



Ordinary Council Meeting
Minutes
4 April 2017

CONFIRMATION OF MINUTES

I hereby certify that the Minutes of the Ordinary Council Meeting held on 4 April 2017 are a true and accurate record of the proceedings contained therein.

.....
Mr Ian Fletcher
Commissioner

21/5/17
.....

Dated

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Signed at Exmouth

(K Woodward), Acting Chief Executive Officer Shire of Exmouth

INDEX OF MINUTES

1.	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS.....	5
2.	RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE	5
3.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	6
4.	PUBLIC QUESTIONS TIME.....	6
5.	DECLARATIONS OF INTEREST	10
6.	APPLICATIONS FOR LEAVE OF ABSENCE	10
7.	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS	10
8.	ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION	10
9.	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS.....	11
10.	MATTER ARISING FROM COMMITTEES OF COUNCIL.....	11
11	EXECUTIVE SERVICES	12
11.1	MEMORANDUM OF UNDERSTANDING BETWEEN THE SHIRE OF EXMOUTH AND THE CITY OF KARRATHA..	12
11.2	APPOINT REPRESENTATIVES TO EXTERNAL COMMITTEES.....	14
11.3	COUNCIL POLICY 8.8 - EMERGENCY OVERFLOW CAMPING GROUNDS.....	16
11.4	LIQUOR CONTROL ACT DELEGATIONS	19
11.5	CARAVAN AND CAMPING ACT AND REGULATIONS DELEGATIONS	23
11.6	STRATEGIC COMMUNITY REFERENCE GROUP.....	25
12	CORPORATE SERVICES.....	28
12.1	FINANCIAL STATEMENT FOR PERIOD ENDING 28 FEBRUARY 2017	28
13	COMMUNITY ENGAGEMENT	32
14	HEALTH & BUILDING SERVICES	33
14.1	TEMPORARY NATURE BASED PARK LICENCE – BULLARA STATION	33
15	TOWN PLANNING SERVICES	35
15.1	HOLIDAY ACCOMMODATION – LOT 380 (32) CORELLA COURT, EXMOUTH	35
15.2	HOLIDAY ACCOMMODATION – LOT 403 (20) MADAFFARI DRIVE, EXMOUTH	43
15.3	HOLIDAY ACCOMMODATION – LOT 375 (22) CORELLA COURT, EXMOUTH	51
15.4	HOLIDAY ACCOMMODATION – LOT 29 (17) LEARMONTH STREET, EXMOUTH	59
15.5	ACTIVITY ON LOCAL GOVERNMENT PROPERTY – JET SKI HIRE, WATER SPORT ACTIVITIES, FLY BOARDING..	66
15.6	ACTIVITY ON LOCAL GOVERNMENT PROPERTY FEE REVIEW.....	73
16	ENGINEERING SERVICES.....	79
17.	ITEMS FOR INFORMATION ONLY	80
18.	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	86
19.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING.....	86
20.	MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS.....	86

21. CLOSURE OF MEETING..... 86

ORDINARY COUNCIL MEETING MINUTES

Our Vision

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

Our Purpose

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

Our Strategic Objectives

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

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Commissioner opened the meeting at 4.30 pm.

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

Mr I Fletcher AM JP	Commissioner
Mr K Woodward	Acting Chief Executive Officer
Ms S O'Toole	Executive Manager Corporate Services
Mr M Johnston	Acting Executive Manager Town Planning
Ms C Webster	Acting Executive Manager Health and Building
Ms J Cutler	Acting Executive Manager Community Engagement
Ms H Faxon	Minute Clerk

GALLERY

Visitors 12

APOLOGIES Nil

LEAVE OF ABSENCE

Nil

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTIONS TIME

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

Council Consideration Towards Public

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

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

Questions from Ms Brooke Shales

Q. Besides the Aquarium component, Is the Ningaloo Centre running on time and on budget?

A: The Commissioner advised that the Ningaloo Centre (the Project) is running approximately a month behind schedule but it should be finished by the end of April and will be finished on budget. This is a massive achievement considering the scale of the Project and the state it was in on his arrival as Commissioner.

The Commissioner thanked the Executive Manager of Corporate Services (EMCS) for the incredible amount of work she has done to ensure the Project remains on target to be completed on budget. The EMCS has also worked closely with a new independent consultant following the dismissal of Mr Forte. The company known as NS Projects were engaged through a proper procurement process and they are doing an excellent job.

The Commissioner added that he and the EMCS had to do an extensive amount of work to ensure that the funding partners continued to support the Project. The Commissioner advised that the Department of Regional Development had refused to allow the Shire to draw down any more money for the Project unless certain things were done including three independent audits.

- The first audit was carried out by Moore Stephens to assess if the Project could be completed within budget,
- the second audit assessed whether the procurement processes were correct; and
- the third audit assessed whether the Shire can sustain the Ningaloo Centre.

With respect to the first audit, the Project is basically within budget, after having to make some significant changes in order to come within budget. The second audit found two of the major contracts were not correctly procured. One related to Freeman Ryan Design (FRD) and the other was the Aquarium being Ocean Reef Productions.

The Department of Regional Development, which is the funding source for the largest amount of money being \$19.8 million dollars required an independent expert to assess whether the Shire received value for money from the FRD fitout. The auditor found that it was within a scale or a range. It was at the top end of the range but it was within an acceptable range. Following that result, the Department of Regional Development agreed to allow the draw down another \$2.09 million. The Commissioner noted there is approximately \$7 million in funding still owing.

The same value for money exercise was required for the Aquarium. The organisation that has been engaged is Oceanis International who have an international reputation (*Attachment 8.1*). They are based in Perth and in other capitals around the world and were responsible for numerous projects including the Melbourne Aquarium, the Woombye Zoo Interpretive Centre, Taronga Park in Sydney, Ocean Park Land Aquarium in Hong Kong, and others. They were also responsible for the design, construction and initially the operation of the aquarium in the Dubai Mall.

Oceanis International are due to complete their independent assessment by 24 April so that will provide an indication as to whether the Department of Regional Development will draw down the next two payments. The other organisation that we have been in consultation with is Ocean Park Aquarium at Shark Bay. They came to Exmouth today, at their own expense, to spend time with the EMCS, the Commissioner and NS Projects to discuss aquarium operations.

Q. What specifically has caused the \$66,000 blowout?

A: The Commissioner advised this was as estimated cost as quoted in the midyear budget review. A midyear review is required under the *Local Government Act*. Since the review, costs have been clawed back in other areas. The public is welcome to see either the Commissioner or the EMCS to go through what has had to be done to bring the budget back on track.

Q. If the Ningaloo Centre is running on time (besides the aquarium) who's decision was it to postpone the relocation of the visitor centre and why?

A: The Commissioner advised that it was his decision as he is not going to have the Visitor Centre going into an unfinished building and particularly during peak tourism time. The Visitor Centre were also uncomfortable about having to be disrupted during that time. The Ningaloo Centre will not be at practical completion until later in April and it will not be opening until September.

There are a number of reasons for the delay in moving the Visitor Centre including developing an activation plan for moving into the building. The National ANZAC Centre in Albany and the WA Museum are going to assist with the process or preparing an activation business plan for moving into the completed Ningaloo Centre.

Q. Will the Visitor Centre be in there, when the Ningaloo Centre is officially opened on 15th September 2017.

A: The Commissioner advised we are currently in discussions with the Visitor Centre.

Q. When is the library moving into the Ningaloo Centre?

A: This question was not answered.

Q. Are the draft lease agreements between the Ningaloo Alliance and Durack Institute of Technology still being followed through?

A: No, not in the case of Durack Institute of Technology. The Commissioner advised he contacted the Department of Training and Workforce Development and after discussions was informed that the TAFE never wanted to go into the Ningaloo Centre. Consequently, they have withdrawn from proceeding with the lease. The original arrangement involved the Shire subsidising that particular organisation an amount of \$40,000.00 per year for the next 5 years and then a further term resulting in a subsidy of \$200,000.00 which would impact the ratepayers.

With respect to the Ningaloo Alliance, the Commissioner met with the University of Western Australia Oceans Institute last week, they are considering whether they are prepared to increase their rental contribution to what is fair market rental.

Independent valuations are being undertaken in order to assess the fair market rental for the spaces. We will need to wait and see if the Ningaloo Alliance proceed, however if not, there are other institutions that would be happy to go into the space for a fair market rental.

Q. Is there any update on the leasing of the café area?

A: The Commissioner advised that there has still not been any expression of interest for the café.

Q. What is happening with the old visitor centre building? Is Bernice McLeod Childcare Centre relocating there still?

A: The Commissioner stated that he was advised by the Director General of Department of Local Government and Communities that it was not an acceptable building to be licenced as a Child Care Centre. The Commissioner further advised that the former CEO sent out correspondence stating that the Child Care Centre could have the space for a peppercorn rental. Once again, this would result in ratepayers subsidising those operations.

Further, the Commissioner has been in discussions with One Tree Community Services which is the parent organisation concerning the Bernice McCleod Child Care Centre and they will not be going into that building. They have been granted \$300,000.00 under the Royalties for Regions scheme which they are quite happy to use and the Shire will assist them to find more suitable accommodation to meet the child care needs of the community.

Ms Shales then asked what's going to go in that area where the TAFE was going to go?

The Commissioner advised that it is currently being reviewed. Discussions are being had with the Department of Regional Development about the space as there was a funding application that was predicated on the Department of Training and Workforce Development and the Durack TAFE being the anchor tenant.

Mr Bob Todd directed a follow on question to the Commissioner, is he going to say who forced them [the Department of Training and Workforce Development] to do that?

The Commissioner advised that he did not think it was appropriate and it will come out in due course and is a matter that the Auditor General will be investigating along with the Minister.

Question by Mr Milton Landon

Q. Is the Shire Council training going to be offered to potential Councillors?

The Commissioner advised that in the lead up to the October elections, information seminars will be held for people who are interesting in becoming part of Council. These seminars will explain to potential members what being an elected member entails. The Commissioner added that a number of people in the community have indicated they are interested in potentially being a part of Council.

The Commissioner added that it is a pre-condition of the suspended elected members of Council that they are to undertake training because it was the view of the Department of Local Government that they were inadequately trained. The Commissioner noted that he believes correspondence has been issued to those members and understands the training may be in May.

Question by Mr Bob Todd

Q. Having listened and read the media releases on where the Officers and Councillors went from on many, many subjects would the Commissioner enlighten the ratepayers on what steps he has put in place to correct these things, I am particularly interested in the Ningaloo Centre and especially the salt water problem with the aquarium, I am sure all of the ratepayers would appreciate your reply in the next Shire newsletter.

The Commissioner did not understand what Mr Todd was talking about and asked for him to clarify what he was trying to say.

Bob Todd said there has been a lot of media releases via the radio, via the paper via various outlets regarding the Ningaloo Centre aquarium.

The Commissioner advised that he had just answered this question, they are having an independent assessment done by Oceanis International and are also getting input from Ocean Park Aquarium in Shark Bay regarding the operations. There was no business plan to activate the Ningaloo Centre and the Shire are obtaining independent expert opinions to provide the necessary advice.

5. DECLARATIONS OF INTEREST

Item/Description	Name	Detail of Interest	Extent of Interest
Nil			

6. APPLICATIONS FOR LEAVE OF ABSENCE

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

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

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

That the Minutes of the Special Council Meeting of the Shire of Exmouth held on the 23 March 2017 be confirmed as a true and correct record of proceedings.

COUNCIL RESOLUTION

ITEM 7

Res No: 01-0417

That the Minutes of the Special Council Meeting of the Shire of Exmouth held on the 23 March 2017 be confirmed as a true and correct record of proceedings.

CARRIED 1/0

8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

We respectfully acknowledge the traditional custodians of this land we are gathered upon today, and pay our respects to elders both past and present.

In summary the Commissioner advised the following:

- He was in Perth last week dealing with Shire business including:-
 - Meeting with the Western Australia Auditor General regarding the Ningaloo Centre
 - Meeting with NS Projects and Oceanis International (*refer attachment 8.1*)
 - Discussions with UWA Oceans Institute regarding the lease arrangements, which we are still waiting on a response.
 - Meeting with the independent auditor and the WA Treasury Corporation regarding funding we are waiting on in the sum of \$1.4 million dollars, being \$1

million relating to the Ningaloo Centre and the other \$400,000 for the replacement refuse truck.

- Meeting with the Director General of the Department of Regional Development who commended us for how far we have come this year.

9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

10. MATTER ARISING FROM COMMITTEES OF COUNCIL.

Nil

11 EXECUTIVE SERVICES

11.1 MEMORANDUM OF UNDERSTANDING BETWEEN THE SHIRE OF EXMOUTH AND THE CITY OF KARRATHA

File Reference:	GV.CM.0
Responsible Officer:	Acting Chief Executive Officer
Date of Report:	January 2016
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	Nil

PURPOSE

The Acting Chief Executive Officer is seeking approval from Council to enter into a Memorandum of Understanding (MOU) between the Shire of Exmouth and the City of Karratha.

BACKGROUND

The objectives of the MOU are to:

- Maintain the positive relationship between the between the Shire of Exmouth and the City of Karratha.
- Work together to retain experienced, qualified professional staff in the region.

COMMENT

The MOU sets out details of an agreement between the signatories for the provision of certification services by the City of Karratha to the Shire of Exmouth. The MOU is not a legally binding agreement but an understanding between parties. The term of the MOU is three (3) years.

CONSULTATION

City of Karratha
Commissioner, Mr Ian Fletcher

STATUTORY ENVIRONMENT

Building Act 2011

State Records Act 2000

Local Government Act 1995

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Town Planning Scheme No. 3

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The associated expenditure will be managed within the existing budgets.

STRATEGIC IMPLICATIONS

This item is relevant to the Council's approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2016 - 2020.

- Civic Leadership: 4 To work together as custodians of now and the future.
4.2 *A local government that is respected, professional, trustworthy and accountable.*
4.3 *To be strong advocates representing the region's interests.*

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 11.1

That Council approve the signing of the Memorandum of Understanding (MOU) between the Shire of Exmouth and the City of Karratha.

COUNCIL RESOLUTION

ITEM 11.1

Res No: 02-0417

That the Commissioner approve the signing of the Memorandum of Understanding (MOU) between the Shire of Exmouth and the City of Karratha.

CARRIED 1/0

11.2 APPOINT REPRESENTATIVES TO EXTERNAL COMMITTEES

File Reference:	GV.CM.0
Responsible Officer:	Acting Chief Executive Officer
Date of Report:	23 March 2017
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Agreement for the Provision of Funding Support of the Exmouth Visitor's Centre Exmouth.

PURPOSE

There is a requirement for Councillors to represent Council on external committees. This report recommends that Council authorise the Commissioner's appointment as a voting member on the Exmouth Visitors Centre Committee.

BACKGROUND

At the Special Council meeting 6 January 2017 Council passed the following resolution.

COUNCIL RESOLUTION

ITEM 11.3

Res No: 03-0117

That the Commissioner:

- 1. Revoke the Council Resolution 21 October 2015, Council Decision 02-1015, Special Council Meeting "Portfolio Allocation (Appointments to External Committees and Organisation)".***
- 2. Authorise the Commissioner and Officers to be appointed as representatives for the Shire of Exmouth on the following committees:***

Gascoyne Development Commission: The Commissioner and the Acting Chief Executive Officer.

WALGA Gascoyne Regional Committees: The Commissioner and the Acting Chief Executive Officer.

Local Emergency Management Committee: The Commissioner, the Acting Chief Executive Officer, the Works Coordinator and the Emergency Manager

Development Assessment Panels (DAPS): The Commissioner

CARRIED 1/0

COMMENT

The Shire of Exmouth contributes \$220,000 annually towards the Visitor Centre operations. At this current time there is no Council representation on the Visitors Centre Committee and it is appropriate that the Commissioner be appointed to represent the Shire.

CONSULTATION

Commissioner, Mr Ian Fletcher

STATUTORY ENVIRONMENT

Sections 5 of the 'Agreement for the Provision of Funding Support of the Exmouth Visitor's Centre Exmouth'.

POLICY IMPLICATIONS

Council Policy 1.9 Committee Meetings

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

This item is relevant to the Councils approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2012-2016.

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

4.2 *A local government that is respected, professional, trustworthy and accountable.*

4.3 *To be strong advocates representing the region's interests.*

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION**ITEM 11.2**

That Council authorise the Commissioner be appointed as a voting member on the Exmouth Visitors Centre Committee.

COUNCIL RESOLUTION**ITEM 11.2**

Res No: 03-0417

That the Commissioner authorise the Commissioner be appointed as a voting member on the Exmouth Visitors Centre Committee.

CARRIED 1/0

11.3 COUNCIL POLICY 8.8 - EMERGENCY OVERFLOW CAMPING GROUNDS

File Reference:	CM.PO.1
Responsible Officer:	Executive Manager Engineering Services
Date of Report:	17 March 2017
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Proposed Updated Council Policy 8.8 - Emergency Overflow Camping Grounds

PURPOSE

That Council considers the adoption of amendments to Policy 8.8 – Emergency Overflow Camping Grounds of the Council Policy Manual.

BACKGROUND

Historically in the July school holidays once all the permanent caravan park facilities are full (including their additional overflow sites) the Shire's Emergency Overflow Camping Ground/s were opened. Policy 8.8 Emergency Overflow Camping Grounds has guided the use of these designated emergency overflow areas.

The above Policy was amended and adopted at the Ordinary Council Meeting (OCM) 21 February 2013, to better reflect the needs of visitors to the area who had not reserved accommodation in advance. The current policy specifies available sites as listed below:

- Koobooroo Oval 20 powered and 10 unpowered
- Exmouth Golf Club and 10 unpowered sites
- Niblett Oval 20 powered sites

The following procedures were also adopted at the above OCM (Council Decision – 10-02132 – 10.1.8):

That the Council of the Shire of Exmouth:

- 1. Adopts amended Policy 8.8 as detailed in Attachment 8.***
- 2. Adopt the procedures for the day-to-day operation of the Emergency Overflow Camping Ground as follows:***
 - ***Check in time: from 12 noon onwards;***
 - ***Check out time: 10am;***
 - ***Camp host and Council Officers to patrol the area to ensure only paying customers are using the facilities;***
 - ***Once booked and paid for, campers do not need to pack up unless they would prefer to be in a licensed caravan park;***
 - ***Offer camp hosting to community groups and/or Exmouth visitors centre. Negotiate with the community groups or EVC a commission to be received for managing the camping ground;***

- **Price the powered and unpowered sites to be the average cost of all the licensed caravan parks but do not accept bookings unless the licensed caravan parks are full or closed;**
- **Discuss with the Exmouth Tennis Club the option for campers to use their facilities and in return negotiate the costs for using their facilities.**
- **Advertise the conditions of the emergency overflow camping ground, including the available facilities, within the district and also in surrounding areas**

The construction of the Ningaloo Centre removed the ability to utilise Niblett Oval and in March 2015 Cyclone Olwyn caused damage to the power supply at the Koobooroo Emergency Overflow Camp Ground resulting in all sites becoming permanently unpowered as there is not capacity in the Horizon Power Network to reinstate power to these sites to current day electrical standards.

COMMENT

As the Koobooroo overflow sites are now permanently unpowered and Niblett Oval is no longer available for use, Council Officers recommend the current policy be updated to adequately reflect the current situation. The proposed amendments are:

1. Koobooroo Oval – Change to 40 unpowered sites (more sites may be approved by Council's Environmental Health Services, subject to the provision of adequate sanitary facilities)
2. Exmouth Golf Club – 10 unpowered sites
3. Niblett Oval – Remove from the Policy
4. Part C (1) change wording to under the supervision of the authorised camp host.

Koobooroo Oval sites have been increased to reflect the loss of the Niblett Oval sites but numbers will be governed by the supply of adequate facilities. The existing public sanitary facilities available at the north-eastern corner of the Recreation Centre are only adequate for a maximum of 40 camp sites.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Caravan and Camping Act 1995

Caravan and Camping Regulations 1997

POLICY IMPLICATIONS

8.8 - Emergency Overflow and Camping Policy

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

This item is relevant to the Council's approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2012-2016.

- Economic:
- 1 To be a diverse and innovative economy with a range of local employment opportunities.
 - 1.3 *Diverse tourism opportunities.*

- Social: 3 To be a dynamic, passionate and safe community valuing natural and cultural heritage.
3.2 *Excellent lifestyle, recreational and cultural facilities.*
- Civic Leadership: 4 To work together as custodians of now and the future.
4.3 *To be strong advocates representing the region's interests.*

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 11.3

That Council adopts amended Policy 8.8 - Emergency Overflow Camping Grounds as detailed in Attachment 1.

COUNCIL RESOLUTION

ITEM 11.3

Res No: 04-0417

That the Commissioner adopts amended Policy 8.8 - Emergency Overflow Camping Grounds as detailed in Attachment 1.

CARRIED 1/0

11.4 LIQUOR CONTROL ACT DELEGATIONS

File Reference:	GV.AU.2
Responsible Officer:	Chief Executive Officer
Date of Report:	21 March 2017
Applicant/Proponent:	Environmental Health Officer
Disclosure of Interest:	Executive Manager Health & Building
Attachment(s):	1. HB012 – Sale of Liquor

PURPOSE

That Council considers the removal of delegation HB012 – Sale of Liquor as the *Liquor Control Act 1988* does not provide a head of power for delegations to authorised officers.

BACKGROUND

Delegations were previously issued to the Chief Executive Officer and the Executive Manager Health and Building for Section 39, 69 (8), 153 (2) and 156. A review of the *Liquor Control Act 1988* (the Act) and delegation HB012 – Sale of Liquor revealed there were no powers of delegation under the Act nor was there any necessity for there to be as there is no decision making involved.

The Sections of the Act mentioned above and under the delegation HB012 are for information purposes only on an application/concern submitted or to be submitted to Liquor Licensing Authority.

- Section 39 is for information purposes only with the Licensing Authority being the decision making body. The responsibility of local government under Section 39 is to demonstrate the applicants compliance with the legislation listed.
- Section 69 is again for information purposes only with the Licensing Authority being the decision making body. The authorised person by the local government is relating to any authorisations they have been given under the listed legislation.
- There is no reference to local government within Section 153 of the Act and refers to persons authorised under Liquor Control Act 1988.
- Section 156 again outlines local governments' role as information and assistance not for decision making.
- The review did identify under Section 61 (2) of the Act the consumption of alcohol on local government footpaths or roadways does need the consent of the district local government, but there is no provisions within the Act for a delegation of this decision to be made therefore the decision would be made by Council.

COMMENT

As there are no delegations under the Act and the delegations listed are considered reports to Liquor Authority not delegated authorisations or decisions, Council Officers recommend removing delegation HB012 – Sale of Liquor.

Under Section 61 (2) an extended trading permit shall not be issued to permit the consumption of liquor on a road or footpath unless the local government of the district consents to the application. For example if a licensed facility wanted to extend out an alfresco area where alcohol will be consumed the licensed facility owner will need to seek approval from local government. This would then have to be considered before Council the applicant would then submit this approval to Racing, Gaming and Liquor.

CONSULTATION

City of Joondalup Delegations Register

City of Wanneroo Delegations Register

Council Officers within the City of Wanneroo

STATUTORY ENVIRONMENT

Liquor Control Act 1988 (specific sections detailed below)

Section 39 Certificate of local government as to whether premises comply with laws.

- (1) *An application made to the licensing authority for the grant or removal of a licence, or for a change in the use or condition of any premises shall be accompanied by a certificate from the local government for the district in which the premises to which the application relates are situated, or are to be situated, unless the licensing authority otherwise determines.*
- (2) *A certificate referred to in subsection (1) shall state -*
 - a. *whether or not the premises comply with all relevant requirements of -*
 - i. *the Health (Miscellaneous) Provisions Act 1911; and*
 - ii. *the Food Act 2008; and*
 - iii. *any written law applying to the sewerage or drainage of those premises; and*
 - iv. *the Local Government Act 1995; and*
 - v. *the Building Act 2011; and*
 - b. *where the premises do not comply, the manner in which the premises could be made to comply or that the premises could not reasonably be made to comply.*
- (3) *The licensing authority may, where it is satisfied that it is desirable to do so, impose a condition on a licence relating to the submission, or further submission, to the licensing authority of a certificate referred to in subsection (1).*

Section 69 Advertising, referring, investigating and intervening in applications

- (8) *A person authorised by the local government may intervene in proceedings before the licensing authority for the purpose of introducing evidence or making representations in relation to the requirements of -*
 - a) *the Health (Miscellaneous Provisions) Act 1911 or*
 - aa) *the Food Act 2008; or*
 - b) *any written law relating to sewerage or drainage; or*
 - c) *the Local Government Act 1995 or the Building Act 2011, in so far as that Act relates to health matters,*

and may submit a report to the licensing authority on those matters.

Section 153 Authorised officers etc., functions and reports of

- (2) *Where an inspector or other person authorised by the Director to do so makes a report with respect to any particular licensed premises or premises proposed to be licensed, including any report as to the extent or standard of services provided on the premises, the Director shall –*

Section 156 Local governments, functions of

- (1) *Every local government shall, as regards licensed premises in its district, exercise the same powers as are conferred, and carry out the same duties as are imposed, on it by any other Act with respect to unlicensed premises.*
- (2) *Where the holder of a licence under this Act or any employee or agent of such a person is convicted of an offence on a prosecution commenced by an officer of the local government, the local government shall report that event and the nature of the offence to the Director.*

A local government is required to afford the licensing authority such assistance, by way of the examination of, and reporting on, licensed premises, as the licensing authority may reasonably require

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

This item is relevant to the Council's approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2016 - 2020.

- Civic Leadership: 4 To work together as custodians of now and the future.
- 4.1 *To be a collaborative community with the capacity to manage the current and future direction of Exmouth.*
- 4.2 *A local government that is respected, professional, trustworthy and accountable.*
- 4.3 *To be strong advocates representing the region's interests.*

There are not many strategic implications regarding this item. Although clarification and removal of this delegation would be considered more correct and effective governance.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 11.4

That Council remove HB012 – Sale of Liquor from the Shire of Exmouth Delegation Register and Schedule of Authorisations.

COUNCIL RESOLUTION**ITEM 11.4****Res No: 05-0417****That the Commissioner remove HB012 – Sale of Liquor from the Shire of Exmouth Delegation Register and Schedule of Authorisations.****CARRIED 1/0**

11.5 CARAVAN AND CAMPING ACT AND REGULATIONS DELEGATIONS

File Reference:	GV.AU.2
Responsible Officer:	Chief Executive Officer
Date of Report:	23 March 2017
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none">1. Current Delegation HB002 Caravan and Camping Grounds Act 1995 – Authorised Persons2. Proposed Updated Delegation HB002 Caravan and Camping Grounds Act 1995 – Authorised Persons

PURPOSE

That Council consider amendments to Delegation HB002 Caravan and Camping Grounds Act 1995 – Authorised Persons.

BACKGROUND

Current delegations for the enforcement and compliance with the *Caravan and Camping Grounds Act 1995* (the Act) are lacking the clarity required to effectively manage the aforementioned legislation. A copy of the current Delegation is provided at Attachment 1.

COMMENT

The current delegation fails to authorise the positions of Environmental Health Officer, Compliance and Emergency Services Coordinator and Ranger to act in accordance with Section 17 (1) (a) and 23 (2) of the Act. The recommended amendments to delegation HB002 correct the current shortcomings.

The amended delegation also authorises the Chief Executive Officer and Executive Manager Health and Building to issue Temporary Licences under Regulation 6 of the *Caravan Parks and Camping Grounds Regulations 1997*, a delegation that previously has not been identified. Previously all licences went to Council for approval. With a delegation for Temporary Licences issued such applications will no longer need to go to Council and enable the Shire to issue a Temporary Licence in an emergency or if the town's existing accommodation was at capacity. Therefore providing more efficient consideration of such applications.

The proposed updated Delegation HB002 Caravan and Camping Grounds Act 1995 – Authorised Persons is provided at Attachment 2 and a copy of the updated Schedule of Authorisations is provided at Attachment 3.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Caravan and Camping Grounds Act 1995
Caravan and Camping Regulations 1997

POLICY IMPLICATIONS

5.5 - Temporary Accommodation – Caravans

8.8 - Emergency Overflow Camping Grounds

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

This item is relevant to the Councils approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2012-2016.

- Environment: 2 To have a balanced respect for our environment and heritage, both natural and built.
- 2.2 Our pristine natural environment and biodiversity will be understood, maintained and protected.
- 2.5 To make Exmouth an attractive town that is a comfortable and welcoming place to live and visit, and reflects the lifestyle values and unique natural environment.
- Social: 3 To be a dynamic, passionate and safe community valuing natural and cultural heritage.
- 3.7 Residents and visitors have access to appropriate services and facilities to enhance their health and wellbeing.
- Civic Leadership: 4 To work together as custodians of now and the future.
- 4.2 A local government that is respected, professional, trustworthy and accountable.
- 4.3 To be strong advocates representing the region's interests.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION**ITEM 11.5**

That Council adopt Delegation HB002 Caravan and Camping Grounds Act 1995 – Authorised Persons as provided at Attachment 2.

COUNCIL RESOLUTION**ITEM 11.5**

Res No: 06-0417

That the Commissioner adopt Delegation HB002 Caravan and Camping Grounds Act 1995 – Authorised Persons as provided at Attachment 2.

CARRIED 1/0

11.6 STRATEGIC COMMUNITY REFERENCE GROUP

File Reference:	CR.CO.5
Responsible Officer:	Chief Executive Officer
Date of Report:	23 March 2017
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	Nil

PURPOSE

To provide advice to Council on the first meeting of the Exmouth Strategic Community Reference Group.

BACKGROUND

At the ordinary Council meeting on March 7, 2017 it was resolved to establish the Exmouth Strategic Community Reference group. At that meeting the Commissioner moved to:

Authorise the establishment of the Exmouth Strategic Community Reference Group to advise Council on matters of significant community interest and strategic initiatives, in particular the Strategic Community Plan (2011-2021) review.

Establishing an Exmouth Strategic Community Reference Group (ESCRG) was seen as an important step towards restoring trust in the Shire of Exmouth and opening channels of communication with the community following the recent CCC inquiry and public hearings.

To guide the operations of the ESCRG it was decided that the aims, representation, membership, meeting requirements, agendas, management, tenure and other relevant matters should be set out in a terms of reference document to be endorsed by Council at a future date.

COMMENT

The Exmouth Strategic Community Reference Group held its first meeting on Tuesday evening, 21 March, 2017. The meeting was attended by community members approached to join the reference group based on their ability to represent the four pillars of Exmouth's economy and a broad cross section of community views. There are 11 members of the group. Attending the first meeting were;

Mr Kerry Graham - Freeman Shire of Exmouth
Mr Shane Coote - Oil and gas and small business
Mr Mick Husband – Tourism and tour operators
Mr Mark Lucas – Business and central traders
Ms Jac Hine – Cape Conservation Group and environment
Ms Ann Preest – North West Cape Exmouth Aboriginal Corporation
Mr Ned Haywood – Sport and recreation and defence
Ms Emma Howard – Exmouth District Hospital and health

Apologies were received from Mr Barry Sullivan from Exmouth Chamber of Commerce and Industry and Lloyd Goodlad, President of the Exmouth Senior Citizens' Association. Exmouth Police Officer in Charge Paul World was also unable to attend the meeting.

Commissioner Ian Fletcher addressed those attending the meeting to outline the purpose of the reference group and its role in providing advice to Council on matters of significant public and strategic interest. The Commissioner expressed the importance of the group as a forum for robust discussion and the expression of a diversity of views which were vital in informing the work of Council.

Members were then updated on a number of important issues currently facing the Shire including the status of the Ningaloo Centre project, internal governance reviews underway at the Shire and the Corruption and Crime Commission investigations.

The Reference Group was also provided with a briefing by consultant Ron Back on the imminent review of the Council's Strategic Community Plan. Mr Back explained the strategic significance of the plan in informing the corporate plans of the Shire, the consultation process, how it would be facilitated and how those present could be involved.

Mr Kerry Graham was then nominated as Chair of the committee and Mr Mark Lucas nominated as Deputy Chair. Mr Graham led the group in a discussion about the development of a terms of reference which will set out its aims, membership, meeting procedures and review processes. A draft terms of reference will now be developed based on the discussions and agreed by members before being referred to Council for approval.

The Strategic Community Reference Group resolved to meet monthly on Tuesdays at 4pm with the next meeting scheduled for April 11, 2017.

The meeting was very successful with the group represented clearly passionate about the future of Exmouth and excited by the opportunity to provide assistance and advice to Council and be involved in the formation of Exmouth's Strategic Community Plan.

CONSULTATION

Exmouth Strategic Community Reference Group
Executive Staff
Mr Ron Back - Consultant

STATUTORY ENVIRONMENT

Local Government (Administration) Regulations 1996 (Act s.5.56), Division 3 19C states:

(4) A local government is to review the current strategic community plan for its district at least once every 4 years.

Section 1.3(2) of the *Local Government Act 1995* states:

This Act is intended to result in –

- (a) Better decision making by local governments;
- (b) Greater community participation in the decisions and affairs of local government;
- (c) Greater accountability of local governments to their communities; and
- (d) More efficient and effective local government.

POLICY IMPLICATIONS

4.1 Volunteering and Volunteer Management

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

This item is relevant to the Councils approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2012-2016.

- Civic Leadership: 4 To work together as custodians of now and the future.
- 4.1 *To be a collaborative community with the capacity to manage the current and future direction of Exmouth.*
 - 4.2 *A local government that is respected, professional, trustworthy and accountable.*
 - 4.3 *To be strong advocates representing the region's interests.*

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION**ITEM 11.6**

That Council note the establishment of the Exmouth Strategic Community Reference Group.

COUNCIL RESOLUTION**ITEM 11.6**

Res No: 07-0417

That the Commissioner note the establishment of the Exmouth Strategic Community Reference Group.

CARRIED 1/0

12 CORPORATE SERVICES

12.1 FINANCIAL STATEMENT FOR PERIOD ENDING 28 FEBRUARY 2017

File Reference:	FM.FL.0
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	21 March 2017
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Financial Report as at 28 February 2017

PURPOSE

That Council consider accepting the financial report for the financial period ending 28 February 2017.

BACKGROUND

The provisions of the *Local Government Act 1995* and associated Regulations require a monthly financial report for presentation to the Council. A financial report for the period ended 28 February 2017 has been prepared and a copy of the Report is attached.

The following table displays the Council's year to date position to 28 February 2017 including the projected closing position for 2016/17 financial year. The 2016/17 amended budget estimated to deliver a budget with a surplus of \$16,515, however the current projected forecast closing position to 30 June 2017 is estimated a deficit of (\$71,991).

2016/17	Year to Date Actual	Year to Date Budget	Amended Budget	On Target with YTD Budget	Forecast to 30/6/17	Forecast Impact on Surplus
	\$	\$	\$	%	\$	
Operating Revenue	9,361,680	9,726,706	11,927,194	94.3%	11,487,674	▼
Operating Expenditure	(9,563,439)	(10,101,420)	(15,865,496)	94.7%	(15,462,855)	▲
Non Operating Revenue	12,823,874	22,023,622	27,937,455	158.0%	25,797,217	▼
Non Operating Expenditure	(13,942,854)	(18,352,169)	(28,398,920)	85.0%	(26,484,085)	▲
Non cash Items Included	2,967,906	2,585,055	4,286,478	43.7%	4,464,513	
Surplus C/Fwd June 2016	125,545	129,804	129,804	96.7%	125,545	▼
Surplus/(Deficit)	1,772,712	6,011,598	16,515	29.5%	(71,991)	▼

Monitoring of the financial statements will occur each month until the end of the financial year and it is anticipated the forecast result will change each month as future expenditure and revenue expectations are refined and additional information is received.

COMMENT

Statement of Financial Position

Total Current Assets have decreased overall by 12.8% from January to February 2017. Unrestricted Cash at Bank has decreased by (75%) with a significant portion being paid to contractors associated with the Ningaloo Centre. However this has increased GST Receivable by 362%. Rates and Charges also saw a reduction of (13.52%) as debt recovery processes continue. Sundry Debtors had a slight increase between January and February of 7%.

Current Liabilities have seen a decrease of (1.3%) from January to February 2017, with Non-Current Assets increasing slightly by 1.4%, which recognises capital acquisitions purchased to date. Non-Current Liabilities remain unchanged from January 2017.

	28/02/2017	31/01/2017	% Change
Current			
Assets	9,372,329	10,745,879	(12.8%)
Liabilities	(1,483,106)	(1,463,729)	1.3%
Non Current			
Assets	101,502,705	100,054,818	1.4%
Liabilities	(1,288,504)	(1,288,504)	0.0%
NET ASSETS	108,103,424	108,048,464	

Capital Expenditure

The Council's 2016/17 Capital Expenditure amended budget is \$26,640,231, the majority of which is associated with the construction and fitout of the Ningaloo Centre and other infrastructure improvements. The following table shows that Council is currently 77% on target with capital expenditure year to date.

Asset Class	Year to Date Actual	Year to Date Budget	On Target with YTD Budget	Annual Budget
	\$	\$	%	\$
Land & Buildings	12,789,740	14,244,246	90%	21,749,654
Furniture & Equipment	14,625	306,000	5%	371,000
Land Held for Resale	430,000	430,000	100%	430,000
Plant & Equipment	23,619	867,500	3%	1,026,200
Infrastructure Roads	226,948	1,511,568	15%	2,267,441
Infrastructure Other	227,423	389,000	58%	795,936
TOTAL	13,712,355	17,748,314	77%	26,640,231

Debtors Schedule

The following table shows the movement in Sundry Debtors which have been outstanding over 30, 60 and 90 days at the end of February 2017.

Sundry Debtors	28/02/2017	31/01/2017	Change	% of Current Total
	\$	\$	%	%
Current	379,579	324,695	17%	67%
> 30 Days	33,334	35,343	-6%	6%
> 60 Days	28,184	29,583	-5%	5%
> 90 Days	125,342	139,350	-10%	22%
Total	566,439	528,971		100%

To date, 87.5% of rates have been collected, with one remaining instalment due on 16 March 2017.

Rates and Charges	28/02/2017	31/01/2017	Change
	\$	\$	%
Rates & Charges	609,960	700,541	-13%
Less Deferred Pensioners	(37,719)	(37,719)	0%
Total Rates Collectable	572,241	662,822	

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996*.

In accordance with Regulation 34 (5), a report must be compiled on variances greater than the materiality threshold adopted by Council of \$10,000 or 10% whichever is the greater. As this report is composed at a program level, variance commentary considers the most significant items that comprise the variance.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

This item is relevant to the Councils approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2016-2020.

- Civic Leadership: 4 To work together as custodians of now and the future.
 4.2 *A local government that is respected, professional, trustworthy and accountable.*

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION**ITEM 12.1**

That Council receive the Financial Report for the financial period ending 28 February 2017.

COUNCIL RESOLUTION**ITEM 12.1**

Res No: 08-0417

That the Commissioner receive the Financial Report for the financial period ending 28 February 2017.

CARRIED 1/0

13 COMMUNITY ENGAGEMENT

Nil

14 HEALTH & BUILDING SERVICES

14.1 TEMPORARY NATURE BASED PARK LICENCE – BULLARA STATION

File Reference:	LE.RE.5
Responsible Officer:	Executive Manager Health & Building Services
Date of Report:	21 February 2017
Applicant/Proponent:	Bullara Station Stay, T & E Shallcross
Disclosure of Interest:	Nil
Attachment(s):	1. Temporary Caravan Park and Camping Ground Licence Renewal – Bullara Station

PURPOSE

That Council renew the temporary Nature Based Park Licence for Bullara Station Stay.

BACKGROUND

The *Caravan and Camping Ground Act 1995* and *Regulations 1997* make provisions for a caravan park to be issued with a Temporary Licence. With the new Town Planning Scheme currently under review, a Temporary Licence for the peak tourist season 1 April to 31 October 2017 is considered suitable in the interim. With all relevant approvals in place, a temporary licence for 40 campsites has been requested.

COMMENT

Bullara Station Stay had no major non-compliance issues last season and preliminary inspections will be conducted at the end of March for the coming tourist season.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Caravan Parks and Camping Grounds Act 1995
Caravan Parks and Camping Grounds Regulations 1997

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

This item is relevant to the Council's approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2012-2016.

- Economic: 1 To be a diverse and innovative economy with a range of local employment opportunities.
 1.3 *Diverse tourism opportunities.*
- Environment: 2 To have a balanced respect for our environment and heritage, both natural and built.
 2.4 *To be a leader in eco-friendly initiatives and innovations.*
 2.5 *To make Exmouth an attractive town that is a comfortable and welcoming place to live and visit, and reflects the lifestyle values and unique natural environment.*
- Social: 3 To be a dynamic, passionate and safe community valuing natural and cultural heritage.
 3.2 *Excellent lifestyle, recreational and cultural facilities.*
 3.3 *An inclusive, responsible and cohesive community.*
- Civic Leadership: 4 To work together as custodians of now and the future.
 4.1 *To be a collaborative community with the capacity to manage the current and future direction of Exmouth.*
 4.2 *A local government that is respected, professional, trustworthy and accountable.*

VOTING REQUIREMENTS

Simple majority

OFFICER'S RECOMMENDATION

ITEM 14.1

That Council approve the issuing of a Temporary Nature Based Park licence for 1 April 2017 to 31 October 2017, with conditions for Bullara Station Stay as per the attached licence.

COUNCIL RESOLUTION

ITEM 14.1

Res No: 09-0417

That the Commissioner approve the issuing of a Temporary Nature Based Park licence for 1 April 2017 to 31 October 2017, with conditions for Bullara Station Stay as per the attached licence.

CARRIED 1/0

15 TOWN PLANNING SERVICES

15.1 HOLIDAY ACCOMMODATION – LOT 380 (32) CORELLA COURT, EXMOUTH

File Reference:	A1512; PA37/17
Responsible Officer:	Executive Manager Town Planning Services
Date of Report:	23 March 2017
Applicant/Proponent:	Ray White t/a Exmouth Holidays
Disclosure of Interest:	Nil
Attachment(s):	1. Development Application 2. Parking Assessment

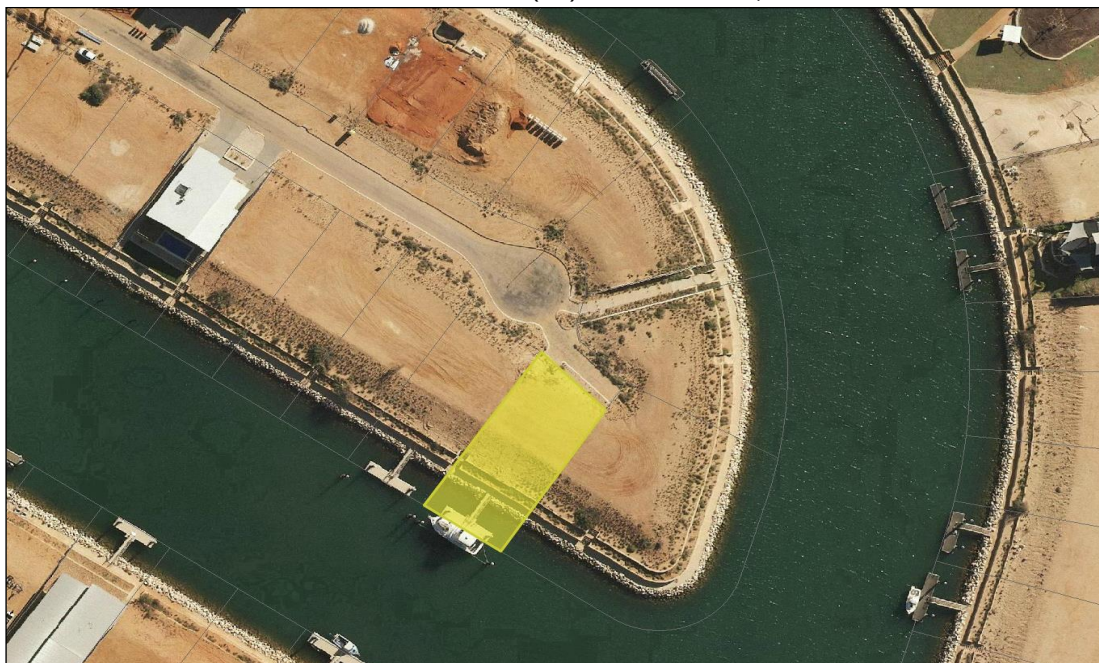
PURPOSE

That Council consider granting conditional development approval for a proposed Holiday Accommodation at Lot 380 (32) Corella Court, Exmouth.

BACKGROUND

The subject lot has a substantially constructed dwelling, is approximately 880m² in area and is zoned Marina in *Town Planning Scheme No. 3*. The subject property is a canal lot located in the Exmouth Marina Village Precinct 'A'. Development approvals which have lapsed at the property include a Dwelling (PA23/07), Single Dwelling (PA59/11) and Single Dwelling (PA42/13). Development approvals currently in effect at the property are PA98/10 for a Jetty and PA85/15 for a Single Dwelling. The aerial image below identifies Lot 380 (32) Corella Court where the proponent seeks development approval for Holiday Accommodation use.

Location Plan - Lot 380 (32) Corella Court, Exmouth



COMMENT

The proposal has been assessed against *Town Planning Scheme No. 3 (Scheme)*, *Policy No. 6.12 - Holiday Accommodation*, *Policy No. 6.16 - Design Guidelines for Exmouth Marina Village Precinct A* and the *Planning and Development (Local Planning Schemes) Regulations 2015*. Policy No. 6.16 states land uses are to be in accordance with the Residential zone of the Scheme. Table 1 of the Scheme defines Holiday Accommodation as an 'SA' use in the residential zone meaning the use is not permitted unless Council has granted development approval after consultation with affected neighbours.

Relevant Policy 6.12 objectives:

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

This application generally accords with Policy 6.12, however, there are a number of areas where the application needs to be modified, as discussed below.

Number of Occupants

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

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

Officers have calculated the permissible number of occupants per bedroom:

Schedule : Allowable Occupants: Lot 380 (32) Corella Court, Exmouth

Bedroom 1 : Total floor space: 18.49m², Approximate Air Space: 55.47m³
Allowable occupants : 3 adults OR 2 adults and 3 children OR 1 adult and 5 children OR 6 children

Bedroom 2 : Total floor space: 13.80m², Approximate Air Space: 41.4m³
Allowable occupants : 2 adults OR 2 adults and 1 child OR 1 adult and 3 children OR 5 children

Bedroom 3 : Total floor space: 15.44m², Approximate Air Space: 46.32m³
Allowable occupants : 3 adults OR 2 adults and 2 children OR 1 adult and 4 children OR 5 children

Bedroom 4 : Total floor space: 19.22m², Approximate Air Space: 51.89m³
Allowable occupants : 3 adults OR 3 adults and 1 child OR 2 adults and 2 children OR 1 adult and 4 children OR 6 children

Bedroom 5 : Total floor space: 18.47m², Approximate Air Space: 49.87m³
Allowable occupants : 3 adults OR 2 adults and 2 children OR 1 adult and 4 children OR 6 children

Bedroom 6 : Total floor space: 19.35m², Approximate Air Space: 52.25m³
Allowable occupants : 3 adults OR 2 adults and 3 children OR 1 adult and 4 children OR 6 children

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

**The air space is calculated with a 3m ceiling height for Bedrooms 1, 2, 3, on the Ground floor and a 2.7m ceiling height for Bedrooms 4, 5, 6 on the First floor.

Occupancy Levels

As per the assessment above, the maximum number of overnight occupants allowed within the dwelling at the same time shall be twelve (12) persons in accordance with Policy No. 6.12. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws. Potential occupants shall be advised of this prior to booking.

Number of Vehicles

Policy No. 6.12 states that car parking shall be calculated on the basis of four persons per vehicle. Therefore, a minimum of three (3) vehicle parking spaces need to be provided for the maximum occupation of twelve (12) people within the Holiday Accommodation. Furthermore, the maximum permissible number of vehicles permitted at the property under Policy No. 6.12 is three (3) vehicles and two (2) trailers, which includes trailers with a boat. The property has a double garage which is not accessible to guests using the Holiday Accommodation. The Officers assessment concludes that a maximum of four (4) parking spaces are available within the property boundaries in accordance with the minimum dimensions prescribed by the Scheme (refer Attachment 2). Therefore, the proposal can comply with the minimum and maximum parking requirements.

Management Plan and Code of Conduct

The applicant has submitted a copy of the proposed Management Statement, Tenant Code of Conduct (House Rules for Guests and Visitors) and an Emergency Response Plan as per the requirements of Policy 6.12. The documentation is considered sufficient to achieve the desired management framework. A condition is recommended to ensure the occupancy numbers are written clearly to reflect the relevant Scheme provisions and approval by Council.

Having regard to the above, it is recommended that development approval is granted for Holiday Accommodation at Lot 380 (32) Corella Court, Exmouth subject to conditions which achieve compliance with Councils planning framework.

CONSULTATION

In accordance with the requirements of the Scheme adjoining impacted neighbours were invited to comment on the proposal from Monday 27 February 2017 until Monday 13 March 2017, for a period of 14 days. A summary is tabled below:

Property Referred	Submitters Response	Officer Comments
Lot 378 (28) Corella Court	Nil	Nil
Lot 379 (30) Corella Court	Nil	Nil
Lot 385 (29) Corella Court	Nil	Nil
Lot 384 (31) Corella Court	Nil	Nil
Lot 383 (33) Corella Court	Nil	Nil
Lot 382 (26) Corella Court	Nil	Nil
Lot 381 (34) Corella Court	Nil	Nil

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Town Planning Scheme No. 3

POLICY IMPLICATIONS

Policy No. 6.12 - Holiday Accommodation

Policy No. 6.16 - Design Guidelines for Exmouth Marina Village Precinct A

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

- Economic: 1 To be a diverse and innovative economy with a range of local employment opportunities.
- 1.2 *Planned and balanced economic growth.*
- 1.3 *Diverse tourism opportunities.*
- Civic Leadership: 4 To work together as custodians of now and the future.
- 4.1 *To be a collaborative community with the capacity to manage the current and future direction of Exmouth.*
- 4.2 *A local government that is respected, professional, trustworthy and accountable.*

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 15.1

That Council grants development approval for proposed Holiday Accommodation at Lot 380 (32) Corella Court, Exmouth subject to the following conditions:

- The use being carried out in accordance with the stamped approved plans (PA37/17), the Shire of Exmouth *Town Planning Scheme No. 3* and *Policy No. 6.12 - Holiday Accommodation* together with any annotations detailed thereon by the Shire;
- The maximum number of overnight occupants allowed within the dwelling shall be twelve (12) persons, with the maximum number of persons per bedroom being in accordance with the schedule below. This Schedule shall be displayed in a prominent location in the dwelling at all times:

Schedule : Allowable Occupants: Lot 380 (32) Corella Court, Exmouth

Bedroom 1 : Total floor space: 18.49m², Approximate Air Space: 55.47m³
Allowable occupants : 3 adults OR 2 adults and 3 children OR 1 adult and 5 children OR 6 children

Bedroom 2 : Total floor space: 13.80m², Approximate Air Space: 41.4m³
Allowable occupants : 2 adults OR 2 adults and 1 child OR 1 adult and 3 children OR 5 children

Bedroom 3 : Total floor space: 15.44m², Approximate Air Space: 46.32m³
Allowable occupants : 3 adults OR 2 adults and 2 children OR 1 adult and 4 children OR 5 children

Bedroom 4 : Total floor space: 19.22m², Approximate Air Space: 51.89m³

Allowable occupants : 3 adults OR 3 adults and 1 child OR 2 adults and 2 children OR 1 adult and 4 children OR 6 children

Bedroom 5 : Total floor space: 18.47m², Approximate Air Space: 49.87m³

Allowable occupants : 3 adults OR 2 adults and 2 children OR 1 adult and 4 children OR 6 children

Bedroom 6 : Total floor space: 19.35m², Approximate Air Space: 52.25m³

Allowable occupants : 3 adults OR 2 adults and 3 children OR 1 adult and 4 children OR 6 children

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

**The air space is calculated with a 3m ceiling height for Bedrooms 1, 2, 3, on the Ground floor and a 2.7m ceiling height for Bedrooms 4, 5, 6 on the First floor.

3. The maximum number permitted for the parking of vehicles is three (3) and for trailers is two (2), which includes trailers with or without a boat, however the total combination of vehicles and trailers parked at the property shall not exceed four (4) which shall be contained fully within the property boundaries;
4. The property shall provide at least three (3) 240 litre rubbish bins prior to the use commencing;
5. The Management Statement and Tenant Code of Conduct shall be clearly displayed within the premises and complied with at all times;
6. The Emergency Response Plan shall be clearly displayed within the premises and complied at all times, plus:
 - a fire extinguisher shall be provided in a clearly visible location marked on the emergency response plan and maintained in proper working order; and
 - no fires are to be lit outside with the exception of a gas or electric barbeque.
7. The property shall be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;
8. The property not being used for the use hereby granted until an inspection has been carried out by a Shire Officer and that Officer is satisfied that the conditions of this approval hereby granted have been complied with; and
9. This approval is valid until 30 September 2017. Following its expiry an annual permit is required. The Shire will notify owners about the date of expiry and that a new permit is required should the property continue to be used for holiday accommodation. Should three (3) or more substantiated complaints be received in regard to the Holiday Accommodation, Council may resolve to refuse renewal.

Advice

- i) The approval granted is not to be construed as approval granted under the *Building Act 2011*, *Building Regulations 2012* or any other statutory approval required.
- ii) Complaints received due to the activity resulting in increase in traffic, noise emission, disturbance to or loss of amenity to the area may be considered as a basis for non-renewal in accordance with Council's *Policy No. 6.12 - Holiday Accommodation*.
- iii) This approval does not permit the road verge or adjoining/nearby vacant land to be used for the parking of vehicles and trailers. Occupants shall be advised of this prior to booking.

- iv) The noise generated by any activities on-site shall not exceed the levels as set out under the *Environmental Protection (Noise) Regulations 1997*.
- v) In accordance with the *Health Act 1911* and Shire Local Laws the number of persons per room shall accord with the following:
- For every person over the age of 10 years, there is to be a minimum of 14 cubic metres of air space per person; and
 - For every person between the ages of 1 & 10 years, there is to be a minimum of 8 cubic metres of air space per person.
- vi) The *Health (Aquatic Facilities) Regulations 2007* require that a Certificate of Compliance and a Permit to Operate from the Executive Director, Public Health (EDPH) for the 'aquatic facility' be obtained i.e. the Department of Health (WA) is the approving authority, not the Shire of Exmouth.
- vii) Whether an aquatic facility is approved by the EDPH or not, regulation 21 prescribes that an Environmental Health Officer, or a person under the direction of an Environmental Health Officer, collects 2 water samples (one for bacteria, one for amoeba) from each water body of each aquatic facility in the district at least once per month. The owner/property manager must therefore make suitable arrangements for the Shire's Water Sampling Officer to access the property to obtain the water samples.
- viii) If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

COUNCIL RESOLUTION
ITEM 15.1

Res No: 10-0417

That the Commissioner grant development approval for proposed Holiday Accommodation at Lot 380 (32) Corella Court, Exmouth subject to the following conditions:

- 10. The use being carried out in accordance with the stamped approved plans (PA37/17), the Shire of Exmouth Town Planning Scheme No. 3 and Policy No. 6.12 - Holiday Accommodation together with any annotations detailed thereon by the Shire;**
- 11. The maximum number of overnight occupants allowed within the dwelling shall be twelve (12) persons, with the maximum number of persons per bedroom being in accordance with the schedule below. This Schedule shall be displayed in a prominent location in the dwelling at all times:**

Schedule : Allowable Occupants: Lot 380 (32) Corella Court, Exmouth

Bedroom 1 : Total floor space: 18.49m², Approximate Air Space: 55.47m³

Allowable occupants : 3 adults OR 2 adults and 3 children OR 1 adult and 5 children OR 6 children

Bedroom 2 : Total floor space: 13.80m², Approximate Air Space: 41.4m³

Allowable occupants : 2 adults OR 2 adults and 1 child OR 1 adult and 3 children OR 5 children

Bedroom 3 : Total floor space: 15.44m², Approximate Air Space: 46.32m³

Allowable occupants : 3 adults OR 2 adults and 2 children OR 1 adult and 4 children OR 5 children

Bedroom 4 : Total floor space: 19.22m², Approximate Air Space: 51.89m³
Allowable occupants : 3 adults OR 3 adults and 1 child OR 2 adults and 2 children OR 1 adult and 4 children OR 6 children

Bedroom 5 : Total floor space: 18.47m², Approximate Air Space: 49.87m³
Allowable occupants : 3 adults OR 2 adults and 2 children OR 1 adult and 4 children OR 6 children

Bedroom 6 : Total floor space: 19.35m², Approximate Air Space: 52.25m³
Allowable occupants : 3 adults OR 2 adults and 3 children OR 1 adult and 4 children OR 6 children

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

**The air space is calculated with a 3m ceiling height for Bedrooms 1, 2, 3, on the Ground floor and a 2.7m ceiling height for Bedrooms 4, 5, 6 on the First floor.

12. The maximum number permitted for the parking of vehicles is three (3) and for trailers is two (2), which includes trailers with or without a boat, however the total combination of vehicles and trailers parked at the property shall not exceed four (4) which shall be contained fully within the property boundaries;
13. The property shall provide at least three (3) 240 litre rubbish bins prior to the use commencing;
14. The Management Statement and Tenant Code of Conduct shall be clearly displayed within the premises and complied with at all times;
15. The Emergency Response Plan shall be clearly displayed within the premises and complied at all times, plus:
 - a fire extinguisher shall be provided in a clearly visible location marked on the emergency response plan and maintained in proper working order; and
 - no fires are to be lit outside with the exception of a gas or electric barbeque.
16. The property shall be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;
17. The property not being used for the use hereby granted until an inspection has been carried out by a Shire Officer and that Officer is satisfied that the conditions of this approval hereby granted have been complied with; and
18. This approval is valid until 30 September 2017. Following its expiry an annual permit is required. The Shire will notify owners about the date of expiry and that a new permit is required should the property continue to be used for holiday accommodation. Should three (3) or more substantiated complaints be received in regard to the Holiday Accommodation, Council may resolve to refuse renewal.

Advice

- ix) The approval granted is not to be construed as approval granted under the *Building Act 2011*, *Building Regulations 2012* or any other statutory approval required.
- x) Complaints received due to the activity resulting in increase in traffic, noise emission, disturbance to or loss of amenity to the area may be considered as a basis for non-renewal in accordance with Council's *Policy No. 6.12 - Holiday Accommodation*.

- xi) **This approval does not permit the road verge or adjoining/nearby vacant land to be used for the parking of vehicles and trailers. Occupants shall be advised of this prior to booking.**
- xii) **The noise generated by any activities on-site shall not exceed the levels as set out under the *Environmental Protection (Noise) Regulations 1997*.**
- xiii) **In accordance with the *Health Act 1911* and Shire Local Laws the number of persons per room shall accord with the following:**
- **For every person over the age of 10 years, there is to be a minimum of 14 cubic metres of air space per person; and**
 - **For every person between the ages of 1 & 10 years, there is to be a minimum of 8 cubic metres of air space per person.**
- xiv) **The *Health (Aquatic Facilities) Regulations 2007* require that a Certificate of Compliance and a Permit to Operate from the Executive Director, Public Health (EDPH) for the 'aquatic facility' be obtained i.e. the Department of Health (WA) is the approving authority, not the Shire of Exmouth.**
- xv) **Whether an aquatic facility is approved by the EDPH or not, regulation 21 prescribes that an Environmental Health Officer, or a person under the direction of an Environmental Health Officer, collects 2 water samples (one for bacteria, one for amoeba) from each water body of each aquatic facility in the district at least once per month. The owner/property manager must therefore make suitable arrangements for the Shire's Water Sampling Officer to access the property to obtain the water samples.**
- xvi) **If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.**

CARRIED 1/0

15.2 HOLIDAY ACCOMMODATION – LOT 403 (20) MADAFFARI DRIVE, EXMOUTH

File Reference:	A1588; PA23/17
Responsible Officer:	Executive Manager Town Planning Services
Date of Report:	4 April 2017
Applicant/Proponent:	Ray White t/a Exmouth Holidays
Disclosure of Interest:	Nil
Attachment(s):	1. Development Application 2. Parking Assessment

PURPOSE

That Council consider granting conditional development approval for a proposed Holiday Accommodation at Lot 403 (20) Madaffari Drive, Exmouth.

BACKGROUND

The subject lot has a substantially constructed dwelling, is approximately 1059m² in area and zoned Marina in *Town Planning Scheme No. 3*. The subject property is a canal lot located in the Exmouth Marina Village Precinct 'A'. The current development approvals are for a Jetty (PA157/13), a Single Dwelling (PA155/14) and for an Alfresco Extension, Fencing, Swimming Pool, Retaining Walls and Stairs (PA49/16). The aerial image below identifies Lot 403 (20) Madaffari Drive where the proponent seeks development approval for Holiday Accommodation use.

Location Plan - Lot 403 (20) Madaffari Drive, Exmouth



COMMENT

The proposal has been assessed against *Town Planning Scheme No. 3* (Scheme), *Policy No. 6.12 - Holiday Accommodation*, *Policy No. 6.16 - Design Guidelines for Exmouth Marina Village Precinct A* and the *Planning and Development (Local Planning Schemes) Regulations 2015*. Policy No. 6.16 states

land uses are to be in accordance with the Residential zone of the Scheme. Table 1 of the Scheme defines Holiday Accommodation as an 'SA' use in the residential zone meaning the use is not permitted unless Council has granted development approval after consultation with affected neighbours.

Relevant Policy 6.12 objectives:

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

This application generally accords with Policy 6.12, however, there are a number of areas where the application needs to be modified, as discussed below.

Number of Occupants

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

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

Officers have calculated the permissible number of occupants per bedroom:

Schedule : Allowable Occupants: Lot 403 (20) Madaffari Drive, Exmouth

Bedroom 1: Total floor space: 18.44m², Approximate Air Space: 49.79m³
Allowable occupants: 3 adults OR 2 adults and 2 children OR 1 adult and 4 children OR 6 children

Bedroom 2: Total floor space: 17.51m², Approximate Air Space: 47.28m³
Allowable occupants: 3 adults OR 2 adults and 2 children OR 1 adult and 4 children OR 5 children

Bedroom 3: Total floor space: 13.88m², Approximate Air Space: 37.48m³
Allowable occupants: 2 adults OR 1 adult and 2 children OR 4 children

Bedroom 4: Total floor space: 13.88m², Approximate Air Space: 37.48m³
Allowable occupants: 2 adults OR 1 adult and 2 children OR 4 children

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

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

Occupancy Levels

As per the assessment above, the maximum number of overnight occupants allowed within the dwelling at the same time shall be twelve (12) persons in accordance with Policy No. 6.12. This includes no more than ten (10) occupants over the age of 10 at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws. Potential occupants shall be advised of this prior to booking.

Number of Vehicles

Policy No. 6.12 states that car parking shall be calculated on the basis of four persons per vehicle. Therefore, a minimum of three (3) vehicle parking spaces need to be provided for the maximum occupation of twelve (12) people within the Holiday Accommodation. Furthermore, the maximum permissible number of vehicles permitted at the property under Policy No. 6.12 is three (3) vehicles and two (2) trailers, which include trailers with a boat, being a total of five (5) parking spaces. The Officers assessment concludes that a maximum of five (5) parking spaces are available within the property boundaries in accordance with the minimum dimensions prescribed by the Scheme (refer Attachment 2).

Management Plan and Code of Conduct

The applicant has submitted a copy of the proposed Management Plan, Tenant Code of Conduct (House Rules for Guests and Visitors) and an Emergency Response Plan as per the requirements of Policy 6.12. The documentation is considered sufficient to achieve the desired management framework. A condition is recommended to ensure the occupancy numbers are written clearly to reflect the relevant Scheme provisions and approval by Council.

Having regard to the above, it is recommended that development approval is granted for Holiday Accommodation at Lot 403 (20) Madaffari Drive, Exmouth subject to conditions which achieve compliance with Councils planning framework.

CONSULTATION

In accordance with the requirements of the Scheme adjoining impacted neighbours were invited to comment on the proposal from Thursday 16 February 2017 until Thursday 2 March 2017, for a period of 14 days. A summary is tabled below:

Property Referred	Submitters Response	Officer Comments
Lot 402 (18) Madaffari Drive	Do not object. It would help if the Managing Agent advises all guests/friends/relatives of Lot 403 that vacant adjoining Lot 402 cannot be used by them for any purpose without the prior permission of the owners of Lot 402.	Noted. This issue is addressed in the standard advice notes for holiday accommodation approvals.
Lot 404 (22) Madaffari Drive	Do not object	Noted.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Town Planning Scheme No. 3

POLICY IMPLICATIONS

Policy No. 6.12 - Holiday Accommodation

Policy No. 6.16 - Design Guidelines for Exmouth Marina Village Precinct A

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

- Economic: 1 To be a diverse and innovative economy with a range of local employment opportunities.
 1.2 *Planned and balanced economic growth.*
 1.3 *Diverse tourism opportunities.*
- Civic Leadership: 4 To work together as custodians of now and the future.
 4.1 *To be a collaborative community with the capacity to manage the current and future direction of Exmouth.*
 4.2 *A local government that is respected, professional, trustworthy and accountable.*

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 15.2

That Council grants development approval for Holiday Accommodation upon Lot 403 (20) Madaffari Drive, Exmouth subject to the following conditions:

- The use being carried out in accordance with the stamped approved plans (PA23/17), the Shire of Exmouth *Town Planning Scheme No. 3* and *Policy No. 6.12 - Holiday Accommodation* together with any annotations detailed thereon by the Shire;
- The maximum number of overnight occupants allowed within the dwelling shall be twelve (12) persons, with the maximum number of persons per bedroom being in accordance with the schedule below. This Schedule shall be displayed in a prominent location in the dwelling at all times:

Schedule : Allowable Occupants: Lot 403 (20) Madaffari Drive, Exmouth

Bedroom 1: Total floor space: 18.44m², Approximate Air Space: 49.79m³
Allowable occupants: 3 adults OR 2 adults and 2 children OR 1 adult and 4 children OR 6 children

Bedroom 2: Total floor space: 17.51m², Approximate Air Space: 47.28m³
Allowable occupants: 3 adults OR 2 adults and 2 children OR 1 adult and 4 children OR 5 children

Bedroom 3: Total floor space: 13.88m², Approximate Air Space: 37.48m³
Allowable occupants: 2 adults OR 1 adult and 2 children OR 4 children

Bedroom 4: Total floor space: 13.88m², Approximate Air Space: 37.48m³
Allowable occupants: 2 adults OR 1 adult and 2 children OR 4 children

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

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

- The maximum number permitted for the parking of vehicles is three (3) and for trailers is two (2), which includes trailers with or without a boat;
- The property shall provide at least three (3) 240 litre rubbish bins prior to the use commencing;
- The Management Statement and Tenant Code of Conduct shall be clearly displayed within the premises and complied with at all times;

6. The Emergency Response Plan shall be clearly displayed within the premises and complied at all times, plus:
 - a fire extinguisher shall be provided in a clearly visible location marked on the emergency response plan and maintained in proper working order; and
 - no fires are to be lit outside with the exception of a gas or electric barbeque.
7. The property shall be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;
8. The property not being used for the use hereby granted until an inspection has been carried out by a Shire Officer and that Officer is satisfied that the conditions of this approval hereby granted have been complied with; and
19. This approval is valid until 30 September 2017. Following its expiry an annual permit is required. The Shire will notify owners about the date of expiry and that a new permit is required should the property continue to be used for Holiday Accommodation. Should three (3) or more substantiated complaints be received in regard to the Holiday Accommodation, Council may resolve to refuse renewal.

Advice

- i. The approval granted is not to be construed as approval granted under the *Building Act 2011*, *Building Regulations 2012* or any other statutory approval required.
- ii. Complaints received due to the activity resulting in increase in traffic, noise emission, disturbance to or loss of amenity to the area may be considered as a basis for non-renewal in accordance with Council's Policy No. 6.12 - Holiday Accommodation.
- iii. This approval does not permit the road verge or adjoining/nearby vacant land to be used for the parking of vehicles and trailers. Occupants shall be advised of this prior to booking.
- iv. The noise generated by any activities on-site shall not exceed the levels as set out under the *Environmental Protection (Noise) Regulations 1997*.
- v. In accordance with the *Health Act 1911* and Shire Local Laws the number of persons per room shall accord with the following:
 - For every person over the age of 10 years, there is to be a minimum of 14 cubic metres of air space per person; and
 - For every person between the ages of 1 & 10 years, there is to be a minimum of 8 cubic metres of air space per person.
- vi. The *Health (Aquatic Facilities) Regulations 2007* require that a Certificate of Compliance and a Permit to Operate from the Executive Director, Public Health (EDPH) for the 'aquatic facility' be obtained i.e. the Department of Health (WA) is the approving authority, not the Shire of Exmouth.
- vii. Whether an aquatic facility is approved by the EDPH or not, regulation 21 prescribes that an Environmental Health Officer, or a person under the direction of an Environmental Health Officer, collects 2 water samples (one for bacteria, one for amoeba) from each water body of each aquatic facility in the district at least once per month. The owner/property manager

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

- viii. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

COUNCIL RESOLUTION
ITEM 15.2

Res No: 11-0417

That the Commissioner grants development approval for Holiday Accommodation upon Lot 403 (20) Madaffari Drive, Exmouth subject to the following conditions:

- 1. The use being carried out in accordance with the stamped approved plans (PA23/17), the Shire of Exmouth *Town Planning Scheme No. 3* and *Policy No. 6.12 - Holiday Accommodation* together with any annotations detailed thereon by the Shire;**
- 2. The maximum number of overnight occupants allowed within the dwelling shall be twelve (12) persons, with the maximum number of persons per bedroom being in accordance with the schedule below. This Schedule shall be displayed in a prominent location in the dwelling at all times:**

Schedule : Allowable Occupants: Lot 403 (20) Madaffari Drive, Exmouth

Bedroom 1: Total floor space: 18.44m², Approximate Air Space: 49.79m³
Allowable occupants: 3 adults OR 2 adults and 2 children OR 1 adult and 4 children OR 6 children

Bedroom 2: Total floor space: 17.51m², Approximate Air Space: 47.28m³
Allowable occupants: 3 adults OR 2 adults and 2 children OR 1 adult and 4 children OR 5 children

Bedroom 3: Total floor space: 13.88m², Approximate Air Space: 37.48m³
Allowable occupants: 2 adults OR 1 adult and 2 children OR 4 children

Bedroom 4: Total floor space: 13.88m², Approximate Air Space: 37.48m³
Allowable occupants: 2 adults OR 1 adult and 2 children OR 4 children

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

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

- 3. The maximum number permitted for the parking of vehicles is three (3) and for trailers is two (2), which includes trailers with or without a boat;**
- 4. The property shall provide at least three (3) 240 litre rubbish bins prior to the use commencing;**
- 5. The Management Statement and Tenant Code of Conduct shall be clearly displayed within the premises and complied with at all times;**
- 6. The Emergency Response Plan shall be clearly displayed within the premises and complied at all times, plus:**

- a fire extinguisher shall be provided in a clearly visible location marked on the emergency response plan and maintained in proper working order; and
 - no fires are to be lit outside with the exception of a gas or electric barbeque.
7. The property shall be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;
8. The property not being used for the use hereby granted until an inspection has been carried out by a Shire Officer and that Officer is satisfied that the conditions of this approval hereby granted have been complied with; and
20. This approval is valid until 30 September 2017. Following its expiry an annual permit is required. The Shire will notify owners about the date of expiry and that a new permit is required should the property continue to be used for Holiday Accommodation. Should three (3) or more substantiated complaints be received in regard to the Holiday Accommodation, Council may resolve to refuse renewal.

Advice

- i. The approval granted is not to be construed as approval granted under the *Building Act 2011*, *Building Regulations 2012* or any other statutory approval required.
- ii. Complaints received due to the activity resulting in increase in traffic, noise emission, disturbance to or loss of amenity to the area may be considered as a basis for non-renewal in accordance with Council's Policy No. 6.12 - Holiday Accommodation.
- iii. This approval does not permit the road verge or adjoining/nearby vacant land to be used for the parking of vehicles and trailers. Occupants shall be advised of this prior to booking.
- iv. The noise generated by any activities on-site shall not exceed the levels as set out under the *Environmental Protection (Noise) Regulations 1997*.
- v. In accordance with the *Health Act 1911* and Shire Local Laws the number of persons per room shall accord with the following:
 - For every person over the age of 10 years, there is to be a minimum of 14 cubic metres of air space per person; and
 - For every person between the ages of 1 & 10 years, there is to be a minimum of 8 cubic metres of air space per person.
- vi. The *Health (Aquatic Facilities) Regulations 2007* require that a Certificate of Compliance and a Permit to Operate from the Executive Director, Public Health (EDPH) for the 'aquatic facility' be obtained i.e. the Department of Health (WA) is the approving authority, not the Shire of Exmouth.
- vii. Whether an aquatic facility is approved by the EDPH or not, regulation 21 prescribes that an Environmental Health Officer, or a person under the direction of an Environmental Health Officer, collects 2 water samples (one for bacteria, one for amoeba) from each water body of each aquatic facility in the district at least once per

month. The owner/property manager must therefore make suitable arrangements for the Shire's Water Sampling Officer to access the property to obtain the water samples.

- viii. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.**

CARRIED 1/0

15.3 HOLIDAY ACCOMMODATION – LOT 375 (22) CORELLA COURT, EXMOUTH

File Reference:	A1507; PA24/17
Responsible Officer:	Executive Manager Town Planning Services
Date of Report:	4 April 2017
Applicant/Proponent:	Mark Hutchinson
Disclosure of Interest:	Nil
Attachment(s):	1. Floor Plan 2. Parking Assessment

PURPOSE

That Council consider granting conditional development approval for a proposed Holiday Accommodation at Lot 375 (22) Corella Court, Exmouth.

BACKGROUND

The subject lot has a substantially constructed dwelling, is approximately 906m² in area and is zoned Marina in *Town Planning Scheme No. 3*. The subject property is a canal lot located in the Exmouth Marina Village Precinct 'A'. Development approvals currently in effect at the property are for a Jetty (PA155/12) and Single Dwelling (PA55/13). The aerial image below identifies Lot 375 (22) Corella Court where the proponent seeks development approval for Holiday Accommodation use.

Location Plan - Lot 375 (22) Corella Court, Exmouth



COMMENT

The proposal has been assessed against *Town Planning Scheme No. 3 (Scheme)*, *Policy No. 6.12 - Holiday Accommodation*, *Policy No. 6.16 - Design Guidelines for Exmouth Marina Village Precinct A* and the *Planning and Development (Local Planning Schemes) Regulations 2015*. Policy No. 6.16 states land uses are to be in accordance with the Residential zone of the Scheme. Table 1 of the Scheme defines Holiday Accommodation as an 'SA' use in the residential zone meaning the use is not permitted unless Council has granted development approval after consultation with affected neighbours.

Relevant Policy 6.12 objectives:

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

This application generally accords with Policy 6.12, however, there are a number of areas where the application needs to be modified, as discussed below.

Number of Occupants

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

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

Officers have calculated the permissible number of occupants per bedroom:

Schedule : Allowable Occupants: Lot 375 (22) Corella Court, Exmouth

Master : Total floor space: 30.27m², Approximate Air Space: 81.73m³

Allowable occupants: 5 adults OR 4 adults and 3 children OR 3 adults and 4 children OR 2 adults and 6 children OR 1 adult and 8 children OR 10 children

Bedroom 1 : Total floor space: 9.86m², Approximate Air Space: 26.62m³

Allowable occupants: 1 adult OR 1 adult and 1 child OR 3 children

Bedroom 2 : Total floor space: 13.47m², Approximate Air Space: 36.37m³

Allowable occupants: 2 adults OR 1 adult and 2 children OR 4 children

Bedroom 3 : Total floor space: 11.1m², Approximate Air Space: 29.97m³

Allowable occupants: 2 adults OR 1 adult and 1 child OR 3 children

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

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

Occupancy Levels

As per the assessment above, the maximum number of overnight occupants allowed within the dwelling at the same time shall be twelve (12) persons in accordance with Policy No. 6.12. This includes no more than ten (10) occupants over the age of 10 at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws. Potential occupants shall be advised of this prior to booking.

Number of Vehicles

Policy No. 6.12 states that car parking shall be calculated on the basis of four persons per vehicle. Therefore, a minimum of three (3) vehicle parking spaces need to be provided for the maximum occupation of twelve (12) people within the Holiday Accommodation. Furthermore, the maximum permissible number of vehicles permitted at the property under Policy No. 6.12 is three (3) vehicles and two (2) trailers, which include trailers with a boat. The Officers assessment concludes that a maximum of four (4) parking spaces are available within the property boundaries in accordance with the minimum dimensions prescribed by the Scheme (refer to Attachment 2). Therefore, the proposal can comply with the minimum and maximum parking requirements.

Management Plan and Code of Conduct

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

Having regard to the above, it is recommended that development approval is granted for Holiday Accommodation at Lot 375 (22) Corella Court, Exmouth subject to conditions which achieves compliance with Councils planning framework.

CONSULTATION

In accordance with the requirements of the Scheme adjoining impacted neighbours were invited to comment on the proposal from Monday 20 February 2017 until Monday 6 March 2017, for a period of 14 days. A summary is tabled below:

Property Referred	Submitters Response	Officer Comments
Lot 373 (18) Corella Court	Nil	
Lot 374 (20) Corella Court	Do not object. Tenants are not to use pontoon on our property. Owners will be obliged to counter-sign our plans.	Noted. This issue is addressed in the standard advice notes for all holiday accommodation approvals. This is not a planning consideration.
Lot 376 (24) Corella Court	Do not object.	Noted.
Lot 377 (26) Corella Court	Nil	
Lot 389 (21) Corella Court	Nil	
Lot 388 (23) Corella Court	Nil	
Lot 387 (25) Corella Court	Nil	
Lot 386 (27) Corella Court	Nil	

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Town Planning Scheme No. 3

POLICY IMPLICATIONS

Policy No. 6.12 - Holiday Accommodation

Policy No. 6.16 - Design Guidelines for Exmouth Marina Village Precinct A

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

- Economic: 1 To be a diverse and innovative economy with a range of local employment opportunities.
- 1.2 *Planned and balanced economic growth.*
- 1.3 *Diverse tourism opportunities.*
- Civic Leadership: 4 To work together as custodians of now and the future.
- 4.1 *To be a collaborative community with the capacity to manage the current and future direction of Exmouth.*
- 4.2 *A local government that is respected, professional, trustworthy and accountable.*

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 15.3

That Council grants development approval for proposed Holiday Accommodation at Lot 375 (22) Corella Court, Exmouth subject to the following conditions:

1. The use being carried out in accordance with the stamped approved plans (PA24/17), the Shire of Exmouth Town Planning Scheme No. 3 and Policy No. 6.12 - Holiday Accommodation together with any annotations detailed thereon by the Shire;
2. The maximum number of overnight occupants allowed within the dwelling shall be twelve (12) persons, with the maximum number of persons per bedroom being in accordance with the schedule below. This Schedule shall be displayed in a prominent location in the dwelling at all times:

Schedule : Allowable Occupants: Lot 375 (22) Corella Court, Exmouth

Master : Total floor space: 30.27m², Approximate Air Space: 81.73m³

Allowable occupants: 5 adults OR 4 adults and 3 children OR 3 adults and 4 children OR 2 adults and 6 children OR 1 adult and 8 children OR 10 children

Bedroom 1 : Total floor space: 9.86m², Approximate Air Space: 26.62m³

Allowable occupants: 1 adult OR 1 adult and 1 child OR 3 children

Bedroom 2 : Total floor space: 13.47m², Approximate Air Space: 36.37m³

Allowable occupants: 2 adults OR 1 adult and 2 children OR 4 children

Bedroom 3 : Total floor space: 11.1m², Approximate Air Space: 29.97m³

Allowable occupants: 2 adults OR 1 adult and 1 child OR 3 children

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

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

3. The maximum number permitted for the parking of vehicles is three (3) and for trailers is two (2), which includes trailers with or without a boat, however the total combination of vehicles and trailers parked at the property shall not exceed four (4) which shall be contained fully within the property boundaries;
4. The property shall provide at least three (3) 240 litre rubbish bins prior to the use commencing;
5. The Management Statement and Tenant Code of Conduct shall be clearly displayed within the premises and complied with at all times;
6. The Emergency Response Plan shall be clearly displayed within the premises and complied at all times, plus:
 - a. a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and
 - b. no fires are to be lit outside with the exception of a gas or electric barbeque.
7. The property shall be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;
8. The property not being used for the use hereby granted until an inspection has been carried out by a Shire Officer and that Officer is satisfied that the conditions of this approval hereby granted have been complied with; and
9. This approval is valid until 30 September 2017. Following its expiry an annual permit is required. The Shire will notify owners about the date of expiry and that a new permit is required should the property continue to be used for holiday accommodation. Should three (3) or more substantiated complaints be received in regard to the Holiday Accommodation, Council may resolve to refuse renewal.

Advice

- i. The approval granted is not to be construed as approval granted under the *Building Act 2011*, *Building Regulations 2012* or any other statutory approval required.
- ii. Complaints received due to the activity resulting in increase in traffic, noise emission, disturbance to or loss of amenity to the area may be considered as a basis for non-renewal in accordance with Council's Policy No. 6.12 - Holiday Accommodation.
- iii. This approval does not permit the road verge or adjoining/nearby vacant land to be used for the parking of vehicles and trailers. Occupants shall be advised of this prior to booking.
- iv. The noise generated by any activities on-site shall not exceed the levels as set out under the *Environmental Protection (Noise) Regulations 1997*.
- v. In accordance with the *Health Act 1911* and Shire Local Laws the number of persons per room shall accord with the following:
 - For every person over the age of 10 years, there is to be a minimum of 14 cubic metres of air space per person; and
 - For every person between the ages of 1 & 10 years, there is to be a minimum of 8 cubic metres of air space per person.
- vi. The *Health (Aquatic Facilities) Regulations 2007* require that a Certificate of Compliance and a Permit to Operate from the Executive Director, Public Health (EDPH) for the 'aquatic facility' be obtained i.e. the Department of Health (WA) is the approving authority, not the Shire of Exmouth.
- vii. Whether an aquatic facility is approved by the EDPH or not, regulation 21 prescribes that an Environmental Health Officer, or a person under the direction of an Environmental Health Officer, collects 2 water samples (one for bacteria, one for amoeba) from each water body of each aquatic facility in the district at least once per month. The owner/property manager must therefore make suitable arrangements for the Shire's Water Sampling Officer to access the property to obtain the water samples.
- viii. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

COUNCIL RESOLUTION**ITEM 15.3****Res No: 12-0417****That the Commissioner grants development approval for proposed Holiday Accommodation at Lot 375 (22) Corella Court, Exmouth subject to the following conditions:**

- 1. The use being carried out in accordance with the stamped approved plans (PA24/17), the Shire of Exmouth Town Planning Scheme No. 3 and Policy No. 6.12 - Holiday Accommodation together with any annotations detailed thereon by the Shire;**

2. The maximum number of overnight occupants allowed within the dwelling shall be twelve (12) persons, with the maximum number of persons per bedroom being in accordance with the schedule below. This Schedule shall be displayed in a prominent location in the dwelling at all times:

<p>Schedule : Allowable Occupants: Lot 375 (22) Corella Court, Exmouth</p> <p>Master : Total floor space: 30.27m², Approximate Air Space: 81.73m³ Allowable occupants: 5 adults OR 4 adults and 3 children OR 3 adults and 4 children OR 2 adults and 6 children OR 1 adult and 8 children OR 10 children</p> <p>Bedroom 1 : Total floor space: 9.86m², Approximate Air Space: 26.62m³ Allowable occupants: 1 adult OR 1 adult and 1 child OR 3 children</p> <p>Bedroom 2 : Total floor space: 13.47m², Approximate Air Space: 36.37m³ Allowable occupants: 2 adults OR 1 adult and 2 children OR 4 children</p> <p>Bedroom 3 : Total floor space: 11.1m², Approximate Air Space: 29.97m³ Allowable occupants: 2 adults OR 1 adult and 1 child OR 3 children</p> <p>*Note: All persons over the age of 10 years require a minimum of 14 cubic metres of air space per person. Children aged up to 10 years require a minimum of 8 cubic metres of air space each. As such, the term 'adult' has been used for persons over the age of 10 years.</p> <p>**The air space is calculated with a 2.7m ceiling height.</p>

3. The maximum number permitted for the parking of vehicles is three (3) and for trailers is two (2), which includes trailers with or without a boat, however the total combination of vehicles and trailers parked at the property shall not exceed four (4) which shall be contained fully within the property boundaries;
4. The property shall provide at least three (3) 240 litre rubbish bins prior to the use commencing;
5. The Management Statement and Tenant Code of Conduct shall be clearly displayed within the premises and complied with at all times;
6. The Emergency Response Plan shall be clearly displayed within the premises and complied at all times, plus:
- a. a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and
 - b. no fires are to be lit outside with the exception of a gas or electric barbeque.
7. The property shall be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;
8. The property not being used for the use hereby granted until an inspection has been carried out by a Shire Officer and that Officer is satisfied that the conditions of this approval hereby granted have been complied with; and

9. This approval is valid until 30 September 2017. Following its expiry an annual permit is required. The Shire will notify owners about the date of expiry and that a new permit is required should the property continue to be used for holiday accommodation. Should three (3) or more substantiated complaints be received in regard to the Holiday Accommodation, Council may resolve to refuse renewal.

Advice

- i. The approval granted is not to be construed as approval granted under the *Building Act 2011*, *Building Regulations 2012* or any other statutory approval required.
- ii. Complaints received due to the activity resulting in increase in traffic, noise emission, disturbance to or loss of amenity to the area may be considered as a basis for non-renewal in accordance with Council's Policy No. 6.12 - Holiday Accommodation.
- iii. This approval does not permit the road verge or adjoining/nearby vacant land to be used for the parking of vehicles and trailers. Occupants shall be advised of this prior to booking.
- iv. The noise generated by any activities on-site shall not exceed the levels as set out under the *Environmental Protection (Noise) Regulations 1997*.
- v. In accordance with the *Health Act 1911* and Shire Local Laws the number of persons per room shall accord with the following:
 - For every person over the age of 10 years, there is to be a minimum of 14 cubic metres of air space per person; and
 - For every person between the ages of 1 & 10 years, there is to be a minimum of 8 cubic metres of air space per person.
- vi. The *Health (Aquatic Facilities) Regulations 2007* require that a Certificate of Compliance and a Permit to Operate from the Executive Director, Public Health (EDPH) for the 'aquatic facility' be obtained i.e. the Department of Health (WA) is the approving authority, not the Shire of Exmouth.
- vii. Whether an aquatic facility is approved by the EDPH or not, regulation 21 prescribes that an Environmental Health Officer, or a person under the direction of an Environmental Health Officer, collects 2 water samples (one for bacteria, one for amoeba) from each water body of each aquatic facility in the district at least once per month. The owner/property manager must therefore make suitable arrangements for the Shire's Water Sampling Officer to access the property to obtain the water samples.
- viii. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

CARRIED 1/0

15.4 HOLIDAY ACCOMMODATION – LOT 29 (17) LEARMONTH STREET, EXMOUTH

File Reference:	A876; PA28/17
Responsible Officer:	Executive Manager Town Planning Services
Date of Report:	4 April 2017
Applicant/Proponent:	Exmouth Cape Real Estate
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none">1. Floor Plan2. Parking assessment3. Submission from Neighbour

PURPOSE

That Council consider granting conditional development approval for a proposed Holiday Accommodation at Lot 29 (17) Learmonth Street, Exmouth.

BACKGROUND

The subject lot has an ex US Navy house and the applicant wishes to apply for a change of use to Holiday Accommodation. The lot is approximately 875m² in area and is zoned Residential R17.5 in *Town Planning Scheme No. 3*. There are no current development approvals for the subject lot because the property was developed prior to the commencement of the Scheme. The aerial image below identifies Lot 29 (17) Learmonth Street where the proponent seeks development approval for Holiday Accommodation use.

Location Plan - Lot 29 (17) Learmonth Street, Exmouth



COMMENT

The proposal has been assessed against *Town Planning Scheme No. 3 (Scheme), Policy No. 6.12 - Holiday Accommodation* and the *Planning and Development (Local Planning Schemes) Regulations 2015*. Table 1 of the Scheme defines Holiday Accommodation as an 'SA' use in the Residential zone meaning the use is not permitted unless Council has granted development (planning) approval after consultation with affected neighbours.

Relevant Policy 6.12 objectives:

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

This application generally accords with Policy 6.12, however, there are a number of areas where the application needs to be modified, as discussed below.

Number of Occupants

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

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

Officers have calculated the permissible number of occupants per bedroom:

Schedule 1: Allowable Occupants: Lot 29 (17) Learmonth Street, Exmouth

Bedroom 1: Total floor space: 14.13m², Approximate Air Space: 34.90m³
Allowable occupants: 2 adults OR 1 adult and 2 children OR 4 children

Bedroom 2: Total floor space: 11.53m², Approximate Air Space: 28.48m³
Allowable occupants: 2 adults OR 1 adult and 1 child OR 3 children

Bedroom 3: Total floor space: 7.75m², Approximate Air Space: 19.14m³
Allowable occupants: 1 adult OR 2 children

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

**The air space is calculated with an average ceiling height of 2.47m.

Occupancy Levels

As per the assessment above, the maximum number of overnight occupants allowed within the dwelling at the same time shall be eight (8) persons in accordance with Policy 6.12. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws. Potential occupants shall be advised of this prior to booking.

Number of Vehicles

Policy 6.12 states that car parking shall be calculated on the basis of four persons per vehicle. Therefore, to permit the maximum occupation of the Holiday Accommodation a minimum of two (2) parking spaces are required. The maximum permissible number of vehicles permitted at the property under Policy No. 6.12 is three (3) vehicles and two (2) trailers, which include trailers with a boat, being a total of five (5) parking spaces. The Officers assessment concludes that a maximum of five (5) parking spaces are available within the property boundaries in accordance with the minimum dimensions prescribed by the Scheme (refer Attachment 2).

Management Plan and Code of Conduct

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

Having regard to the above, it is recommended that development approval is granted for Holiday Accommodation at Lot 29 (17) Learmonth Street, Exmouth subject to conditions which achieve compliance with Councils planning framework.

CONSULTATION

In accordance with the requirements of the Scheme adjoining impacted neighbours were invited to comment on the proposal from Thursday 9 March 2017 until Thursday 23 March 2017, for a period of 14 days. A summary is tabled below:

Property Referred	Submitters Response	Officer Comments
Lot 13 (13) Learmonth Street	Nil	Nil
Lot 30 (15) Learmonth Street	Nil	Nil
Lot 24 (10) Learmonth Street	Do not object. Make money.	Noted
Lot 25 (12) Learmonth Street	Nil	Nil
Lot 26 (14) Learmonth Street	Nil	Nil
Lot 27 (16) Learmonth Street	Nil	Nil
Lot 48 (30) Fyfe Street	Nil	Nil
Lot 49 (32) Fyfe Street	Nil	Nil
Lot 50 (21) Learmonth Street	Nil	Nil
Lot 1 (19A) Learmonth Street	Object. Parking (boat) at front of house accessed through truncated gateway entry or exit is across neighbours d/way and my verge & possibly over my garden sprinklers.	Noted. This issue is addressed in the standard advice notes for holiday accommodation approvals.
Lot 2 (19B) Learmonth Street	Object. The outline of the buildings of 17 Learmonth Street an area marked, and hi-lighted in green, for "Parking (Boat)". This plan does not	Noted. It shall be conditioned that access and egress

	<p>show the fence gates (I have marked them in red, not to scale) which open to my driveway.</p> <p>When open, the gate obstructs more than half of my driveway, approximately 245cms, causing a nuisance and hazard to myself and visitors. I am concerned that frequent use by heavier vehicles will cause damage to my private driveway. The gate cannot be used by large vehicles without them encroaching onto my private driveway. No-one has ever sought permission from me to have this access.</p> <p>The driveway is used all day and in the evenings by myself and others. I use it for my electric buggy and my Daughter and Son-in-Law park there (see attached photos) as do other visitors/workmen. The driveway is also used by me with my stroller and sometimes my walking stick. The back drive under shade cloth gets used for caravan and car storage.</p> <p>Whilst not welcoming the extra noise from the property being a holiday let I could possibly tolerate this if the gates remained padlocked at all times and no access/exit over my property is permitted. (Refer to Attachment 6)</p>	<p>to the property Lot 29 (17) Learmonth Street shall not occur through any of the adjoining properties' boundaries or driveways.</p>
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STATUTORY ENVIRONMENT

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Town Planning Scheme No. 3

POLICY IMPLICATIONS

Policy No. 6.12 - Holiday Accommodation

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

- Economic:
- 1 To be a diverse and innovative economy with a range of local employment opportunities.
 - 1.2 *Planned and balanced economic growth.*
 - 1.3 *Diverse tourism opportunities.*
- Civic Leadership:
- 4 To work together as custodians of now and the future.
 - 4.1 *To be a collaborative community with the capacity to manage the current and future direction of Exmouth.*
 - 4.2 *A local government that is respected, professional, trustworthy and accountable.*

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 15.4

That Council grants development approval for proposed Holiday Accommodation at Lot 29 (17) Learmonth Street, Exmouth subject to the following conditions:

1. The use being carried out in accordance with the stamped approved plans (PA29/17), the Shire of Exmouth *Town Planning Scheme No. 3* and *Policy No. 6.12 - Holiday Accommodation* together with any annotations detailed thereon by the Shire;
2. The maximum number of overnight occupants allowed within the dwelling shall be eight (8) persons, with the maximum number of persons per bedroom being in accordance with the schedule below. This Schedule shall be displayed in a prominent location in the dwelling at all times:

Schedule: Allowable Occupants: Lot 29 (17) Learmonth Street, Exmouth

Bedroom 1: Total floor space: 14.13m², Approximate Air Space: 34.90m³

Allowable occupants: 2 adults OR 1 adult and 2 children OR 4 children

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Allowable occupants: 2 adults OR 1 adult and 1 child OR 3 children

Bedroom 3: Total floor space: 7.75m², Approximate Air Space: 19.14m³

Allowable occupants: 1 adult OR 2 children

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

***The air space is calculated with an average ceiling height of 2.47m.*

3. The maximum number permitted for the parking of vehicles is three (3) and for trailers is two (2), which includes trailers with or without a boat;
4. Access and egress to Lot 29 (17) Learmonth Street, Exmouth shall not occur through any of the adjoining properties' boundaries or driveways;
5. The property shall provide at least two (2) 240 litre rubbish bins prior to the use commencing;
6. The Management Statement and Emergency Response Plan shall be complied with and clearly displayed within the premises at all times;
7. The Emergency Response Plan shall be clearly displayed within the premises and complied at all times, plus:
 - a fire extinguisher, shall be provided in a clearly visible location (and marked on the emergency response plan) and to be maintained in proper working order; and
 - no fires are to be lit outside with the exception of a gas or electric barbeque.
8. The property shall be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;

9. The property not being used for the use hereby granted until an inspection has been carried out by a Shire Officer and that Officer is satisfied that the conditions of this approval hereby granted have been complied with; and
10. This approval is valid until 30 September 2017. Following its expiry an annual permit is required. The Shire will notify owners about the date of expiry and that a new permit is required should the property continue to be used for holiday accommodation. Should three (3) or more substantiated complaints be received in regard to the Holiday Accommodation, Council may resolve to refuse renewal.

Advice

- i. The approval granted is not to be construed as approval granted under the *Building Act 2011*, *Building Regulations 2012* or any other statutory approval required.
- ii. Complaints received due to the activity resulting in increase in traffic, noise emission, disturbance to or loss of amenity to the area may be considered as a basis for non-renewal in accordance with Council's Policy No. 6.12 - Holiday Accommodation.
- iii. This approval does not permit the road verge or adjoining/nearby vacant land to be used for the parking of vehicles and trailers. Occupants shall be advised of this prior to booking.
- iv. The noise generated by any activities on-site shall not exceed the levels as set out under the *Environmental Protection (Noise) Regulations 1997*.
- v. In accordance with the *Health Act 1911* and Shire Local Laws the number of persons per room shall accord with the following:
 - a. For every person over the age of 10 years, there is to be a minimum of 14 cubic metres of air space per person; and
 - b. For every person between the ages of 1 & 10 years, there is to be a minimum of 8 cubic metres of air space per person.
- vi. The *Health (Aquatic Facilities) Regulations 2007* require that a Certificate of Compliance and a Permit to Operate from the Executive Director, Public Health (EDPH) for the 'aquatic facility' be obtained i.e. the Department of Health (WA) is the approving authority, not the Shire of Exmouth.
- vii. Whether an aquatic facility is approved by the EDPH or not, regulation 21 prescribes that an Environmental Health Officer, or a person under the direction of an Environmental Health Officer, collects 2 water samples (one for bacteria, one for amoeba) from each water body of each aquatic facility in the district at least once per month. The owner/property manager must therefore make suitable arrangements for the Shire's Water Sampling Officer to access the property to obtain the water samples.
- viii. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

OFFICER'S ALTERNATIVE RECOMMENDATION

The Officer requested the item be deferred until the next available Council Meeting due to a relevant submission being received, that was not included in the agenda report

COUNCIL RESOLUTION**ITEM 15.4**

Res No: 13-0417

That the Commissioner defer the item for determination at the next available Council Meeting.

CARRIED 1/0

15.5 ACTIVITY ON LOCAL GOVERNMENT PROPERTY – JET SKI HIRE, WATER SPORT ACTIVITIES, FLY BOARDING

File Reference:	PA36/17
Responsible Officer:	Executive Manager Town Planning Services
Date of Report:	4 April 2017
Applicant/Proponent:	Ultimate Watersports
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none">1. Site plan showing areas permitted for use by Ultimate Watersports2. Site plan showing areas not permitted for this activity at Town Beach

PURPOSE

That Council consider an application for an Activity on Local Government Property Permit for Jet Ski Hire, Water Sport Activities and Fly Boarding at Town Beach.

BACKGROUND

The applicant is requesting that Council approve the use of the beach in front of the car park next to the Exmouth Yacht Club at Town Beach for his business Ultimate Watersports. The proposed activities include jet skiing, wake boarding, tubing, fly boarding, stand up paddle boards and kayak hire from an 8m trailer which will be parked at the Yacht Club car park, the sale of water sports products such as wakeboards, tubing, water skis, boots and life jackets and also the sale of photos and videos of water sport activities from a trailer parked at the Yacht Club car park. This activity will have a minimum of two (2) staff members. Ultimate Watersports will have two (2) trailers parked on the Yacht Club car park i.e. one (1) x Jet Ski trailer and 1 x Shop trailer. The kayaks, stand up paddle boards and jet skis will be right on the beach in front of the Yacht Club car park (refer Attachment 1).

Ultimate Watersports is proposing this activity for a period of eight (8) months every year, i.e. from 1 March 2017 to 30 October 2017.

COMMENT

The proposal has been assessed against and is considered consistent with the *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law* and *Local Government Property Local Law*. This proposal is considered to be highly desirable so as to attract visitors to Town Beach. Therefore, it is recommended that Council approve the Jet Ski hire, water sport activities and fly boarding activities to operate in the proposed area at Town Beach as outlined by Attachment 1. Standard conditions of approval have been provided in the Officers Recommendation.

Ultimate Watersports has been given approval by the Department of Transport Marine Safety to conduct the proposed activities from Tantabiddi and within the Exmouth Gulf.

The relevant provisions of the *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law* are as follows:

Local Law Provisions	Officer Comment
<p><i>In determining an application for a permit for the purposes of this Division, the local government is to have regard to –</i></p> <p>(a) <i>any relevant policies of the local government;</i></p> <p>(b) <i>the desirability of the proposed activity;</i></p> <p>(c) <i>the location of the proposed activity;</i></p> <p>(d) <i>the principles set out in the Competition Principles Agreement;</i></p> <p>(e) <i>such other matters as the local government may consider to be relevant in the circumstances of the case.</i></p>	<p>The Shire has no specific policies for the use of shire ovals, parks or the beach.</p> <p>This proposal is considered to be highly desirable so as to attract visitors to Town Beach.</p> <p>Town Beach is easily accessible to all users whether they are driving, cycling or walking. This makes the location very suitable for those wishing to take part in this activity. Also similar activities are conducted from town beach therefore, making this location highly suitable for the proposed activity.</p> <p>The key guiding principle is that <i>“legislation should not restrict competition unless it can be demonstrated that:</i></p> <p><i>a) the benefits of the restriction to the community as a whole outweigh the costs; and</i></p> <p><i>b) the objectives of the legislation [Local Law] can only be achieved by restricting competition.”</i></p> <p>Council should consider the implications of approving long term permits at Town Beach. Consideration should be given to other operators and members of the public who currently make use of town beach for recreational or business activities.</p> <p>The application is recommended for approval to operate the proposed activities in the proposed location at Town Beach for the following reasons:</p> <ul style="list-style-type: none"> • Jet Ski hire, water sport activities and fly boarding activities at Town Beach will encourage the active use of Town Beach; • Town Beach is a suitable location for the activity; and • The proposed activity will complement existing and similar uses already operating from Town Beach.

<p><i>The local government may refuse to approve an application for a permit under this Division on any one or more of the following grounds;</i></p> <ul style="list-style-type: none"> - <i>that the applicant has committed a breach of any provision of this local law or of any written law relevant to the activity in respect of which the permit is sought;</i> - <i>that the applicant is not a desirable or suitable person to hold a permit;</i> - <i>such other grounds as the local government may consider to be relevant in the circumstances of the case.</i> 	<p>The proposed activity provides an additional service to the town. Currently the town has no commercial operators of Jet Ski hire, water sport activities and fly boarding activities. Therefore, such activities are a welcome addition to the various tourism activities we have in town.</p> <p>The applicant is proposing to operate at the proposed location for 8 months of the year from the 1st of March 2017 to 31 October 2017. Days and times are not stated. To encourage competition and meet the Competition Principles Agreement the activity is deemed suitable.</p>
<p><i>A stallholder or trader shall not –</i></p> <p><i>(a) attempt to conduct a business within a distance of 300m of any shop or permanent place of business and has for sale any goods or services of the kind being offered for sale by the stallholder or trader.</i></p>	<p>The proposed activity is not within 300m of any other permanent businesses offering Jet Ski hire, water sport activities and fly boarding activities.</p>

CONSULTATION

The applicant has also obtained approval from the Department of Transport Navigational Safety office. In an email to the applicant Ultimate Watersports dated 28 February 2017, the Department of Transport provided no objection to the proposal and provided the following comments:

Submission	Comments	Officer Comment
<p>Department of Transport, Navigational Safety</p>	<p>The Department of Transport (DoT) Navigational Safety has considered your proposal (as stated) in the attached) from a navigational safety perspective and has no objection providing that:</p> <ul style="list-style-type: none"> • All operations and activities are conducted in accordance with all relevant WA state and AMSA marine legislative provisions. • This advice does not exempt Ultimate Watersports Pty Ltd from identifying and obtaining all other relevant state and or federal approvals associated with or in conjunction with this proposal (e.g. Department of Parks and Wildlife, Department of Fisheries, Shire of Exmouth etc) 	<p>Noted. It is recommended that Council approve the jet ski hire, water sport activities and fly boarding activities to operate in the proposed area at Town Beach.</p>

STATUTORY ENVIRONMENT*Local Government Act 1995*

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

Local Government Property Local Law

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

This item is relevant to the Councils approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2012-2016.

- | | | |
|-------------------|-----|--|
| Economic: | 1 | <u>To be a diverse and innovative economy with a range of local employment opportunities.</u> |
| | 1.1 | <i>To increase the number of local businesses, industries and services that will provide a range of employment opportunities for the people of Exmouth.</i> |
| | 1.2 | <i>Planned and balanced economic growth.</i> |
| | 1.3 | <i>Diverse tourism opportunities.</i> |
| Environment: | 2 | <u>To have a balanced respect for our environment and heritage, both natural and built.</u> |
| | 2.1 | <i>To maintain and improve access and connectivity to our natural assets.</i> |
| | 2.2 | <i>Our pristine natural environment and biodiversity will be understood, maintained and protected.</i> |
| | 2.5 | <i>To make Exmouth an attractive town that is a comfortable and welcoming place to live and visit, and reflects the lifestyle values and unique natural environment.</i> |
| Social: | 3 | <u>To be a dynamic, passionate and safe community valuing natural and cultural heritage.</u> |
| | 3.1 | <i>Retain a safe community environment.</i> |
| | 3.2 | <i>Excellent lifestyle, recreational and cultural facilities.</i> |
| | 3.7 | <i>Residents and visitors have access to appropriate services and facilities to enhance their health and wellbeing.</i> |
| Civic Leadership: | 4 | <u>To work together as custodians of now and the future.</u> |
| | 4.2 | <i>A local government that is respected, professional, trustworthy and accountable.</i> |
| | 4.3 | <i>To be strong advocates representing the region's interests.</i> |

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION**ITEM 15.5**

That Council approve an Activity on Local Government Property for Jet Ski hire, Water Sport Activities and Fly Boarding at Town Beach subject to the following conditions;

1. Operation shall only occur within the area outlined in Attachments 1 and 2;
2. The Activity shall not occur within land or waters vested to the Department of Transport or the swimming beach area and closed waters as outlined by Attachment 2;

3. Parking to access the Activity shall be at the Exmouth Yacht Club car park;
4. The permit is valid until 31 October 2017;
5. Permit being displayed in a conspicuous place at all times of trading;
6. The use of signs is prohibited unless authorised by a separate permit/licence;
7. Permit holder shall not occupy an area greater than 32m²;
8. A clear path for pedestrian and vehicular access shall be maintained at all times;
9. The permit holder is responsible for maintaining the area in a clean and sanitary condition to the satisfaction of the Shire's Environmental Health Officer;
10. The permit holder must have Public Liability Insurance (min cover \$5,000,000) relating to the approved activity;
11. The permit holder shall indemnify the Shire of Exmouth in respect of any injury to any person or damage to any property which may occur in connection with the use of the Public Place;
12. Permit holder to provide a rubbish receptacle adjacent to the stall and at the conclusion of trade, remove any rubbish within a 30m radius;
13. The permit is valid only for the times and dates stated on the permit;
14. The permit must be made available for inspection upon request by an authorised officer or a police officer;
15. No permit is transferable;
16. Failure to comply with any condition of the permit will result in the permit being revoked;
17. The permit holder must abide by all state and federal legislation. The issue of this permit does not absolve the permit holder or their agents from any other overriding legislation;
18. The permit conditions may be amended at any time by the issuing authority with or without consultation with the permit holder;
19. Any changes to circumstances that would affect the validity of the permit must be notified to the issuing authority within 14 days of the change;
20. If any damage does occur the Permit Holder accepts total responsibility to the Council to make good any such damage;
21. If such Government department or authority requires the Council to direct the Permit Holder to remove, raise, lower or otherwise alter the position of the Permitted Activity the Permit Holder shall forthwith comply with such direction;
22. Members of the public must not be harassed;

23. Voice amplification is not permitted; and

24. It is the permit holder's responsibility to ensure the area is suitable for the intended activity;

OFFICER'S RESOLUTION**ITEM 15.5**

Res No: 14-0417

That the Commissioner approve an Activity on Local Government Property for Jet Ski hire, Water Sport Activities and Fly Boarding at Town Beach subject to the following conditions;

- 1. Operation shall only occur within the area outlined in Attachments 1 and 2;**
- 2. The Activity shall not occur within land or waters vested to the Department of Transport or the swimming beach area and closed waters as outlined by Attachment 2;**
- 3. Parking to access the Activity shall be at the Exmouth Yacht Club car park;**
- 4. The permit is valid until 31 October 2017;**
- 5. Permit being displayed in a conspicuous place at all times of trading;**
- 6. The use of signs is prohibited unless authorised by a separate permit/licence;**
- 7. Permit holder shall not occupy an area greater than 32m²;**
- 8. A clear path for pedestrian and vehicular access shall be maintained at all times;**
- 9. The permit holder is responsible for maintaining the area in a clean and sanitary condition to the satisfaction of the Shire's Environmental Health Officer;**
- 10. The permit holder must have Public Liability Insurance (min cover \$5,000,000) relating to the approved activity;**
- 11. The permit holder shall indemnify the Shire of Exmouth in respect of any injury to any person or damage to any property which may occur in connection with the use of the Public Place;**
- 12. Permit holder to provide a rubbish receptacle adjacent to the stall and at the conclusion of trade, remove any rubbish within a 30m radius;**
- 13. The permit is valid only for the times and dates stated on the permit;**
- 14. The permit must be made available for inspection upon request by an authorised officer or a police officer;**
- 15. No permit is transferable;**

- 16. Failure to comply with any condition of the permit will result in the permit being revoked;**
- 17. The permit holder must abide by all state and federal legislation. The issue of this permit does not absolve the permit holder or their agents from any other overriding legislation;**
- 18. The permit conditions may be amended at any time by the issuing authority with or without consultation with the permit holder;**
- 19. Any changes to circumstances that would affect the validity of the permit must be notified to the issuing authority within 14 days of the change;**
- 20. If any damage does occur the Permit Holder accepts total responsibility to the Council to make good any such damage;**
- 21. If such Government department or authority requires the Council to direct the Permit Holder to remove, raise, lower or otherwise alter the position of the Permitted Activity the Permit Holder shall forthwith comply with such direction;**
- 22. Members of the public must not be harassed;**
- 23. Voice amplification is not permitted; and**
- 24. It is the permit holder's responsibility to ensure the area is suitable for the intended activity;**

CARRIED 1/0

15.6 ACTIVITY ON LOCAL GOVERNMENT PROPERTY FEE REVIEW

File Reference:	LE.LI.1
Responsible Officer:	Executive Manager Town Planning Services
Date of Report:	22 March 2017
Applicant/Proponent:	Shire of Exmouth
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none"> 2015/2016 Fees for Activities on Local Government Property. 2016/2017 Fees for Activities on Local Government Property.

PURPOSE

That Council consider reverting back to the 2015/2016 fee structure for 'Activity on Local Government Property Permits' (refer Attachment 1).

BACKGROUND

As part of adopting the Shire of Exmouth 2016/2017 Budget the fees and charges for Activity on Local Government Property Permits were reviewed (refer Attachment 2). The adoption took place at the Special Council Meeting held on the 9 August 2016. The following increases occurred through this process:

Application Fee

Fee payable on lodgement of a Permit application to cover the administrative cost of determining the application. Should the application be approved the applicable subsequent fees is paid.

		PREVIOUS FEES & CHARGES (2015/16)	CURRENT FEES & CHARGES (2016/17)
Type	Community, charitable, government and other organisations which are not for profit.	As per fees	Exempt from all fees including subsequent to approval.
	Once off Activity	\$17	\$30
	Annual/requiring Council Determination	\$55.50	\$147

Activity on Local Government Property

		<i>Townsite - Ross Street Mall, Exmouth Visitors Centre, Town Ovals, Federation Park</i>						
		PREVIOUS FEES & CHARGES (2015/16) Day: \$4/m ² Week: \$6.50/m ² Month: \$10.00/m ² Year: \$50/m ²						CURRENT FEES & CHARGES (2016/17)
		Area of Activity						
		<10m ²	20m ²	30m ²	40m ²	50m ²	60m ²	All sizes
Length of Time	Day	\$26.50	\$80	\$120	\$160	\$200	\$240	\$87
	Week	\$57	\$130	\$195	\$260	\$325	\$390	\$244
	Month	\$85.50	\$200	\$300	\$400	\$500	\$600	\$540
	Year	\$227	\$1000	\$1500	\$2000	\$2500	\$3000	\$1588

		<i>Rest of Municipality – Beaches, Lighthouse</i>						
		PREVIOUS FEES & CHARGES (2015/16) Day: \$25 Week: \$25 Month: \$4/m ² Year: \$14/m ²						CURRENT FEES & CHARGES (2016/17)
		Area of Activity						
		<10m ²	20m ²	30m ²	40m ²	50m ²	60m ²	All sizes
Length of Time	Day	\$12.50	\$25	\$25	\$25	\$25	\$25	\$87
	Week	\$23.50	\$25	\$25	\$25	\$25	\$25	\$244
	Month	\$40.50	\$80	\$120	\$160	\$200	\$240	\$540
	Year	\$114	\$280	\$420	\$560	\$700	\$840	\$1588

Mobile Traders

		<i>Mobile Traders</i>	
		PREVIOUS FEES & CHARGES (2015/16)	CURRENT FEES & CHARGES (2016/17)
Length of Time	Day	\$29	\$87
	Week	\$113.50	\$244
	Month	\$282	\$540
	Year	\$1125.50	\$1588

Miscellaneous Permits

		<i>Miscellaneous</i>	
		PREVIOUS FEES & CHARGES (2015/16)	CURRENT FEES & CHARGES (2016/17)
Type	Side Shows (per day)	\$131	\$260

All other fees applicable to activities on Local Government property remained the same.

COMMENT

Council's *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law* and *Local Government Property Local Law* allow certain activities to be conducted on land owned or vested to the Shire of Exmouth. As a part of the Shire of Exmouth Budget each year fees and charges are adopted which are applicable for conducting such activities.

Since the adoption of the current fees and charges in the 2016/2017 Budget a number of people, being regular operators and new proponents, have expressed their concern regarding the substantial fee increase and its impact on the viability of their operations.

In response to these concerns it is considered that a more comprehensive review of the fee structure is required to get the best outcome for the community in regard to the implementation of Permits for activities on Local Government property. The subject Permit operators essentially comprise part of the functional complexity of the locality through providing goods and services. In addition, a number of these services are not provided by permanent business operating on freehold properties. Therefore, it is recommended that Council resolves to return to the previous fee structure last in effect during the 2015/2016 financial year. This structure was used over a number of years and is familiar to people operating activities on Local Government property.

One aspect of the current fee structure which has been to the benefit of the community is the exemption of not for profit organisations from paying any fees. This has made their operations more viable. In addition, these organisations often applied for fee waivers under the previous fee structure which created additional administrative work. Therefore, to maintain the efficiency under the current fee structure it is recommended that the exemption of not for profit organisations from paying fees is maintained.

CONSULTATION

This matter is being put forward to Council as a result of communication with a number of Permit operators currently and proposing to conduct activities on Local Government property.

STATUTORY ENVIRONMENT

Competition and Consumer Act 2010

Local Government Act 1995

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

Local Government Property Local Law

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

This item is relevant to the Councils approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2012-2016.

- | | | |
|-----------|-----|---|
| Economic: | 1 | <u>To be a diverse and innovative economy with a range of local employment opportunities.</u> |
| | 1.1 | <i>To increase the number of local businesses, industries and services that will provide a range of employment opportunities for the people of Exmouth.</i> |
| | 1.2 | <i>Planned and balanced economic growth.</i> |
| | 1.3 | <i>Diverse tourism opportunities.</i> |
| | 1.5 | <i>Maintain and improve Shire infrastructure.</i> |
| Social: | 3 | <u>To be a dynamic, passionate and safe community valuing natural and cultural heritage.</u> |

- 3.1 Retain a safe community environment.
- 3.2 Excellent lifestyle, recreational and cultural facilities.
- 3.3 An inclusive, responsible and cohesive community.
- 3.7 Residents and visitors have access to appropriate services and facilities to enhance their health and wellbeing.

- Civic Leadership: 4 To work together as custodians of now and the future.
- 4.1 To be a collaborative community with the capacity to manage the current and future direction of Exmouth.
 - 4.2 A local government that is respected, professional, trustworthy and accountable.
 - 4.3 To be strong advocates representing the region's interests.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 15.6

That Council reinstate all fees and charges for future Permits issued under the Shire of Exmouth *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law* and *Local Government Property Local Law* to those prescribed in the Shire of Exmouth 2015/2016 Budget and included in the following tables, excluding fees prescribed for not for profit organisations, until such time as the fees and charges are more comprehensively reviewed through the adoption of a future Budget.

		PREVIOUS FEES & CHARGES (2015/16)	CURRENT FEES & CHARGES (2016/17)
Type	Community, charitable, government and other organisations which are not for profit.	As per fees	Exempt from all fees including subsequent to approval.
	Once off Activity	\$17	\$30
	Annual/requiring Council Determination	\$55.50	\$147

Activity on Local Government Property

		Townsite - Ross Street Mall, Exmouth Visitors Centre, Town Ovals, Federation Park						CURRENT FEES & CHARGES (2016/17)
		PREVIOUS FEES & CHARGES (2015/16) Day: \$4/m ² Week: \$6.50/m ² Month: \$10.00/m ² Year: \$50/m ²						
		Area of Activity						All sizes
		<10m ²	20m ²	30m ²	40m ²	50m ²	60m ²	
Length of Time	Day	\$26.50	\$80	\$120	\$160	\$200	\$240	\$87
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	Year	\$227	\$1000	\$1500	\$2000	\$2500	\$3000	\$1588

<i>Rest of Municipality – Beaches, Lighthouse</i>								
PREVIOUS FEES & CHARGES (2015/16) Day: \$25 Week: \$25 Month: \$4/m ² Year: \$14/m ²							CURRENT FEES & CHARGES (2016/17)	
Area of Activity								
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Length of Time	Day	\$12.50	\$25	\$25	\$25	\$25	\$25	\$87
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	Year	\$114	\$280	\$420	\$560	\$700	\$840	\$1588

Mobile Traders

<i>Mobile Traders</i>			
		PREVIOUS FEES & CHARGES (2015/16)	CURRENT FEES & CHARGES (2016/17)
Length of Time	Day	\$29	\$87
	Week	\$113.50	\$244
	Month	\$282	\$540
	Year	\$1125.50	\$1588

Miscellaneous Permits

<i>Miscellaneous</i>			
		PREVIOUS FEES & CHARGES (2015/16)	CURRENT FEES & CHARGES (2016/17)
Type	Side Shows (per day)	\$131	\$260

COUNCIL RESOLUTION**ITEM 15.6**

Res No: 15-0417

That the Commissioner reinstate all fees and charges for future Permits issued under the Shire of Exmouth *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law* and *Local Government Property Local Law* to those prescribed in the Shire of Exmouth 2015/2016 Budget and included in the following tables, excluding fees prescribed for not for profit organisations, until such time as the fees and charges are more comprehensively reviewed through the adoption of a future Budget.

		PREVIOUS FEES & CHARGES (2015/16)	CURRENT FEES & CHARGES (2016/17)
Type	Community, charitable, government and other organisations which are not for profit.	As per fees	Exempt from all fees including subsequent to approval.
	Once off Activity	\$17	\$30
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Activity on Local Government Property

		<i>Townsite - Ross Street Mall, Exmouth Visitors Centre, Town Ovals, Federation Park</i>						
		PREVIOUS FEES & CHARGES (2015/16) Day: \$4/m ² Week: \$6.50/m ² Month: \$10.00/m ² Year: \$50/m ²					CURRENT FEES & CHARGES (2016/17)	
		Area of Activity						
		<10m ²	20m ²	30m ²	40m ²	50m ²	60m ²	All sizes
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		<i>Rest of Municipality – Beaches, Lighthouse</i>						
		PREVIOUS FEES & CHARGES (2015/16) Day: \$25 Week: \$25 Month: \$4/m ² Year: \$14/m ²					CURRENT FEES & CHARGES (2016/17)	
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Mobile Traders

		<i>Mobile Traders</i>	
		PREVIOUS FEES & CHARGES (2015/16)	CURRENT FEES & CHARGES (2016/17)
Length of Time	Day	\$29	\$87
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Miscellaneous Permits

		<i>Miscellaneous</i>	
		PREVIOUS FEES & CHARGES (2015/16)	CURRENT FEES & CHARGES (2016/17)
Type	Side Shows (per day)	\$131	\$260

CARRIED 1/0

16 ENGINEERING SERVICES

Nil

17. ITEMS FOR INFORMATION ONLY

Responsible Officer: Chief Executive Officer

Disclosure of Interest: Nil

PURPOSE

To advise Council of the information items for March 2017.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

ITEM 17

That Council note the following information items:

- 17.1 Register of Documents Stamped with the Shire of Exmouth Common Seal
 - 17.2 Concessions on Fees for Council Facilities for March 2017
 - 17.3 Building Decisions Issued up to 31 March 2017
 - 17.4 Planning Decisions Issued up to 31 March 2017
-

COUNCIL RESOLUTION

ITEM 17

Res No: 16-0417

That the Commissioner note the following information items:

- **17.1 Register of Documents Stamped with the Shire of Exmouth Common Seal**
- **17.2 Concessions on Fees for Council Facilities for March 2017**
- **17.3 Building Decisions Issued up to 31 March 2017**
- **17.4 Planning Decisions Issued up to 31 March 2017**

CARRIED 1/0

17.1 REGISTER OF DOCUMENTS STAMPED WITH THE SHIRE OF EXMOUTH COMMON SEAL

Responsible Officer: Chief Executive Officer

Disclosure of Interest: Nil

PURPOSE

To advise Council of documents, as listed below, that have been stamped with the Common Seal of the Shire of Exmouth since the last meeting.

DATE	DOCUMENT
Nil	

17.2 CONCESSIONS ON FEES FOR COUNCIL FACILITIES FOR MARCH 2017

File Reference: CP.US.0

Responsible Officer: Executive Manager Community Engagement

Date of Report:

Disclosure of Interest: Nil

PURPOSE

To provide Council with a summary of all concessions on fees for Council's facilities and services under Section 4.1 of the *Register of Delegations of Authority from Council to the CEO and Other Officers* since the last Ordinary Council Meeting until 25 March 2017.

NAME	REASON	AMOUNT (exc GST)
Exmouth Chamber of Commerce	Permit on Local Government Property - Filming Activity for Promotion of Exmouth - Date of Event: 13 March 17 - 18 March 17	\$ 270.00
Cape Range Riders	Permit on Local Government Property - Bike Week Activities for Exmouth Community - Date of Event: 25 March 17	\$ 117.00
Exmouth Amateur Swimming Club	Permit on Local Government Property - Fundraising for Swimming Club - Date of Event: 25 March 17	\$ 204.00
Western Australia Electoral Commission	Venue Hire for State General Election - Date of Event: 10 March and 11 March 17	\$ 385.90
Western Australia Electoral Commission	Traffic Cones and Bollards for State General Election - Date of Event: 11 March 17	\$ 43.64
PCYC Exmouth	Venue Hire - Protective Behaviour Session for Exmouth Community - Date of Event: 16 March 17	\$ 30.91
Cape Range Riders	Venue Hire - Bike Week Activities for Exmouth Community - Date of Event: 25 March 17	\$ 160.91

17.3 BUILDING DECISIONS ISSUED UP TO 15 MARCH 2017

File Reference:	DB.BD.0
Responsible Officer:	Executive Manager Health & Building Services
Date of Report:	20 March 2017
Disclosure of Interest:	Nil
Attachment(s):	Nil

PURPOSE

To provide Council with the building licence and building certificate applications and approvals made under Delegation pursuant to the *Building Act 2011* between 28 February 2017 and 15 March 2017.

App #	Date Received	Lot	Property Address	Description	Decision	Decision Date
16/132	01/12/16	1419	Willersdorf Road (Reserve 50807)	(Community Garden) - Shed & Chicken Coop	Approved	15/03/2017
17/23	28/02/17	418	7 Fitzhardinge Street	Steel Framed Verandah	Approved	09/03/2017
17/24	01/03/17	32	Unit 17 / 2 Murat Road	Chalet – Short Stay Accom	Processing	
17/25	02/03/17	61	22 Searaven Crescent	Fibreglass Swimming Pool	Processing	
17/26	03/03/17	16	Unit 28 / 2 Murat Road	Chalet – Short Stay Accom	Processing	
17/28	03/03/17	25	Unit 41 / 2 Murat Road	Chalet – Short Stay Accom	Processing	
17/29	10/03/17	434	88 Madaffari Drive	Dwelling	Approved	15/03/2017
17/30	14/03/17	1136	17 Welch Street	Sea Container	Approved	15/03/2017

17.4 PLANNING DECISIONS ISSUED UP TO 15 MARCH 2017

File Reference:	LP.PL.0
Responsible Officer:	Executive Manager Town Planning
Date of Report:	20 March 2017
Disclosure of Interest:	Nil

PURPOSE

To advise Council of the following planning decisions issued under delegation for the period between 28 February 2017 and 15 March 2017.

App #	Date Received	Lot	Property Address	Description	Decision	Decision Date
PA70/16	13/06/2016	2	Yardie Creek Road	Additional Camping Sites	ON HOLD - Pending information from Applicant	
PA107/16	15/08/2016	50	Murat Road	Barge Loading Facility	ON HOLD - Pending information from Applicant	
PA112/16	25/08/2016	1586 & 1587	164 Lyndon Location	Nature Based Park - Exmouth Gulf Pastoral Station	ON HOLD - Pending information from Applicant	
PA152/16	24/11/2016	2 & 1	40 Pelias Street & 1 Carter Road	Change of Use	Processing	
PA162/16	20/12/2016	126	35 Young Street	Sea Container	Processing	
PA166/16	05/01/2017	101	15 Ingram Street	Sea Container & Shed Extension	Processing	
PA19/17	01/02/2017	18	20 Pelias Street	Shed & Fencing	Approved	15/03/2017
PA23/17	08/02/2017	403	20 Madaffari Drive	Holiday Accommodation	Going to April OCM	
PA24/17	14/02/2017	375	22 Corella Court	Holiday Accommodation	Going to April OCM	
PA25/17	14/02/2017	1155	39 Koolinda Way	Sea Container	Processing	
PA26/17	15/02/2017	478	1 Osprey Way	Single Dwelling	Approved	15/03/2017
PA31/17	17/2/2017	858	160 McLeod Street	Sea Container	Approved	07/03/2017
PA34/17	20/02/2017	116	44 Ingram Street	2 x Sea Containers	Processing	
PA35/17	22/02/2017	161	5 Maidstone Crescent	Office (St John Ambulance)	ON HOLD – Pending information from Applicant	
PA37/17	22/02/2017	380	32 Corella Court	Holiday Accommodation	Going to April OCM	
PA38/17	22/02/2017	73	Lyndon Location (Reserve 32867/5)	Water Tank & Sea Container Insulation	Processing	
PA39/17	24/02/17	862	15 McLeod Street	3 x Sea Containers	Approved	07/03/2017
PA41/17	27/02/2017	314	Minilya-Exmouth Road	2 x Sea Containers	Processing	
PA42/17	27/02/2017	854	66 Murat Road	2 x Sea Containers	Approved	07/03/2017
PA43/17	27/02/2017	20	Unit 24 / 2 Murat Road	Short Stay Accommodation	Processing	

PA44/17	28/02/2017	831	7 Pelias Street	Storage Unit	Processing
PA45/17	28/02/2017	141	7 Dugong Close	Dwelling	Processing
PA50/17	13/03/2017	267	25 Christie Street	Home Occupation	Processing

Permits Issued Under the *Local Government Act 1995*, Local Government Property Local Law.

App	Date Received	Description	Date Issued
PA46/17	01/03/2017	Car Boot Sale Fundraiser (Exmouth District High School)	17/02/2017
PA47/17	09/03/2017	Wedding – Town Beach	Processing
PA48/17	09/03/2017	Filming for Exmouth Promotional Video (Exmouth Chamber of Commerce)	13/03/2017
PA49/17	10/03/2017	Raffle Ticket Sales – Ross Street Mall	Processing

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

Nil

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

Nil

20. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS

Nil

21. CLOSURE OF MEETING

The Commissioner declared the meeting closed at 5.20 pm.