Yes	Yes	\$5.50	

Key: ◆ = New Pricing



Shire of Esperance					
Schedule of Fees & Charges 2011/2012					
Dept		Statutory Fee Indicator	GST	2011/2012	Variation
	<b>Economic Services....continued</b>				
	<b>Other Building Department Charges -</b>				
Building	Built Strata application (per lot)	Yes	No-OOS	\$130.00	◆
	<b>Fees set at Council's discretion.</b>				
Building	MBA Booklet of Specifications	Yes	Yes	\$18.00	
Building	Signs & Hoardings	Yes	Yes	\$67.00	◆
Building	Unauthorised Signs & Hoardings	Yes	Yes	\$135.00	◆
Building	Front Fence Approval	Yes	Yes	\$67.00	◆
Building	Unauthorised Front Fence Approval	Yes	Yes	\$135.00	◆
Building	Plan Search and Printing Fee - domestic	Yes	Yes	\$30.00	◆
Building	- commercial	Yes	Yes	\$55.00	◆
Building	Swimming Pool Inspection	Yes	No-OOS	\$55.00	
Building	Inspection of Smoke Detectors (Building Regulations 1989	Yes	No	\$170.00	
<del>Building</del>	<del>Building Demolition License (Per Storey)</del>	<del>Yes</del>	<del>No</del>	<del>\$50.00</del>	
Building	Building Inspection Fees	No	Yes	Cost Recovery	
	For inspections to clear freehold title for the Department of				
Building	- Within the Esperance townsite	No	Yes	\$70.00 per hour plus mileage allowance of \$0.76/km	◆
Building	- Condungup				
Building	- Gibson				
Building	- Scaddan				
Building	- Grass Patch				
Building	- Salmon Gums				
Building	- Cascade				
	- Other areas outside the Esperance townsite per km				
	All monies are to be paid prior to the inspection being				
	<b>Bonds</b>				
Building	Kerb	No	No	\$500.00	
Building	Footpath	No	No	\$500.00	
Building	Esperance based Builders(to cover multiple projects)	No	No	\$1,000.00	
	<b>Proceeds Sale of Books -</b>				
Corp	"Esperance Yesterday & Today"	No	Yes	\$5.00	
Corp	"Faith, Hope & Reality"	No	Yes	\$10.00	
Corp	"First There Came Ships"	No	Yes	\$22.00	
	<b>CAMPING FEES</b>				
Comm	Thomas River Reserve Camping Fees	Yes	Yes	As determined by DEC	
Comm	All Coastal Reserves - campsite fee per night		*	\$10.00	

Key: ◆ = New Pricing

**Item: 8.12**

**COMMUNITY ARTS AND ACTIVITIES FUNDING**

<b>Author/s</b>	Lynda Horn	Community Services Officer
<b>Authorisator/s</b>	Ross Beckett	Manager of Tourism and Events

**File Ref: OAC.19.1**

**Applicant**

Internal – Community Services

**Location/Address**

N/A

**Executive Summary**

To approve an application received for funds from the April round of the Community Arts and Activities funding.

**Recommendation in Brief**

That Council approve the following Community Arts and Activities fund application  
Cannery Arts Centre \$1,000

**Background**

The total Community Arts and Activities fund budget for 2011/2012 is \$12,000 (a/c 03-03023-509). There is currently \$4,450 remaining in this account.

One application was received by the due date of 29 February 2012.

Application summaries as outlined below:

**1. The Cannery Arts Centre – “April Kickarts”**

**Purpose:** The Cannery will provide art and craft workshops to the Esperance Community and visitors in their popular school Holiday program, which will run for two weeks in April 2012.

**Participants:** Anticipated participation from children aged between 6 – 12 years, Youth aged 13 – 25 years.

**Funding Request:**

Total Project Cost: \$4,115

Applicant/other Contributions: \$3,185

**Amount Requested: \$1,000**

The Cannery Arts Centre have acquitted their previous funding accordingly.

Previous program participant numbers: Summer School 236 participants, Spring Kickarts 93 participants.

**Officer's Comment**

The Cannery Arts Centre has acquitted all of their previous funding and have no outstanding documentation. These applications all fit within the Community Activities Funding guidelines.

**Consultation**

The applications were reviewed by the Community Activities Funding sub-committee and approved for funding accordingly. The sub-committee consists of Cr Stewart and Cr Bowman.

**Financial Implications**

N/A

**Asset Management Implications**

N/A

**Statutory Implications**

N/A

**Policy Implications**

N/A

**Strategic Implications**

Strategic Action Plan 2007 - 2027

*People, Lifestyle and Community – “Provide funds to community based organisations and exceptional individuals for the promotion and development of projects that compliment the Community Vision”*

**Environmental Considerations**

N/A

**Attachments**

- A. Copy of the funding application is available through TRIM (Reference Number CR12-1082)

**Officer's Recommendation**

**That Council approve the following Community Arts and Activities Fund application**

**Cannery Arts Centre \$1,000**

**Voting Requirement**

Absolute Majority

## **9. FINANCIAL SERVICES REPORT**

### **Item: 9.1**

#### **FINANCIAL SERVICES REPORT FEBRUARY 2012**

<b>Author/s</b>	Beth O'Callaghan	Manager Financial Services
<b>Authorisator/s</b>	Mal Osborne	Chief Executive Officer

#### **Attachments**

A. Financial Services Report February 2012 - *Under Separate Cover*

#### **Officer's Recommendation**

**That the Monthly Financial Management Report (incorporating the statement of Financial Activity and the Accounts for Payment) for the month of February 2012 as attached be received.**

<b>Voting Requirement</b>	Simple Majority
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## **10. ADVISORY COMMITTEE RECOMMENDATIONS**

### **Item: 10.1**

#### **GREATER SPORTS GROUND REDEVELOPMENT COMMITTEE**

<b>Author/s</b>	Rod Hilton	Director Community Services
<b>Authorisator/s</b>	Rod Hilton	Director Community Services

#### **Officer's Recommendation**

**That the Minutes of the Greater Sports Ground Redevelopment Committee Meeting held on 13 October 2011 be received.**

<b>Voting Requirement</b>	Simple Majority
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### **Item: 10.2**

#### **GREATER SPORTS GROUND REDEVELOPMENT COMMITTEE**

<b>Author/s</b>	Rod Hilton	Director Community Services
<b>Authorisator/s</b>	Rod Hilton	Director Community Services

#### **Officer's Recommendation**

**That the Minutes of the Greater Sports Ground Redevelopment Committee Meeting held on 21 February 2012 be received.**

<b>Voting Requirement</b>	Simple Majority
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**11. INFORMATION BULLETIN**

**Item: 11.1**

**COUNCILLOR'S INFORMATION BULLETIN**

Refer to separate attachment for the Councillor's Information Bulletin.

**Officer's Recommendation**

**That the items contained within the All Purpose Committee Meeting Information Bulletin be received.**

**Voting Requirement**                      Simple Majority

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

Nil

**13. ELECTED MEMBERS**

**14. SHIRE OFFICERS**

**15. MATTERS BEHIND CLOSED DOORS**

**MOVING BEHIND CLOSED DOORS**

**Officers Recommendation**

That the meeting proceed behind closed doors in accordance with section 5.23(2) of the Local Government Act 1995, to consider the following items, which are considered confidential for the reasons indicated.

**15.1                      EMPLOYEE CONTRACT RENEWAL – MR M OSBORNE**

*This report is considered confidential in accordance with the Local Government Act 1995, as it relates to a matter affecting an employee or employees (Section 5.23(2)(a)).*

**Voting Requirement**                      Simple Majority

## **COMING FROM BEHIND CLOSED DOORS**

### **Officers Recommendation**

That the meeting come from behind closed doors.

### **Voting Requirement**

Simple Majority

**The Presiding Member read aloud the following Resolution;**

## **16. CLOSURE**