

SHIRE OF EXMOUTH



ORDINARY COUNCIL MEETING

MINUTES

18 OCTOBER 2012

CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on 15th November 2012 as a true and accurate record of the Ordinary Council Meeting held on 18th October, 2012.

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

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


DISCLAIMER

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

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

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

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ORDINARY COUNCIL MEETING MINUTES

Our Vision

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

Our Purpose

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

Our Strategic Objectives

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

1. **DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

The Deputy Shire President declared the meeting open at 3.02pm.

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

Councillor S Fitzgerald
Councillor R Winzer
Councillor M Hood
Councillor J Warren
Councillor G Thompson

Deputy Shire President

Mr B Price
Mrs Sue O'Toole
Mr R Kempe
Mr R Mhasho
Mr Patrick Barber
Mr K Woodward
Mr A Forte

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

GALLERY

Visitors: 6

APOLOGIES

Councillor C (Turk) Shales
Mr R Manning

Shire President

Executive Manager Health & Building

LEAVE

Nil

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. PUBLIC QUESTIONS TIME

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

Council Consideration Towards Public

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

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

Nil.

5 APPLICATIONS FOR LEAVE OF ABSENCE

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

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

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

That the Minutes of the Ordinary Meeting of the Shire of Exmouth held on the 20 September 2012 be confirmed as a true and correct record of proceedings.

COUNCIL DECISION – 01-1012 - ITEM 6

Moved Councillor Winzer, Seconded Councillor Hood.

That the Minutes of the Ordinary Meeting of the Shire of Exmouth held on the 20 September 2012 be confirmed as a true and correct record of proceedings.

CARRIED 5/0

7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

The Deputy Shire President took the opportunity to make mention and congratulate the Gascoyne Bulldogs Junior Footy Team and staff, which was heavily represented with Exmouth based players, who recently travelled to Broome to participate in the Pilbara Junior Football Carnival. The team has had limited success in the past but won three of their four games this year. Appreciation was also extended to the many local businesses whom financially assisted the team for the long trip.

8. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil.

9. REPORT OF COUNCILLORS

Cr Winzer advised that as the WALGA State Council representative for the Gascoyne Region, he intended to promote the reconstruction works being carried out in the townsite of Gascoyne Junction amongst his fellow members, highlighting some of the achievements being accomplished in the Gascoyne.

Cr Hood advised, as Skipper of a Bhagwan Vessel, having participated in the recent Oil Spill Response exercise held on Wednesday 17 October adjacent to the Ningaloo National Park. The exercise was coordinated by several of the Oil & Gas companies and tested the response ability should an Oil spill eventuate. The exercise was deemed a success with several issues identified for future reference.

Cr Warren advised having represented the Council along with several other Councillors who attended a visit and inspection of the Exmouth Hospital this morning 18 October. The tour was to illustrate what is being proposed for the upgrade of facilities from the Royalties 4 Regions Revitalisation program. Cr Warren expressed a concern that the Health Department were using 2009 visitation statistical data as the basis for their decision making and prioritisation of funds rather than using future projected requirements. It was requested that the Council provide detailed information on projected growth data that will assist the Health Department in factoring in future requirements of the community.

Cr Thompson requested that it be minuted that he was extremely disappointed with the change of meeting date of the Briefing Session from the usual Tuesday date to Monday to accommodate the Shire President and CEO attending other meetings in Carnarvon. This had adversely affected his attendance and that he considered that the Shire President had adequate time to give notice.

9.1 Shire Presidents Report

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

SUMMARY

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

BACKGROUND

Meetings for the Month of October:

1. Met with Vince Catania Member for North West on 24 September.
2. Met with the Commander of VMR Ross Winzer regarding plans for future development.
3. Met with the Development Assessment Panel (DAPS) about the residential development proposal for Madaffari Drive.
4. Over the Long weekend I went to Karijini, Tom Price, Paraburdoo and Emu Creek and had numerous discussions with Rio employees and pastoralists.
5. Channel 7 has been in contact regarding Rio Tinto daytripping.
6. Had two interviews with ABC.
7. Had a discussion with Jo Bruyn regarding the Ningaloo Centre on 5 October.
8. Attended the Ningaloo Centre Shortlisted Presentations on 8 and 9 October. All very high quality.
9. Met with Apache about ongoing operations on 11 October.
10. Met with Tony Simpson Member for Darling Range, Government Whip on 12 October.
11. Attended the GRSC Meeting in Carnarvon on 16 October and the GDC Board Meeting on Wednesday 17 October in Gascoyne Junction.

COMMENT

Nil

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

COUNCILLOR'S RECOMMENDATION – 9.1
--

That the Shire of Exmouth receive the Shire Presidents Report for the month of October 2012.

COUNCIL DECISION – 02-1012 – 9.1

Moved Councillor Winzer, Seconded Councillor Hood.


That the Shire of Exmouth receive the Shire Presidents Report for the month of October 2012.

CARRIED 5/0

10. REPORTS OF OFFICER

10.1 Chief Executive Officer

10.1.1 Chief Executive Officers Report

Location:	Exmouth
Applicant:	Chief Executive Officer
File Reference:	
Disclosure of Interest:	Nil
Date:	
Author:	Chief Executive Officer, Mr B Price
Signature of Author:	

SUMMARY

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

BACKGROUND

Ningaloo Centre Project

The Ningaloo Centre Management Committee met on Monday 8th and Tuesday 9th of October to receive presentations from the 5 shortlisted Building firms on their proposals.

The presentations were impressive leaving a very difficult task for the committee to shortlist to a final two who will be formally invited to tender once the committee have finalised a detailed Design Brief.

A separate confidential assessment report on the Committee's finding and rankings will be tabled at the Council meeting for Councillor review.

Community Information Forum

The next Community Information Forum is proposed to be held on Thursday 25 October at the Shire Hall commencing at 7.00pm. The program will include presentations on the following

1. BoM presentation on the forthcoming weather prediction for the Cyclone Season.
2. Update on the 2012/13 Council Budget including major projects
3. Update on the Ningaloo Centre project.
4. Other Business.

Exmouth Resident & Ratepayer Association (ERRA)

Council has received correspondence advising of the formation of an Exmouth Resident & Ratepayer Association (ERRA). Whilst there are still items that need to be done to achieve the formation, the group expect to become an incorporated association by January of next year.

The idea to form ERRA came about with the recognition that our community needs a platform to provide Exmouth's Residents and Ratepayers with accurate, timely information about a broad range of issues and opportunities.

The Association will represent the wider Exmouth community and its diversity of interests as well. It is NOT a group of people opposing all development proposals, nor is it a place to rant and rave.

This group is about taking a proactive stance within the community and seeking clarity of information on issues within the town and fostering frequent, open public consultation.

Though incorporation is still a little way off, we would like to share information about the group and its intentions with your organisation in order to already begin building the foundations for an ongoing

partnership. For this association to achieve its objectives – and assist your own in meeting its objectives, we will need open communication.

The objectives of the association include:

1. Providing a forum for the reception, discussion and dissemination of information to the community on issues that impact upon the Shire of Exmouth and its Environs;
2. Facilitating discussion on issues, and communicating the collective views of the residents and ratepayers within our community to the relevant authorities, our elected councillors and to other individuals and organisations that impact on the Shire of Exmouth and its Environs; and
3. Encouraging the involvement of the community in the decision making process of Local, State and Federal Government on issues that are particularly relevant to the Shire of Exmouth and its Environs.

Prior to incorporation, we would like to officially request your support toward this Association, by permitting one Committee Member of the incorporated Association (or their appointed representative) to attend monthly Shire meetings – and any special meetings called with industry (e.g. Woodside, Rio Tinto). We envisage this will enable open and accurate communication with Association Members about relevant issues.

Upon incorporation we hope to work in conjunction with your organisation in order to meet the above objectives for the residents and ratepayers of Exmouth. With your support and input, it is hoped that we can establish open channels of communication to provide both your organisation and the wider community with accurate, timely information about issues affecting the Shire of Exmouth and its Environs.

Aligning Regional & State Planning Across WA

The EMTP and myself will be attending a conference being conducted by the State Government to discuss the ‘*Aligning of Regional & State Planning Across WA*’ in Perth on 20th & 21st November.

Hospital Visit

Councillors have been invited to attend a tour of the Hospital on Thursday 18 October at 10.30am to discuss the upgrades proposed by the Department of Health.

Staffing Issues

Since the last meeting Jenny Kox has been appointed as the new Executive Manager of Aviation, commencing on Monday 22nd October. This will allow Andrew Forte to concentrate on Strategic Projects.

I would also like to take this opportunity to extend my appreciation to the Council for allowing me to take the Council Vehicle out of the state whilst on recent leave.

Other Meetings & Functions attended by the CEO

- EMHB, Administration Manager and myself met with James Martin in Exmouth on Tuesday 2 October to discuss issues and management requirements of the Ningaloo Caravan Park.
- Shire President, EMAS and myself attended a function hosted by the Council for the Heliport Stakeholders on Tuesday 9 October.
- Shire President and myself attended the Apache Community Reference Group meeting held at the Game Fishing Club on Thursday 12 October.

Other Meetings Scheduled for next Month

- Shire President, Shane Coote and myself will be attending the Gascoyne Revitalisation Steering Committee (GRSC) meeting to be held in Carnarvon on Tuesday 16 October.
- Shire President, Shane Coote and myself will be attending the GDC Board meeting to be held in Gascoyne Junction on Wednesday 17 October.
- Councillors and staff to attend RIO TINTO Rescue Group Dinner.
- EMAS and CEO to meet with Mr Allan Blake, CEO Bristows on Friday 26 October to discuss tenancy and future requirements.

- Shire President, Cr Hood, EMCE and CEO to attend the Woodside CRG meeting to be held at Novotel on Monday 29 October.
- CEO to meet with representatives from Department of Transport in Exmouth on Thursday 8 November.

COMMENT

Nil

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.1.1

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


COUNCIL DECISION – 03-1012 – 10.1.1

Moved Councillor Hood, Seconded Councillor Warren.

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

CARRIED 4/1
Councillor Thompson voted against.

10. REPORTS OF OFFICER**10.1 Chief Executive Officer****10.1.2 Office Shutdown Christmas New Year Period**

Location:	Exmouth
Applicant:	Chief Executive Officer
File Reference:	
Disclosure of Interest:	Nil
Date:	10 th October 2012
Author:	Chief Executive Officer, Bill Price
Signature of Author:	

SUMMARY

Council consideration in closing the administration offices during the Christmas New Year period is required.

BACKGROUND

In previous years Council has resolved to close the Shire Office over the Christmas New Year period. Shire staff usually take annual/accumulated leave for the days on which the office is closed. Generally, the town is very quiet at that time of the year and previously it does not seem to have been inconvenient to the general public to have the office closed. It is proposed that a Senior Officer of the Shire will be in town during this period should an emergency arise.

This year the days in question are Monday 24th, Thursday 27th, Friday 28th & Monday 31st December 2012. Hence, the office will be closed from COB Friday 21st December and reopen again on Wednesday 2nd January 2013, allowing staff to have a decent break over the festive period.

COMMENT

Nil.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS**Civic Leadership**

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.1.2

That the Shire of Exmouth agrees to close the administration office on Monday 24th, Thursday 27th, Friday 28th & Monday 31st December inclusive, to coincide with the existing Christmas New Year public holidays.

COUNCIL DECISION – 04-1012 – 10.1.2

Moved Councillor Winzer, Seconded Councillor Warren.

That the Shire of Exmouth agrees to close the administration office on Monday 24th, Thursday 27th, Friday 28th & Monday 31st December inclusive, to coincide with the existing Christmas New Year public holidays.

CARRIED 5/0

10. REPORTS OF OFFICER

10.1 Chief Executive Officer

10.1.3 Christmas Function

Location: Exmouth
Applicant: Chief Executive Officer
File Reference:
Disclosure of Interest: Nil
Date: 10th October 2012
Author: Chief Executive Officer, Bill Price
Signature of Author:



SUMMARY

Council consideration of the arrangements for the annual Christmas function is required.

BACKGROUND

Traditionally the Shire has held a Christmas Function for Councillors, employees, their partners and children. Last year the Council Christmas party was held at the Yacht Club on Friday 16th December 2011.

It has been suggested that this years Christmas Party be held at the Exmouth Golf Club on Friday 14th December 2012.

The venue should be very appropriate at that time of year and it is proposed that catering and drinks be organised via the Club.

COMMENT

It is intended that on the night Council make a formal presentation to Andrew Graham, recognising and celebrating his 20 year service to the Council. This is quite an achievement and shows great loyalty from Andrew to the Council.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Council makes an amount within its Refreshments & Receptions annual budget allocation for the Christmas function.

STRATEGIC IMPLICATIONS

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.1.3

That the Shire of Exmouth endorse the recommendation to conduct the annual Christmas function for Councillors, Employees, Partners and children to be held at the Exmouth Game Fishing Club on Friday 14th December 2012.

COUNCIL DECISION – 05-1012 – 10.1.3

Moved Councillor Winzer, Seconded Councillor Warren.


That the Shire of Exmouth endorse the recommendation to conduct the annual Christmas function for Councillors, Employees, Partners and children to be held at the Exmouth Golf Club on Friday 14th December 2012.

CARRIED 5/0

10. REPORTS OF OFFICER

10.1 Chief Executive Officer

10.1.4 Heliport Operations – EAS Complaints

Location:	Exmouth
Applicant:	Department of Local Government
File Reference:	TT.SP.2
Disclosure of Interest:	Nil
Date:	12 October 2012
Author:	Chief Executive Officer, Bill Price
Signature of Author:	

SUMMARY

This report recommends that the Council recommend to the Department of Local that due to the extenuating circumstances as detailed below, that Council was not in a position to comply with the Statewide Public Notice and public submission requirements as per the requirements of S 3.59(4 a, b) & (5) of the Act, nevertheless will give an undertaking that it will continue to monitor monitor the relevance and financial implications of the Heliport Operations as part of its annual budgetary considerations.

BACKGROUND

Council is aware that Exmouth Aviation Services (EAS), through their legal representative Bennet & Co. continues to pursue matters via the Department of Local Government in relation to the Council's decision to assume control of the Heliport Operations at Learmonth.

The concerns raised by EAS included

- That the Council had breached Competitive Neutrality Principles
Findings – *'The Department of Local Government considers that the Council is currently operating in a manner consistent with competitive neutrality policy, and no action is required in response to the competitive neutrality complaint brought against it.'*
- That the Council's request for tenders for Heliport Ground Handling Services was considered commercially unviable and breached Council Tender Regulations.
Findings – *'The Department of Local Government found that no specific breach of the tender provisions under the Local Government (Functions and General) Regulations 1996 has been identified.'*
- That EAS questioned Council's ability to undertake Heliport Operations Safely.
Findings – *'The Department of Local Government determined that the Council's ability to undertake Heliport Operations in a safe manner are matters for the Civil Aviation Safety Authority (CASA) to determine.'* (Council have undergone several audits of its operations with no matters of concern).
- That the Council did not comply with S3.59 of the *Local Government Act 1995* requiring the Preparation of a Business Plan for the Major Trading Undertaking with an allowance for public comment.
Findings – *'The Department of Local Government considered that even though the Shire's intention in resuming direct control of the Heliport Terminal was to integrate its operations into the Civil Terminal as a whole, the Department nevertheless considers that the Heliport itself represented a sufficiently distinct operation to be considered a major trading undertaking and warrant the application of section 3.59 of the Act for preparation of a business plan and allowance of a public submission period. Although a business case was prepared for the confidential consideration of the Council during its decision making process, the Department would suggest that the key omission in this instance was the giving of public notice so as to enable public submissions to be made prior to any decision of Council. The Department is therefore of the view that S 3.59 was not complied with in this regard.'*

The Department have requested Council consideration to what, if any, action should be taken towards rectification of the non-compliance to S 3.59.

Council are well aware of the extenuating circumstances that required the Heliport process to be undertaken in the confidential manner in which it transpired including, but not limited to

- Commercial in Confidence requirements of the other industry stakeholders,
- Commercial sensitivities of existing lease arrangement and subsequent affected subcontractors,
- The Heliport operation was considered as an extension of the existing services provided by the Council on the Fixed Wing Civil operation, hence it was not considered as separate Major Trading Undertaking.

It is also recommended that the Council assure the Department that it will continue to review the relevance and financial implications of the Heliport Operations to the Council's usual business annually as part of its annual budget considerations.

COMMENT

I would like to point out that Council have no obligation to respond directly to any of Bennett & Co correspondence as Council has never had a commercial arrangement with EAS in relation to the Heliport operation and that if EAS have any sub-contractual concerns that they should be raising the issues with the original Contractor (Bristows).

The following is the extract of S 3.59 of the Local Government Act 1995 for Councillor information.

3.59. Commercial enterprises by local governments

(1) In this section —

acquire has a meaning that accords with the meaning of *dispose*;

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

land transaction means an agreement, or several agreements for a common purpose, under which a local government is to —

- (a) acquire or dispose of an interest in land; or
- (b) develop land;

major land transaction means a land transaction other than an exempt land transaction if the total value of —

- (a) the consideration under the transaction; and
- (b) anything done by the local government for achieving the purpose of the transaction,

is more, or is worth more, than the amount prescribed for the purposes of this definition;

major trading undertaking means a trading undertaking that —

- (a) in the last completed financial year, involved; or
- (b) in the current financial year or the financial year after the current financial year, is likely to involve,

expenditure by the local government of more than the amount prescribed for the purposes of this definition, except an exempt trading undertaking;

trading undertaking means an activity carried on by a local government with a view to producing profit to it, or any other activity carried on by it that is of a kind prescribed for the purposes of this definition, but does not include anything referred to in paragraph (a) or (b) of the definition of *land transaction*.

(2) Before it —

- (a) commences a major trading undertaking; or

- (b) enters into a major land transaction; or
- (c) enters into a land transaction that is preparatory to entry into a major land transaction,

a local government is to prepare a business plan.

- (3) The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of —
 - (a) its expected effect on the provision of facilities and services by the local government; and
 - (b) its expected effect on other persons providing facilities and services in the district; and
 - (c) its expected financial effect on the local government; and
 - (d) its expected effect on matters referred to in the local government’s current plan prepared under section 5.56; and
 - (e) the ability of the local government to manage the undertaking or the performance of the transaction; and
 - (f) any other matter prescribed for the purposes of this subsection.
- (4) The local government is to —
 - (a) give Statewide public notice stating that —
 - (i) the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction; and
 - (ii) a copy of the business plan may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;
 and
 - (b) make a copy of the business plan available for public inspection in accordance with the notice.
- (5) After the last day for submissions, the local government is to consider any submissions made and may decide* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.

** Absolute majority required.*

- (5a) A notice under subsection (4) is also to be published and exhibited as if it were a local public notice.
- (6) If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.
- (7) The local government can only commence the undertaking or enter into the transaction with the approval of the Minister if it is of a kind for which the regulations require the Minister’s approval.
- (8) A local government can only continue carrying on a trading undertaking after it has become a major trading undertaking if it has complied with the requirements of this section that apply to commencing a major trading undertaking, and for the purpose of applying this section in that case a reference in it to commencing the undertaking includes a reference to continuing the undertaking.

- (9) A local government can only enter into an agreement, or do anything else, as a result of which a land transaction would become a major land transaction if it has complied with the requirements of this section that apply to entering into a major land transaction, and for the purpose of applying this section in that case a reference in it to entering into the transaction includes a reference to doing anything that would result in the transaction becoming a major land transaction.
- (10) For the purposes of this section, regulations may —
 - (a) prescribe any land transaction to be an exempt land transaction;
 - (b) prescribe any trading undertaking to be an exempt trading undertaking.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

*S 3.59 of the Local Government Act 1995
 Local Government (Functions and General) Regulations 1996
 Competitive Neutrality Principles*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Economic

- Objective 1: To be a diverse and innovative economy with a range of local employment opportunities.
- Outcome 1.1: To increase the number of local businesses, industries and services that will provide a range of employment opportunities for the people of Exmouth
 - Outcome 1.2: Planned and balanced economic growth
 - Outcome 1.5: Maintain & Improve Shire Infrastructure

VOTING REQUIREMENTS

Simple Majority

OFFICER’S RECOMMENDATION – 10.1.4


That the Shire of Exmouth recommend to the Department of Local Government that due to the extenuating confidential circumstances as detailed within the report, that Council was not in a position to comply with the Statewide Public Notice and public submission requirements as per the requirements of S 3.59(4 a, b) & (5) of the Act, nevertheless will give an undertaking that it will continue to monitor the relevance and financial implications of the Heliport Operations as part of its annual budgetary considerations.

COUNCIL DECISION – 06-1012 – 10.1.4

Moved Councillor Hood, Seconded Councillor Thompson.
That the Shire of Exmouth recommend to the Department of Local Government that due to the extenuating confidential circumstances as detailed within the report, that Council was not in a position to comply with the Statewide Public Notice and public submission requirements as per the requirements of S 3.59(4 a, b) & (5) of the Act, nevertheless will give an undertaking that it will continue to monitor the relevance and financial implications of the Heliport Operations as part of its annual budgetary considerations.

CARRIED 4/1
 Councillor Warren voted against.

10. REPORTS OF OFFICER**10.1 Chief Executive Officer****10.1.5 Local Government Ordinary Elections - 2013**

Location:	Exmouth
Applicant:	WA Electoral Commission
File Reference:	GV.EL.1
Disclosure of Interest:	Nil
Date:	12 October, 2012
Author:	Chief Executive Officer, Mr B Price
Signature of Author:	

SUMMARY

This report recommends that the Council authorize the Western Australian Electoral Commission to conduct the 2013 local government elections.

BACKGROUND

2013 is the year for biennial elections for all local governments throughout the State, with the elections date being 19 October, 2013. For the Shire of Exmouth, three (3) Councillor positions will become vacant. Those Councillors, whose term expires on the 19 October, 2013 are:-

- Cr Shales
- Cr Winzer
- Cr Fitzgerald

The option exists for a postal election through the WA Electoral Commission to be conducted for this 2013 election. This has been the basis for elections for some years in Exmouth, instead of conducting the election as an in-person election.

COMMENT

Total voter response for postal elections tend to be better than in person elections, with response rates of around 55% normal compared to the average response rate of between 10-40% for an in person election.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

The Local Government Act 1995 provides for Council to resolve to conduct elections by postal voting and if so, for the WA Electoral Commission to undertake that task on Council's behalf. The WAEC therefore has to appoint a Returning Officer and Deputy Returning Officer to conduct the election.

Before the Council can appoint the Electoral Commissioner as being responsible for the conduct of the election, the Council must first obtain the written agreement of the Electoral Commissioner – this has been pre-empted by the Commissioner and has been received in a letter dated 13 September, 2012.

The process for Council to follow in terms of appointing the Electoral Commissioner (EC) to be responsible for the conduct of elections and for the elections to be postal elections is as follows :-

- i.) Council must resolve in the first instance to request the EC to conduct the 2013 biennial elections (Sect 4.20(4) of the LG Act);
- ii.) Council writes formally to the EC requesting them to conduct the 2013 elections;

- iii.) If the EC responds favourably to Council's response, (which has already occurred) then Council must formally resolve by Special Majority (affirmative vote of no less than 4 Councillors) to declare the EC as the person responsible for the conduct of the 2013 elections (Sect 4.20(4) of the LG Act).

This process must be concluded no later than 80 days prior to the holding of the 2011 elections on the 19 October, 2013. Council's decision to appoint the EC cannot be rescinded after the 80th day prior to the election has expired;

- iv.) After the EC has agreed to conduct the 2013 elections and after the Council has resolved by Special Majority to appoint the EC to conduct the elections, Council may resolve by Special Majority to conduct the elections as a postal election (Sect 4.61(2) of the LG Act).

Council cannot formally resolve to conduct postal elections until after a decision has been made on whether or not to appoint the EC to conduct the elections (only the EC can conduct a postal election - Councils cannot do this in-house themselves).

The process of appointing the EC to conduct the 2013 elections and for those elections to be postal elections should really be considered as a whole.

As Council conducted the 2009 & 2011 elections as a postal election, the Commissioner has pre-empted the request process and indicated that he agrees to conduct the 2013 election as a postal election if Council chooses to do so.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The cost estimate from the WA Electoral Commission to conduct the 2013 election is \$13,000 inc GST. This is based on 1,700 electors, a response rate of 55%, 3 vacancies with counting conducted in Exmouth. Costs do not include non-statutory advertising, legal fees that may arise in the event of a dispute and assumes 1 Council staff member is involved.

The cost per elector would therefore be approximately \$7.65.

A provision will be made in the 2013/2014 budget for this expenditure.

STRATEGIC IMPLICATIONS

Civic Leadership

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

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

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION – 10.1.5

That the Shire of Exmouth:

- i.) *Declare, in accordance with section 4.20 (4) of the Local Government Act 1995, the WA Electoral Commissioner to be responsible for the conduct of the 2013 ordinary elections together with any other elections or polls which may also be required; and*
- ii.) *Decide, in accordance with section 4.61 (2) of the Local Government Act 1995, that the method of conducting the 2013 election will be as a postal election.*

COUNCIL DECISION – 07-1012 – 10.1.5

Moved Councillor Hood, Seconded Councillor Thompson.

That the Shire of Exmouth:

- *Declare, in accordance with section 4.20 (4) of the Local Government Act 1995, the WA Electoral Commissioner to be responsible for the conduct of the 2013 ordinary elections together with any other elections or polls which may also be required; and*
- *Decide, in accordance with section 4.61 (2) of the Local Government Act 1995, that the method of conducting the 2013 election will be as a postal election.*

CARRIED by ABSOLUTE MAJORITY 5/0

10. REPORTS OF OFFICERS**10.2 Executive Manager Corporate Services****10.2.1 General Report**

Location: Exmouth
 Applicant: S O'Toole
 File Reference: CM.RE.0
 Disclosure of Interest: Nil
 Date: 10 October 2012
 Author: Executive Manager Corporate Services

Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

The following report contains a brief summary of activities and issues that were raised during the last month.

BACKGROUND**Freedom of Information (FOI) Training**

The Executive Manager Corporate Services and Administration Manager attended regional training for FOI Co-ordinators on the Freedom of Information legislation held on 29 August 2012 at the Shire of Roebourne offices.

The Office of the Information Commissioner (OIC) provided instructions regarding our statutory obligations to legislative procedures and requirements for disclosure of information.

The content especially targeted for local government agencies was to identify, clarify and enable discussion on the key processes and procedures involved in dealing with FOI applications. This will assist officers to be aware of the processes involved in our organisation when an FOI application is made for documents.

RATES**Property Sales**

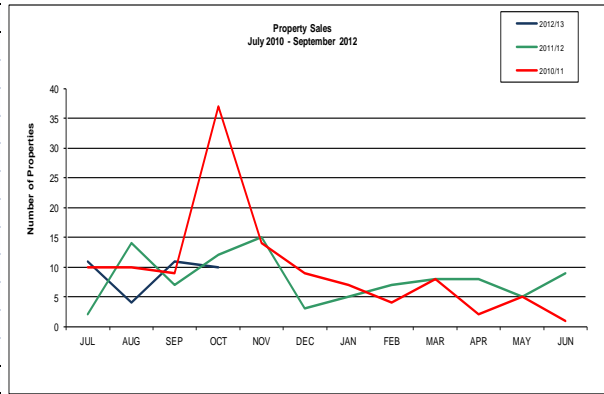
Below is a summary of properties sold during 2012/13:

2012/13 Summary of Property Sales

Number Sold	Land Usage	Total Sales	Average Sale
15	Vacant Land	\$3,925,003	\$261,667
14	Residential	\$6,879,000	\$491,357
4	Industrial	\$856,000	\$214,000
3	Mixed Use	\$99,000	\$33,000
0	Composite Devel	\$0	\$0
0	Special Use	\$0	\$0
0	Tourism	\$0	\$0
36		\$11,759,003	

Property Sales (cont)

Property Sales	2012/13	2011/12	2010/11
JUL	11	2	10
AUG	4	14	10
SEP	11	7	9
OCT	10	12	37
NOV		15	14
DEC		3	9
JAN		5	7
FEB		7	4
MAR		8	8
APR		8	2
MAY		5	5
JUN		9	1
	36	95	116



Outstanding Rates and Charges

Final Notices were sent on 5 October 2012 and administration will shortly commence legal action to recover outstanding rates.

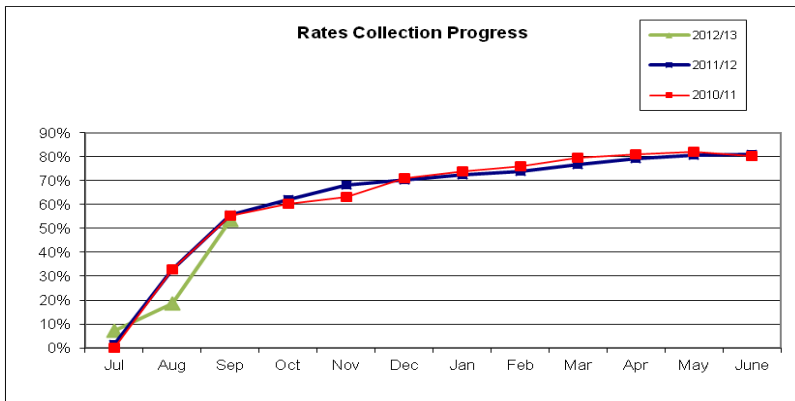
2012/13 Rates Collection Analysis

	\$
Rates & Charges Levied 2012/13	3,689,692
Arrears 1 July 2012	827,863
Less Collections	(2,418,559)
Total Rates & Charges Outstanding	2,098,996
Less Pensioner Deferred Rates	(13,288)
Total Rates Collectable	2,085,708
% Collected to Date	53.8%
Notices Sent	6/08/2012
Due Date	10/09/2012
Reminder Notice Sent	19/09/2012
Final Notice Sent	5/10/2012

Comparative percentage of rates collected monthly

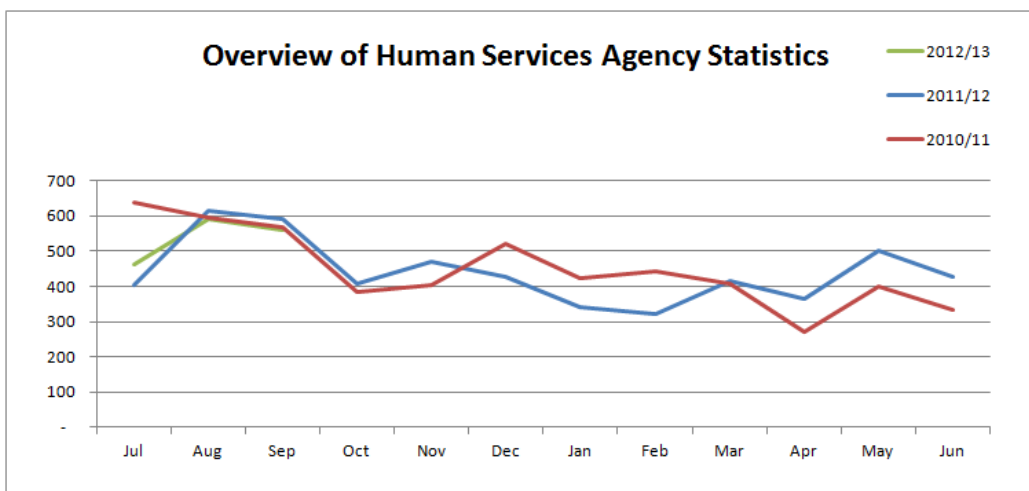
	2012/13	2011/12	2010/11
Rates Due Date	10/09/2012	2/09/2011	2/09/2010
Jul	7%	1%	0%
Aug	19%	33%	33%
Sep	54%	56%	55%
Oct		62%	60%
Nov		68%	63%
Dec		70%	71%
Jan		72%	74%
Feb		74%	76%
Mar		77%	80%
Apr		79%	81%
May		81%	82%
June		81%	80%

Graphical Overview of Rates Collection



Human Services Agency (formerly Centrelink)

						Hours of Operation/week		
						12.5	15	15
	Lodgement of Forms/Assist with Completion	Referrals to Call Centre & CSC	Assist with use of Equipment & Computer	Respond to General Enquiries	TOTAL			
						2012/13	2011/12	2010/11
Jul	127	102	34	201	464	464	403	637
Aug	189	95	44	264	592	592	615	595
Sep	221	84	31	224	560	560	590	567
Oct	-	-	-	-	-	-	406	383
Nov	-	-	-	-	-	-	469	402
Dec	-	-	-	-	-	-	427	521
Jan	-	-	-	-	-	-	340	424
Feb	-	-	-	-	-	-	320	441
Mar	-	-	-	-	-	-	416	409
Apr	-	-	-	-	-	-	364	271
May	-	-	-	-	-	-	500	400
Jun	-	-	-	-	-	-	428	334
TOTAL	537	281	109	689	1,616	1,616	5,278	5,384



CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.2.1

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


COUNCIL DECISION – 08-1012 – 10.2.1

Moved Councillor Warren, Seconded Councillor Winzer.

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

CARRIED 5/0

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

Location:	Exmouth
Applicant:	S O'Toole
File Reference:	FM.FI.0
Disclosure of Interest:	Nil
Date:	11 October 2012
Author:	Executive Manager Corporate Services, Sue O'Toole
Signature of Author:	
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY

The provisions of the Local Government Act 1995 and associated Regulations require the Shire of Exmouth to produce a monthly financial management report for presentation to the Council. This report recommends Council accept the financial report and pass the accounts for payment.

BACKGROUND

Financial report for the period ended 30 September 2012 has been prepared and a copy of the Report is attached as *Attachment Item 1* and a complete list of accounts for payment is attached as *Attachment Item 2*.

COMMENT

Nil

CONSULTATION

Nil

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.2.2

- *The monthly financial report for period ended 30 September 2012 be accepted; and*
 - *The accounts as listed in the monthly financial report be received:*
 1. *Municipal Fund ~ September 2012 \$505,967.61 incorporating cheque numbers 11937 to 11975 inclusive and direct debits*
 2. *Trust Fund ~ \$12,088.00 incorporating cheque number 400742 to 400744 inclusive and direct debits.*
- Outstanding Creditors totaling ~ \$627,931.32*

COUNCIL DECISION – 09-1012 – 10.2.2

Moved Councillor Hood, Seconded Councillor Thompson.

- *The monthly financial report for period ended 30 September 2012 be accepted; and*
- *The accounts as listed in the monthly financial report be received:*
 1. *Municipal Fund ~ September 2012 \$505,967.61 incorporating cheque numbers 11937 to 11975 inclusive and direct debits*
 2. *Trust Fund ~ \$12,088.00 incorporating cheque number 400742 to 400744 inclusive and direct debits.*

Outstanding Creditors totaling ~ \$627,931.32

CARRIED 5/0

10. REPORTS OF OFFICERS

10.3 Executive Manager Aviation Services

10.3.1 General Report

Location: Exmouth
 Applicant: Andrew Forte
 File Reference: TT.SP.0
 Disclosure of Interest: Nil
 Date: 11 October 2012
 Author: Executive Manager Aviation Services, Andrew Forte

Signature of Author: *Andrew Forte*
 Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

The following Aviation Services Department report contains a brief summary of significant activities and issues arising since the September 2012 agenda report.

BACKGROUND

Defence

The monthly LACM (Learmonth Airport Consultative Meeting) with RAAF are proving to work very well with information exchange minuted and distributed.

There are no issues for resolve at the moment.

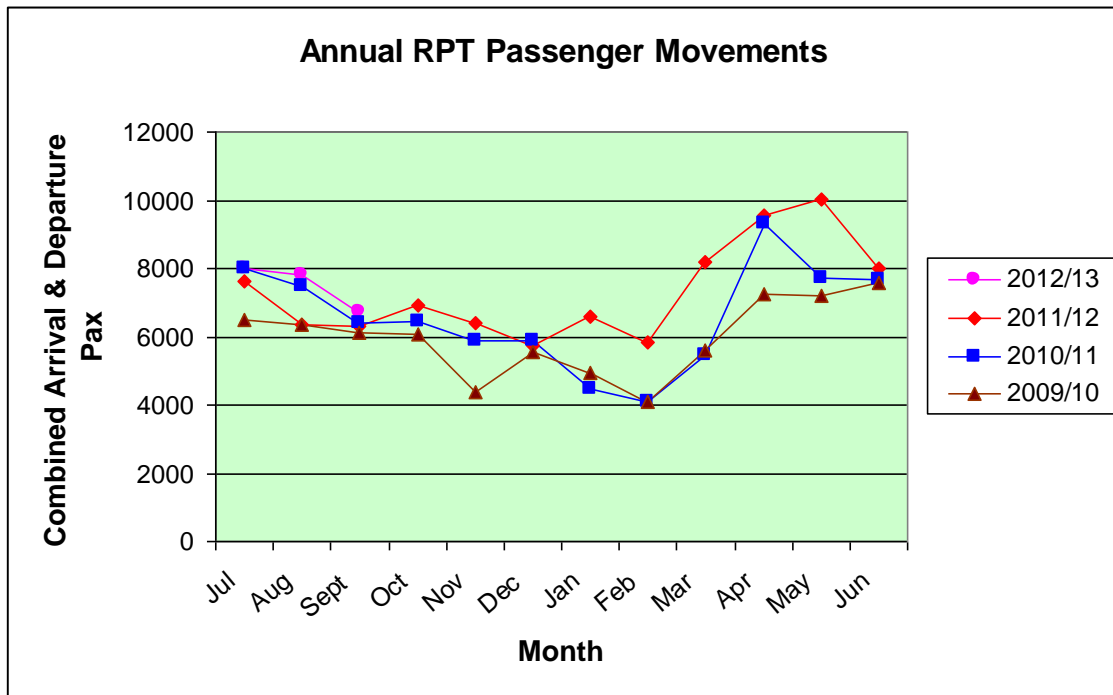
Regulatory

All X-ray and associated security screening computing equipment are behaving.

Airlines/Air Operators/Industry

September RPT passenger numbers (combined Qantas and Skywest) were 6706 and up 6.3% on this time last year and followed the downward movement trend for this month of the year.

See the graphical presentation of statistics below.



Airport

Apron markings plans have incurred several amendments to meet industry requirements and physical constraints. Considerable effort has been expended to get this right.

Contract paint (Supastar Enterprises) of line markings is to occur from 12 October and this includes fuel resistant treatment to new helicopter and aircraft parking areas. As this is a complete new set out it will take several days and require the contractor to work around aircraft operations. Local based surveyor HTD is undertaking the set out.

Welcome to Exmouth signage in the arrivals hall will be installed within the next fortnight. Also Learmonth Heliport signage on both landside and airside building facades.

A contract window cleaner has inspected the premises and is in the process of quoting for regular inside and outside window clean. The terminal is a big glazed building and with handprints on the inside public glazed areas and bird/dust contentions on the outside we needed to take action to retain the facility standards.

Heliport

The fourth Learmonth Heliport Consultative Meeting was convened on 9 October 2012. The forum enables the status of business, exchange of thought on any issues, upcoming activities etc to be conveyed. It was well represented by Woodside, Apache, BHPB, Bristows, Norwest Airwork and the Shire. The Heliport team are working extremely well with no industry concerns.

A joint Woodside and BHPB Cyclone Deman/Upman exercise was held with all Heliport staff and Bristow Helicopter pilot and operations coordinators present on 10 October 2012. Lessons learnt from last years pressure points during downman/upman were conveyed and the exercise proved the collective would have readily managed 135 persons coming off various facilities, transfer to Perth and then returned on all clear status.

Apache have advised that two drill rigs will be positioned in the Exmouth sub-basin and Learmonth Heliport will be used for personnel movements, commencing November with a Bristow EC225 based in Exmouth. Flying will be Monday to Saturday.

BHPB also advise they will have two drill rigs in the Exmouth sub-basin and from March 2013 will have an additional EC225 based in Exmouth.

Staffing

Interviews have concluded and the new Executive Manager Aviation Services appointee is Jennifer Kox, previously employed as Karratha airport's Commercial Manager. Both Jenny Kox and Steve Kox (airport manager) will commence duties on 22 October 2012.

Leasing

Construction of the new office/store building for Toll/Exmouth Freight Services has commenced. It is adjoin the Australian Air Express/Colta leased premises and is in effect an extension to the Heliport building. Construction is by local builder Boranupbuild.

An upcoming meeting with BHA to discuss future term leasing arrangements is scheduled with CEO attending on 26 October.

Projects

A new CCTV system is work in progress. This is a mandatory component of the airport's Transport Security Program.

Input has been provided to the Draft Gascoyne Regional Planning report outlining the aviation focus of the Shire of Exmouth and importance of aviation economically and socially to the region generally.

Other Items

Nil

Exmouth Aerodrome

Solar lights have arrived and are ready for installation at the Exmouth aerodrome and this will be a priority project for the new airport manager to undertake.

Clarification of the fees and charges applicable to night operations has been conveyed to NWA and BHA following the advice that a night surcharge for landing at night at Exmouth applied. Refer to separate report.

COMMENT

Nil

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Objective 1: Maintain and Improve Shire Infrastructure.

Key Airport Actions Lobby to become the hub for regional air services.

Adopt and implement a plan for expansion of the airports and their operations.

Comply with Commonwealth regulatory and Defence operating requirements.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.3.1

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

COUNCIL DECISION – 10-1012 – 10.3.1

Moved Councillor Winzer, Seconded Councillor Warren.

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

CARRIED 5/0

10. REPORTS OF OFFICERS

10.3 Executive Manager Aviation Services

10.3.2 Night Landing Surcharge Fee Removal at Learmonth Airport and Exmouth Aerodrome

Location: Exmouth
 Applicant: Andrew Forte
 File Reference: TT.SP.0
 Disclosure of Interest: Nil
 Date: October 2012
 Author: Executive Manager Aviation Services, Andrew Forte

Signature of Author: 
 Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

This report recommends the amendment of the Airport Fees and Charges for both Learmonth and Exmouth Aerodrome to remove the fee 'Night Landing Surcharge'.

BACKGROUND

To operate runway and apron lights at Learmonth has historically necessitated a call out. The means of cost recovery has been to assign a night landing surcharge to all night landings.

The night landing surcharge remains in the airport fees and charges ratified for this financial year. With the application of the same set of fees and charges across the board to both Learmonth and Exmouth, with effect this financial year, the night landing surcharge has been highlighted as an anomaly.

We now have alternative methods of night light operation at Learmonth. One is the Pilot Activation (VHF frequency) that is not published but is known by RFDS, BHA, CHC and WARAME (Fixed wing service funded by the resource sector based out of Karratha). The second is if the matter is pre-planned then RAAF or airport can activate for the night purpose.

So it is very infrequent that a call out for night lights is required and further if it is requested/required the fees and charges has a call out rate to enable full cost recovery.

The Exmouth solar lights (when installed) have a PE cell and will operate as night lighting throughout the night.

COMMENT

Should an air operator require a call out to manually activate lights or undertake a runway inspection then the fees and charges has a rate and the call out fee is applied.

Night landings are otherwise no different to day operation landings.

There have been 20 night landings at Learmonth since 1 July 2012. Only five were charged the night landing surcharge as the others were RFDS, which have all fees waived.

Reversal of this night landing surcharge back dated to 1 July 2012 is appropriate to remove the anomaly that has arisen.

Shire of Exmouth
**2012/13 Schedule of
 Fees & Charges**

Description	a/c	FEE	GST	TOTAL
LEARMONTH AIRPORT & EXMOUTH AERODROME				
<u>Effective from 1 July 2012 to 30 September 2012:</u>				
Passenger Head Fee (Regular Passenger Transport)				
Adult	R126180	\$15.91	\$1.59	\$17.50
Child	R126180	\$8.64	\$0.86	\$9.50
Security Levy per person				
After Hours (1700 to 0700) RPT Screening Fee per hour	R126181	\$16.82	\$1.68	\$18.50
	R126181	\$318.18	\$31.82	\$350.00
Airport Landing Fees				
Airport Landing Fees (RPT) per Tonne of Maximum Takeoff Weight (MTOW)	R126180	\$10.00	\$1.00	\$11.00
Airport Landing Fees per Tonne of Maximum Takeoff Weight > 5,700kg	R126180	\$19.55	\$1.95	\$21.50
Landing Fees - Light Aircraft - > 1,000kg but < 5,700kg Fixed Rate	R126180	\$15.91	\$1.59	\$17.50
Landing Fees - Microlight Aircraft - < 1,000kg Fixed Rate	R126180	\$5.45	\$0.55	\$6.00
Night Landing Surcharge	R126180	\$126.36	\$12.64	\$139.00
Overnight Parking Fee - Aircraft >= 5,700kg	R126180	\$25.45	\$2.55	\$28.00
Overnight Parking Fee - Aircraft < 5,700kg	R126180	\$15.45	\$1.55	\$17.00
After Hours Staff Callout Fee per hour (1700-0700), min 3 hour charge	R126180	\$60.91	\$6.09	\$67.00
Training flights - single landing weight based per tonne per hour	R126180	\$20.00	\$2.00	\$22.00
<u>Effective from 1 October 2012:</u>				
Passenger Head Fee (Regular Passenger Transport)				
Adult	R126180	\$16.36	\$1.64	\$18.00
Child	R126180	\$9.09	\$0.91	\$10.00
Security Levy per person				
After Hours (1700 to 0700) RPT Screening Fee per hour	R126181	\$17.27	\$1.73	\$19.00
	R126181	\$318.18	\$31.82	\$350.00
Airport Landing Fees				
Airport Landing Fees (RPT) per Tonne of Maximum Takeoff Weight (MTOW)	R126180	\$10.45	\$1.05	\$11.50
Airport Landing Fees per Tonne of Maximum Takeoff Weight > 5,700kg	R126180	\$20.00	\$2.00	\$22.00
Landing Fees - Light Aircraft - > 1,000kg but < 5,700kg Fixed Rate	R126180	\$16.36	\$1.64	\$18.00
Landing Fees - Microlight Aircraft - < 1,000kg Fixed Rate	R126180	\$5.91	\$0.59	\$6.50
Night Landing Surcharge	R126180	\$129.09	\$12.91	\$142.00
Overnight Parking Fee - Aircraft >= 5,700kg	R126180	\$26.36	\$2.64	\$29.00
Overnight Parking Fee - Aircraft < 5,700kg	R126180	\$15.91	\$1.59	\$17.50
After Hours Staff Callout Fee per hour (1700-0700), min 3 hour charge	R126180	\$62.27	\$6.23	\$68.50
Training flights - single landing weight based per tonne per hour	R126180	\$20.00	\$2.00	\$22.00

Shire of Exmouth
**2012/13 Schedule of
 Fees & Charges**

Description	a/c	FEE	GST	TOTAL
LEARMONTH AIRPORT & EXMOUTH AERODROME				
Tenants Lease				
(Subject to negotiation and Council Policy)	R126250			
Temporary Airport Office Space				
Single office (per day)	R126250	\$113.64	\$11.36	\$125.00
Advertising Space				
Advertising space (wall/windows) per square metre per month	R126182	\$124.55	\$12.45	\$137.00
Pillar Stands (Information Stands approx 0.6m x 0.6m x 2.4m) per mth	R126182	\$41.82	\$4.18	\$46.00
Brochure Holders per annum	R126182	\$65.91	\$6.59	\$72.50
Taxi/Bus Stand				
Taxi Stand Fee (Shopping Centre) - Annual Licence	R126250	\$113.64	\$11.36	\$125.00
Bus Stand Fee (Visitor Centre) - Annual Licence	R126250	\$566.36	\$56.64	\$623.00
Taxi Stand Fee (Learmonth Airport) - Annual Licence	R126250	\$226.82	\$22.68	\$249.50
Bus (greater than 8 seats) Stand Fee (Learmonth Airport) - Annual Licence	R126250	\$566.36	\$56.64	\$623.00
Commercial Vehicle Car Park (Learmonth Airport) - Annual Licence	R126250	\$226.82	\$22.68	\$249.50
Taxi Stand Fee (Learmonth Airport) - Occasional Licence per visit	R126250	\$6.36	\$0.64	\$7.00
Bus Stand Fee (Learmonth Airport) - Occasional Licence per visit	R126250	\$11.82	\$1.18	\$13.00
Heliport Passenger Fees				
Learmonth Operating Deed Hours 0600 to 2200hrs				
Monday to Friday				
For each DEPARTURE of helicopter within the Learmonth Operating Deed Hours	R129180	\$872.73	\$87.27	\$960.00
For each DEPARTURE of helicopter outside the Learmonth Operating Deed Hours	R129180	\$1,003.64	\$100.36	\$1,104.00
For each ARRIVAL of helicopter within the Learmonth Operating Deed Hours	R129180	\$509.09	\$50.91	\$560.00
For each ARRIVAL of helicopter outside the Learmonth Operating Deed Hours	R129180	\$585.45	\$58.55	\$644.00
Saturday				
For each DEPARTURE of helicopter within the Learmonth Operating Deed Hours	R129180	\$1,309.09	\$130.91	\$1,440.00
For each DEPARTURE of helicopter outside the Learmonth Operating Deed Hours	R129180	\$1,527.27	\$152.73	\$1,680.00
For each ARRIVAL of helicopter within the Learmonth Operating Deed Hours	R129180	\$763.64	\$76.36	\$840.00
For each ARRIVAL of helicopter outside the Learmonth Operating Deed Hours	R129180	\$890.91	\$89.09	\$980.00
Sunday				
For each DEPARTURE of helicopter within the Learmonth Operating Deed Hours	R129180	\$1,527.27	\$152.73	\$1,680.00
For each DEPARTURE of helicopter outside the Learmonth Operating Deed Hours	R129180	\$1,963.64	\$196.36	\$2,160.00
For each ARRIVAL of helicopter within the Learmonth Operating Deed Hours	R129180	\$890.91	\$89.09	\$980.00
For each ARRIVAL of helicopter outside the Learmonth Operating Deed Hours	R129180	\$1,145.45	\$114.55	\$1,260.00
Public Holiday				
For each DEPARTURE of helicopter within the Learmonth Operating Deed Hours	R129180	\$2,181.82	\$218.18	\$2,400.00
For each DEPARTURE of helicopter outside the Learmonth Operating Deed Hours	R129180	\$2,618.18	\$261.82	\$2,880.00
For each ARRIVAL of helicopter within the Learmonth Operating Deed Hours	R129180	\$1,272.73	\$127.27	\$1,400.00
For each ARRIVAL of helicopter outside the Learmonth Operating Deed Hours	R129180	\$1,527.27	\$152.73	\$1,680.00
Heliport Passenger Levy				
Levy per passenger DEPARTING and ARRIVING by Helicopter through the Heliport	R129181	\$22.73	\$2.27	\$25.00

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION – 10.3.2

That the Council of the Shire of Exmouth endorses the waiving of all night landing surcharges from the Learmonth and Exmouth Fees and Charges, back dated to 1 July 2012.

COUNCIL DECISION – 11-1012 – 10.3.2

Moved Councillor Warren, Seconded Councillor Winzer.

That the Council of the Shire of Exmouth endorses the waiving of all night landing surcharges from the Learmonth and Exmouth Fees and Charges, back dated to 1 July 2012.

CARRIED by ABSOLUTE MAJORITY 5/0

10. REPORTS OF OFFICERS**10.3 Executive Manager Aviation Services**

10.3.3 Planning for Exmouth Aerodrome

Location: Exmouth
 Applicant: Andrew Forte
 File Reference: TT.SP.1
 Disclosure of Interest: Nil
 Date: October 2012
 Author: Executive Manager Aviation Services, Andrew Forte

Signature of Author: 
 Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

This report outlines the planning requirements for the Exmouth aerodrome.

BACKGROUND

Known still by many as the Exmouth Light Aircraft Strip the Exmouth aerodrome is home to four fixed base commercial operators (Bristow Helicopters Australia, CHC Helicopters, Birds Eye View and Norwest Airwork) and one private operator (Peter Lalor).

The aerodrome is situated on land owned by the State and vested for aerodrome purposes with the Shire of Exmouth. This land is clearly identified for Aviation purposes under the Exmouth South Structure Plan.

With the increase in general aviation activity at Exmouth and the constraints imposed by Defence on general aviation to both operate and base at Learmonth (Defence advice) it is vital that the Exmouth aerodrome be able to meet the demands of this sector of the industry.

COMMENT

The aerodrome has a structure plan for the current users but no master plan for its ultimate development.

The aerodrome has had little expenditure save for annual grade and roll of the unsealed runway pavement.

The social and economic benefit of aerodromes is well recognised and the following input to the Draft Gascoyne Regional planning report was made. It captures the essence of the planning requirements for the Exmouth aerodrome.

Key Drivers – Economy and Employment

The economic contribution made by the Airports is not mentioned under this section. Aviation is a significant Economic Driver and it also has a significant social contribution.

The Shire of Exmouth's operates two airports.

Learmonth airport operates civil aviation under a Deed of Operation and is situated on civil lease on the Commonwealth's Department of Defence Learmonth RAAF base (40km south of the Exmouth townsite). It is not a Joint User airport. All aircraft movements must be approved with operations on the runway occurring under licensed arrangements.

At Learmonth the Shire of Exmouth employ 20 persons to operate the civil facilities and then there are another 10 persons employed privately undertaking fuelling and airline ground handling. This excludes indirect associated business employment such as hire car and bus operators,

The RAAF employees at Learmonth and their maintenance and security contractor are estimated to total 15 persons.

The Shire of Exmouth owns and operates the Exmouth aerodrome (15km south of the Exmouth townsite), which has several fixed base operators.

Norwest Airwork provides charter, aerial work and scenic flights. Bristow Helicopters provides maintenance and pilots. Birds Eye View provides microlight flying training and scenic flights. These companies collectively employ an estimated 55 persons, which can vary seasonally.

The collective direct employment, on airports in the Gascoyne could be around 200 persons. The value of the businesses both as direct and indirect economic value should be assessed. It is considered, in our opinion, to exceed the value of both Aquaculture (\$9.3M) and Pastoralism (\$28M).

Recommend Opportunities (CI 2.1.6) add:

Development of airport infrastructure (eg. terminals, serviced lease sites, apron parking areas and runways) to meet projected aviation growth of air operators, on site airport businesses and airport tourism facilities to facilitate economic development.

Undertake a study to value the economic significance of the Gascoyne airports, particularly those serving Exmouth and Carnarvon, with identification of specific strategic works that will further grow business activity and employment.

Key Drivers – Transport and Infrastructure

Learmonth airport handled 90,000 RPT passengers in 2011/12 and over the past five years has experienced an average annual growth of 13% per annum and this is expected to continue generating over 100,000 passengers in 2012/13.

Learmonth is a hub airport for offshore and hinterland air transport services with approximately 25% of all passengers continuing with charter flights to production and drill oil and gas facilities offshore or to the hinterland by fixed wing charter.

Learmonth is a significant operational base during the cyclone season. Down manning of offshore facilities in its immediate catchment may lead to around 500 persons being transferred to Learmonth to join RPT or special charter flights. In addition other flights will arrive from Onslow and Karratha regional areas to meet with larger jet charters.

Several international and domestic airline carriers have obtained approval for alternate use of Learmonth airport. The civil apron facilities are presently inadequate for large wide body aircraft but may be accommodated by RAAF if at the time parking is available.

Two airlines, namely Qantaslink (Q400) and Skywest (F100) operate to Learmonth from Perth. In addition weekly connecting flights to Broome and Paraburdoo occur.

The Shire of Exmouth intends preparing a Master Plan for the Exmouth Aerodrome to facilitate major upgrade works. Exmouth aerodrome provides a base for General Aviation operations and maintenance. Learmonth airport lease site provides for airline and associated interface charter operations.

The provision of a longer sealed runway, with night capability and apron areas is essential for the growing general aviation user demands at Exmouth, which cannot be accommodated at Learmonth due to the restricted operating arrangements.

Recommend Opportunities (CI 2.2.10):

T16 be expanded to include upgrade of the Exmouth aerodrome to sealed standard to serve general aviation traffic.

Key Drivers – Governance

Cl. 2.4.2 State Planning Framework – Transport.

The Department of Transport are presently undertaking a State Aviation Strategy. The Shire of Exmouth has provided input to the State.

Growth Management Strategy – Cl 3.2 Activity Centres

The need to separate the Shire of Exmouth’s regional airport facilities (as Specialised Centres) from the Regional Centre of Exmouth is questioned.

Clause 3.2.5 suggests Learmonth is a joint RAAF and Regional airport. It is not and the Commonwealth are adamant that this is not appropriate terminology. The Shire has a lease on a small land area and the runway is a licensed area where upon approval air operations may occur.

The specific type activity of the Commonwealth’s at Learmonth is appropriate reference but not the regional airport activity of the Shire of Exmouth which also encompasses Exmouth aerodrome. If it is to remain then the clear distinction of the Civil facilities lease at Learmonth and the Exmouth aerodrome both need to be stated.

Relevant strategies and studies for both Learmonth and Exmouth are referred to in the above text.

Economic and Regional Infrastructure Development – Cl 3.3

Recommended Priority Project;

Development of Exmouth aerodrome infrastructure (general aviation terminal, services of power and water to airport lease sites, apron parking areas and sealed all weather lit runway) to meet projected general aviation demand from air operators, on site airport businesses and airport tourism facilities.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Objective 1: Maintain and Improve Shire Infrastructure.

Key Airport Actions Lobby to become the hub for regional air services.

Adopt and implement a plan for expansion of the airports and their operations.

Comply with Commonwealth regulatory and Defence operating requirements.

VOTING REQUIREMENTS

Simple Majority

OFFICER’S RECOMMENDATION – 10.3.3

That the Council of the Shire of Exmouth endorse the undertaking of an aerodrome Master Plan for Exmouth that will provide greater external land use definition and also identify priority development works to support continued growth of general aviation.

COUNCIL DECISION – 12-1012 – 10.3.3

Moved Councillor Thompson, Seconded Councillor Hood.

That the Council of the Shire of Exmouth endorse the undertaking of an aerodrome Master Plan for Exmouth that will provide greater external land use definition and also identify priority development works to support continued growth of general aviation.

CARRIED 5/0

10. REPORTS OF OFFICERS**10.4 Executive Manager Community Engagement****10.4.1 General Report**

Location: Exmouth
 Applicant: R. Kempe
 File Reference:
 Disclosure of Interest: Nil
 Date: 9October 2012
 Author: Executive Manager Community Engagement, Rogé Kempe
 Signature of Author: 
 Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

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

BACKGROUND**Visitor Centre**

Door statistics:

	2010/11	2011/12	2012/13	Compared to last year
JUL	19833	16175	17548	1373
AUG	15165	15147	14960	-187
SEP	12309	10901	11537	636
OCT	10890	9474		
NOV	6255	6119		
DEC	5272	5029		
JAN	5355	4874		
FEB	3200	3073		
MAR	6740	5124		
APR	13062	11565		
MAY	13243	12130		
JUN	13956	12480		
TOTAL	125,280	112,091	44,045	+1822

Door count Sept 2011

- Total visitor numbers 10901
- The average visitor number per day in Sept was 363.

Door count Sept 2012

- Total visitor numbers 11537
- The average visitor number per day in Sept was 385.

Book easy statistics

Accommodation	Sept 12	Aug 12	Sept 11
Online Accommodation Bookings	174	316	179
Average Spend per booking	\$213	\$142	\$266
Tours			
Online Tour Bookings	376	613	368
Average Spend per booking	\$184	\$202	\$203

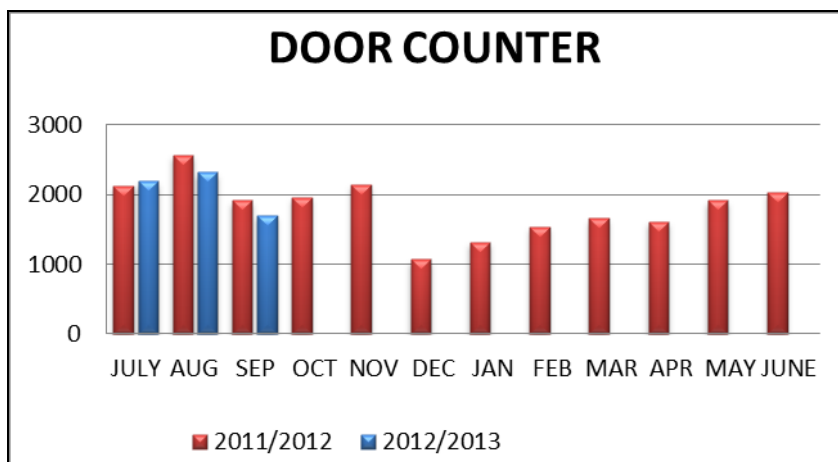
Accounting Update

Both the Trust & General bank accounts have been reconciled up until the 31 May 2012. June's 2012 reconciliations are currently being finalised. All accounts procedures are currently being finalised for the auditor's visit later this year.

Rio Tinto Recreational Tours Proposal

Megan Williams from Naturaliste Marketing has been based at the EVC since Tuesday 25 September 2012 to develop a proposal for Rio Tinto where the EVC can package and market recreational tours using the empty seats of the FIFO aircraft (This package has been emailed to Councillors for comment). The Expression of Interest process is near completion, with a strong response from 20 operators offering almost 30 different tour/service options. The next stage is to compile submissions and finalise the proposal document.

Library & Community Resource Centre (CRC)



Staff

Library Assistant Bec Edwards will be leaving in December 2012 to move interstate with her family. Bec has been a valued employee and will be missed by library staff and patrons.

Congratulations to Sharon (Library and CRC Coordinator) who has completed attendance in OHS to enhance and maintain safety in the workplace.

Better Beginnings

Rhyme and Story Time was held outside under the tree in front of the Shire Hall this month making the most of the cooler weather. Thank you to the Whaleshark Festival committee for the loan of the portable fencing and Lachlan Edwards for erecting the fence to keep the children safe. 22 children plus carers enjoyed stories, rhymes and making and racing "cars" from recycled boxes that the Shire office ladies had collected.



Better Beginnings supply of resource bags for new born babies have been received and will continue to be distributed to parents when they visit the Early Childhood Centre.

Community Development

Vlaming Head Lighthouse Celebrations

There are 8 weeks until the lighthouse celebrations commence and things are hotting up. Lantern workshops start on the 8th October with all workshops for adults booked out and kids workshops filling up fast. The Art competition has started, Documentary makers have started working on the script; Decorations for the ball are being delivered and the *Illuminart* projection show is in the making.

October School holiday program

We are in the middle of the school holiday program and so far activities have been well attended

Card making	15
Fishing	10
Sand Sculptures	37
Lantern Making	13



Tura Music Festival – Sounds Outback.....(to Reef)

The Tura Festival has been a great success with fantastic performances at Shothole Canyon, Nibblet Oval and other venues around town. The Shire supported the Festival financially and in-kind and this was much appreciated by the event organisers. Debriefs will be undertaken in the coming weeks and it is hoped that the Festival will take place again next year.

Media and Community Information

The Shire provided the following community information:

- ❖ Shire Newsletter for September
- ❖ Press release regarding Council support for RIO TINTO FIFO initiative.

COMMENT

Nil

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Economic

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

Outcome 1.3 – Diverse Tourism opportunities.

Social

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

Outcome 3.3 –An inclusive, responsible and cohesive community.

Outcome 3.5 –Maintain and increase participation levels in local community organisations and clubs.

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.4.1

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

COUNCIL DECISION – 13-1012 – 10.4.1

Moved Councillor Hood, Seconded Councillor Warren.

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

CARRIED 5/0

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

Location: Exmouth
 Applicant: R M Manning
 File Reference: GV.CM.0
 Disclosure of Interest: Nil
 Date: 8th October 2012
 Author: Executive Manager Health & Building, R M Manning

Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

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

BACKGROUND**Applications for Permits and Certificates Pursuant to the Building Act 2011**

Below is a summary of building licence and building certificate applications and approvals up to 8th October 2012.

Building Applications						
Applic. No.	Date received	Lot No	Development Location	Description	Decision	Decision Date
20120055	23/04/2012	285	27 Lefroy Street	Fence	Awaiting information from applicant	
20120085	10/07/2012	203	Cobia Close	Single Dwelling	Awaiting information from applicant	
20120095	23/07/2012	120	Bluefin Cove	Timber Thatched Roof	Awaiting information from applicant	
20120106	14/08/2012	12	Unit 2 Christie Street	Single Dwelling	Awaiting information from applicant	
20120108	16/08/2012	145	41 Snapper Loop	Swimming Pool and Fence	Approved	09/10/2012
20120112	27/09/2012	1137	Koolinda Way	Warehouse	Approved	10/10/2012
20120119	31/08/2012	1281	Seawolf Place	Single Dwelling	Awaiting information from applicant	
20120120	04/09/2012	654	12 Hall Street	Outbuilding	Approved	18/09/2012
20120121	07/09/2012	1112	(Site 211) Nimitz Street	Outbuilding- Annex	Approved	18/09/2012
20120122	11/09/2012	706	5 Cameron Street	Outbuilding	Awaiting information from applicant 28/09/12	
20120123	13/09/2012	932	4 Keillor Place	Outbuilding	Approved	28/09/2012
20120124	14/09/2012	28	2 Crevalle Way	Garage	Approved	20/09/2012
20120125	17/09/2012	127	49 Skipjack Circle	Retaining Wall	Approved	10/10/2012
20120126	19/09/2012	1112	Nimitz Street (Restaurant)	Decking	Approved	12/10/2012
20120127	20/09/2012	1283	1 Tambor Drive	Verandah Extension	Awaiting information from applicant 08/10/2012	
20120128	25/09/2012	1366	Heron Way	Chicken Pen	Processing	
20120129	24/09/2012	139	53 Snapper Loop	Outbuilding	Approved	10/10/2012
20120130	24/09/2012	145	Hunt Street	Outbuilding	Processing	
20120131	27/09/2012	932	4 Keillor Place	Carport	Approved	28/09/2012
20120132	25/09/2012	446	24 Stokes Hughes Street	Outbuilding	Approved	09/10/2012

20120133	25/09/2012	313	313 Pebble Beach Road	Single Dwelling	Processing	
20120134	26/09/2012	415	50 Madaffari Drive	Boundary Fencing	Approved	12/10/2012
20120135	05/10/2012	1112	(Site 222) Nimitz Street	Shed	Processing	
20120136	05/10/2012	310	Minilya Exmouth Road	Shed/Dwelling	Processing	
20120137	05/10/2012	406	Madaffari Drive	Single Dwelling	Processing	
20120138	08/10/2012	404	Madaffari Drive	Swimming Pool	Processing	

Summary of Building Licence/Permit Applications
2006 to Year to date 8th October 2012

Year	No. Applications Calendar Year	Total Value of Works Calendar Year	No. Applications up to 8 October	Value up to 8th October
2006	148	\$23,758,341.45	112	\$11,870,091.00
2007	138	\$19,487,319.01	102	\$15,684,455.20
2008	140	\$23,065,372.40	93	\$9,670,301.00
2009	140	\$24,780,872.94	104	\$13,873,823.00
2010	202	\$25,165,355.12	156	\$21,399,860.12
2011	186	\$26,904,705.11	151	\$21,683,105.00
2012			111	\$14,144,359.00

COMMENT

Nil

BUILDING

The above building permit statistics are down slightly compared to the past two years but on a five year average they are reasonably consistent.

The above applications do not include the details of an application for Lot 190 Snapper Loop that has been lodged but the application fees were not paid at the time of preparing this report. The above application is for 15 dwellings at approx \$3.2M being the same proposal that had previously been approved for construction but the Building License has expired due construction not commencing within 12 months. On submission of this latest application the proponent requested that Building Permit Application fees of over \$10,000 be waived.

The Council is hereby advised that after considering the request for the fee waiver Council Officers advised the proponent that a waiver would not be granted due to this latest application not being simply a renewal of a license. This application is a new application made under a new Act and involved a new process that required re-assessment. Further it was considered that the proponent had already been granted significant concession by way of a 50% waiver on the fees for the renewal of the Planning Approval.

Argosy Court

Correspondence was recently sent to Mr Wise and Ms McKeown providing them until the 16th October 2012 to collect their personal belongings from the remaining accommodation buildings upon Lot 620 Murat Road. The correspondence advised the above that at some time after the 16th October the Shire of Exmouth would take the appropriate action to remove and store their belongings to facilitate the removal of the buildings.

The correspondence was sent late September/early October 2012 and as of 10th October 2012 Mr Wise or Ms McKeown had not made contact with Council officers.

ENVIRONMENTAL HEALTH

General Duties

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

Officers will be paying particular attention to Public Buildings and Lodging Houses in October and November. The Shire owned Public Buildings are in the process of being inspected for compliance under the Health (Public Buildings) Regulations 1992. These inspections are extremely important to ensure the health and safety of all patrons who access the Shire owned Public Buildings.

Offensive Trade Application – MG Kailis

An Offensive Trade Application has been received from MG Kailis in relation to the proposed expansion of its current retail shop at the Driftwood Centre (shop 4) 1 Kennedy Street, Exmouth.

Due to their unsuccessful planning application to extend the non-conforming use at Betsy's (Lot 361 Pellew Street), MG Kailis have now made an application for registration of an Offensive Trade (fish processing) from shop 5 of the Driftwood Centre. The current application is a much scaled down version compared to the proposal for the Pellew St (Betsy's) premises whereby it is only proposed to process fish and prawns for retail sale from the Driftwood premises, not to prepare the same for wider wholesale distribution. A summary of the proposed operation from the Driftwood Centre shop is as follows:-

1. Prepare prawns for sale through their display cabinet. The process entails decanting frozen prawns from cartons into plastic trays which are placed into a refrigerator overnight to thaw them.
2. Preparing a small range (20-30) of lunch items such as prawn rolls and prawn lunch packs.
3. Preparing an average of 25kgs of fish per week for retail sale from the shop.

As is prescribed by the Shire of Exmouth Health Local Laws 1998, the MG Kailis Offensive Trade Application was advertised for two consecutive weeks in The Northern Guardian Newspaper (26th September 2012 & 3rd October 2012). No written objections had been received as at the 10th October 2012.

As the proposal is very low key and only for the preparation of seafood for retail sale from the Driftwood Centre premises and the fit-out/proposed work procedures, Officers of the Shire's Environmental Health Services consider that subject to a number of simple conditions mainly relating to the freezing and removal of the fish waste that will be generated on a daily basis, the application can be approved.

The Executive Manager Health & Building has the delegated authority to approve such applications and intends to finalise the Offensive Trade Registration later this month.

A separate Application for Notification/Registration of a Food Business has been received for the abovementioned use and is currently being processed by Shire's Environmental Health Officer.

Sentinel Chickens & Mosquito Borne Diseases

The University of Western Australia's Sentinel Chicken Bleeding Program is continuing with monthly bleeding of chicken flocks. There were no new positive blood tests to report for Murray Valley Encephalitis, Kunjin Virus or other flaviviruses from the round of testing from 19/09/12 to 02/10/12.

Paltridge Memorial Swimming Pool

	<u>2012</u>	<u>2011</u>	<u>2010</u>
Pool users	1032	1423	1345

An Austswim Teacher of swimming and water safety course has been scheduled from the 26th to the 28th of October, subject to obtaining the necessary numbers. The required numbers to run a course are eight people and currently we have only four. After discussions with Royal Life Saving they will run the course with six positions paid for so I would like to request the Shire to pay for two of the positions totalling \$650.00 to ensure this course will run. If by this date more people have enrolled on this course the Shire will not have to pay for these positions that get filled.

Exmouth is currently experiencing an increasing shortage of available Swimming teachers. It is very important that the abovementioned course takes place this year so as to ensure that the town gains four more qualified teachers.

Interim swimming lessons for school children (years - pre primary to year 3) is scheduled to run from 12th to 23rd of November this year but is currently in question due to the availability of swimming teachers. The

same challenge has been faced throughout WA country towns over the past few years with many lessons not being able to take place. Exmouth has been fortunate in the past due to the fact that we have had dedicated teachers but we are now beginning to struggle.

A` Dive In Movies` competition is currently running with an invitation to the public to cast a vote for their top 5 movies rated **PG or G** .This entails them to enter into the draw to win a free family pass to the movies drawn Saturday the 13th of October. All the entries collected, will be collated for the selection of movies that will be shown through the pool season.

The acclaimed `Youth Quake` function on the first evening of the pool season attracted 90 of Exmouth's youth from year 7 to year 12. A great time was had by all and there have been many enquiries as to when they can return to Exmouth. The event which also included teaching making the right choices in life with issues such as to what sort of information you should be putting on Face book, text messages and calculating general risks in life was organised and funded by Exmouth Christian Fellowship. The pool event was a great fun night and was thoroughly enjoyed by all who attended.



The following general activities will be starting in the near future at the pool:

- Early Morning Swimming
- Swimming Club
- Senior Aqua Fitness and
- Aqua Zumba.

STAFF

The (Casual) Water Sampling Officer, Ms Jodi Koleniuk recently resigned/gave notice that she would no longer be available to assist Environmental Health Services in carrying out the above duties. Jodi has taken up a permanent part-time position with a local business.

Council Officers are currently considering what options there may be to fulfil the water sampling duties given the very limited hours of work available.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Shire of Exmouth Health Local Laws 1998 – Offensive Trade Registration

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Social

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

- Outcome 3.2: Excellent lifestyle, recreational and cultural facilities.
- Outcome 3.3: An inclusive, responsible and cohesive community.
- Outcome 3.4: A community that is well informed and educated about our natural, cultural and built environment.

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.5.1

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

COUNCIL DECISION – 14-1012 – 10.5.1

Moved Councillor Thompson, Seconded Councillor Winzer.

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

CARRIED 5/0

10. REPORTS OF OFFICERS**10.6 Executive Manager Town Planning****10.6.1 General Report**

Location: Exmouth
 Applicant: Nil
 File Reference: LP.PL.0
 Disclosure of Interest: Nil
 Date: 8th October 2012
 Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer:

Chief Executive Officer, Bill Price

SUMMARY

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

BACKGROUND

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

COMMENT**Planning Applications and Approvals**

Below is a summary of planning applications and approvals up to 8 October 2012.

Applic No	Lodgement Date	Lot	Property Address	Description.	Decision	Date Determined
PA85/12	31/07/2012	900	Madaffari Drive	Grouped dwelling (DAPS)	Processing	
PA86/12	01/08/2012	125	12 Falls Street	Holiday accommodation (Renewal)	October OCM	
PA89/12	10/08/2012	977	10 Schmidt Way	Renovation & additions	Awaiting additional information from applicant	
PA90/12	13/08/12	399	21 Krait Street	Holiday accommodation (Renewal)	October OCM	
PA92/12	21/08/2012	115	13 Tautog Street	Holiday accommodation (Renewal)	October OCM	
PA94/12	28/08/2012	139	53 Snapper Loop	Oversized outbuilding	Approved	17/09/2012
PA95/12	30/08/2012	122	12 grenadier Street	Oversized outbuilding	Awaiting additional information from applicant	
PA97/12	04/09/2012	3	Unit 3/12 Christie Street	Holiday accommodation (Renewal)	October OCM	
PA98/12	05/09/2012	35	5 Learmonth Street	Holiday accommodation (Renewal)	October OCM	
PA99/12	05/09/2012	195	15 Grenadier Street	Holiday accommodation (Renewal)	October OCM	
PA100/12	05/09/2012	99	(10) Tautog Street	Holiday accommodation (Renewal)	October OCM	
PA101/12	05/09/2012	86	(4) Page Street	Holiday accommodation (Renewal)	October OCM	
PA102/12	05/09/2012	183	(10) Ningaloo Street	Holiday accommodation (Renewal)	October OCM	
PA103/12	05/09/2012	478	9A Krait Street	Holiday accommodation (Renewal)	October OCM	
PA104/12	05/09/2012	1271	(4) Grayling Way	Holiday accommodation (Renewal)	October OCM	
PA105/12	05/09/2012	92	5 Page Street	Holiday accommodation (Renewal)	October OCM	
PA106/12	05/09/2012	505	3 Sargent Street	Holiday accommodation (Renewal)	October OCM	

PA107/12	05/09/2012	478	9 Krait Street	Holiday accommodation (Renewal)	October OCM	
PA108/12	10/09/2012	143	Hunt Street	Linen exchange	Approved	10/10/12
PA109/12	14/09/2012	309	26 Gnully Ct	Holiday accommodation (Renewal)	October OCM	
PA110/12	14/09/2012	365	2 Corella Ct	Holiday accommodation (Renewal)	October OCM	
PA111/12	14/09/2012	1313	30 Tambor Drive	Holiday accommodation (Renewal)	October OCM	
PA112/12	14/09/2012	34	7 Learmonth St	Holiday accommodation (Renewal)	October OCM	
PA113/12	14/09/2012	1213	9 Skipjack Circle	Holiday accommodation (Renewal)	October OCM	
PA114/12	17/09/2012	452	12 Stokes-Hughes Street	Patio	Approved	19/09/2012
PA115/12	18/09/2012	104	7 Snapper Loop	Swimming pool	Approved	19/09/2012
PA116/12	18/09/2012	497	3 Lyon Street	Holiday accommodation (Renewal)	October OCM	
PA117/12	19/09/2012	705	3 Cameron Street	Holiday accommodation (Renewal)	October OCM	
PA118/12	20/09/2012	129	Bluefin Cove	Holiday accommodation (New)	Approved	10/10/2012
PA119/12	20/09/2012	310	561 Murat Road	Commercial premises	Processing	
PA120/12	20/09/2012	33	Cooyou Close	Single dwelling	Approved	24/09/2012
PA121/12	24/09/2012	18	3 Maley Street	Additions	Processing	
PA122/12	24/09/2012	64	Inggarda Lane	Single dwelling	Approved	25/09/2012
PA123/12	25/09/2012	2	23 Ningaloo Street	Holiday accommodation (Renewal)	October OCM	
PA124/12	25/09/2012	127	49 skipjack Circle	Outbuilding	Processing	
PA125/12	02/10/2012	367	6 Corella Court	Jetty	October OCM	
PA126/12	05/10/2012	367	6 Corella Court	Retaining wall & Swimming pool	Approved	11/10/2012
PA128/12	09/10/2012	420	60 Madaffari Drive	Jetty	October OCM	
PA129/12	09/10/12	340	22 Kestrel Place	Jetty	October OCM	

Lot 902 Madaffari Road - Grouped Housing 18 Dwellings, Exmouth

Council is notified that the Gascoyne Joint Development Assessment Panel approved planning application PA85/12 for the construction of eighteen (18) residential grouped dwellings on Lot 902 Madaffari Drive, Exmouth and accompanying plans dated 21 May 2012 in accordance with Clause 8.6 of the Shire of Exmouth Town Planning Scheme No.3, subject to a number of conditions and advice notes. (refer *Attachment 1*).

Draft Local Laws, Boat Ramps, Jetties and Waterways

Council is notified that the submission regarding the Draft Local Laws, Boat Ramps, Jetties and Waterways closed on the 16 August 2012. Council Officers are currently assessing the submissions and the results will be presented to Council during the November 2012 Ordinary Council Meeting.

Town Planning Scheme No. 3 – Scheme Amendment 29 – Nimitz Street

The amendment was presented to Council during the July 2012 Ordinary Council meeting for initiation. The proposed amendment is currently being advertised.

Town Planning Scheme No. 3 – Scheme Amendment 28 – Ningaloo Centre Site

The amendment was presented to Council during the July 2012 Ordinary Council meeting for final adoption. The amendment was approved by the Minister on 4 September 2012. (refer *Attachment 2*).

Town Planning Scheme No.3 - Scheme Amendment 27 - MG Kailis

The EPA advised that the referral for the scheme amendment was insufficient to enable the EPA to comply with section 48a of the Environmental Protection Act 1986. The applicant has since submitted an Environmental report to Council on 3 October 2012. The report was forwarded to the office of the EPA on 11 October 2012. (refer *Attachment 3*). Last month a question was raised by the Cape Conservation Group with regards to referring the scheme amendment to DSEWPAC under the EPBC Act due to potential impacts

on the protected Humpback whale. It should be noted that, under the EPBC Act, the **proponent** (MG Kailis) is required to refer a proposal to the Commonwealth Minister for Environment if it is likely to have a significant impact on a matter of National Environmental Significance. DSEWPaC will then determine if it is a controlled action that requires assessment. Should Cape Conservation Group require more information, the group should consult with DSEWPaC directly. Council will continue to follow the normal scheme amendment process as outlined in the Planning and Development Act 2005.

Exmouth South Structure Plan

The Exmouth South Structure Plan preparation is progressing well. The draft plan will be presented to Council in November/December 2012 Ordinary Council meeting.

Ranger Services

A summary of the activities performed by Ranger Services during September 2012.

	Dogs	Camping	Parking	Litter	Fire	Off road	Other
Warning/caution	4	0	0	0	0	0	0
Infringement	0	0	0	0	0	0	0
Court	0	0	0	0	0	0	0
September Total	4	0	0	0	0	0	0
July-Aug Total	2	45	7	3	0	1	4
2012-2013 Totals	6	45	7	3	0	1	4

Firebreak Notices

Ranger Services issued notices into the community and to a number of vacant land owners advising of Council's Firebreak requirements which must be complied with by 1st October 2012. These notices were sent through the mail and displayed on notice boards and placed on the Exmouth Information website.

Throughout the next month, Ranger Services will inspect all properties within the district to ensure compliance with the Firebreak Notice.

Emergency Services

LGIS have completed a draft copy of the Exmouth Community Emergency Risk Management Plan. At the last Exmouth Local Emergency Management Committee Meeting held on 28th August 2012, the committee reviewed the document and provided a number of changes that should be made to ensure the document represents the needs and expectations of the community and the committee.

LGIS have been provided with these changes to be made prior to the document being completed and approved.

Bureau of Meteorology visit

On Thursday 25th October 2012 the Bureau of Meteorology will be visiting Exmouth with the Fire and Emergency Services Authority to present to the Exmouth Local Emergency Management Committee and the Exmouth Community information related to the upcoming cyclone season.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Shire of Exmouth Town Planning Scheme No 3

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Economic

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

1. Outcome 1.2 - Planned and balanced economic growth.

Environment

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

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

Social

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

- Outcome 3.2: Excellent lifestyle, recreational and cultural facilities.
- Outcome 3.3: An inclusive, responsible and cohesive community.
- Outcome 3.4: A community that is well informed and educated about our natural, cultural and built environment.
- Outcome 3.5 - Maintain and increase the participation levels in local community organisations and clubs.

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.6.1

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

COUNCIL DECISION – 15-1012 – 10.6.1

Moved Councillor Warren, Seconded Councillor Hood.

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

CARRIED 5/0

10. REPORTS OF OFFICERS**10.6 Executive Manager Town Planning****10.6.2 Modifications to the Proposed Residential Subdivision- Lot 500, 5001, 609, 847 Reid Street Exmouth**

Location: Lot 500, 5001,609,847 Reid Street, Exmouth
 Applicant: RPS on behalf of Landcorp
 File Reference: LP.PL.0
 Disclosure of Interest: Nil
 Date: 25 September 2012
 Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

This report recommends that the Council of the Shire of Exmouth support the modifications of the subdivision application for freehold subdivision upon Lot 500, 5001, 609, 847 Reid Street, Exmouth. (refer *Attachment 4*).

BACKGROUND

Council during the June 2012 Ordinary Council meeting formally supported the application for Subdivision No145973 for Proposed Residential subdivision- Lot 500, 5001,609,847 Reid Street, Exmouth subject to a number of conditions and advice being applied. The subdivision was formally approved by the Western Australian Planning Commission on incorporating most of Council's suggested conditions.

RPS reviewed the overall design of the endorsed Outline Development Plan (ODP) for the Nimitz Street area. This review process has resulted in modifications to the overall design, which has affected the layout of the approved subdivision.

COMMENT

The modifications to the subdivision application for stages 1 and 2 has been prepared generally in accordance with the proposed Nimitz Street Outline Development Plan and Council Officers considered the revised plan of subdivision as a minor departure from the ODP, meaning that no formal ODP modification is required as part of this revised plan process.

The modifications undertaken in preparing the revised plan of subdivision includes:

- Deletion of western most entry point from Nimitz Street;
- Deletion of a portion of the road adjoining the proposed western public open space / drainage area;
- Reconfiguration of the R30 grouped housing site and immediate adjoining single residential lots in Stage 2 (west of the main entry road); and
- Re-orientation of the residential cell located immediately east of the 4804m² POS area.

The modification has increased the lot yield for Stages 1-2 by 6 when compared to the original approved plan of subdivision, resulting in a more efficient use of appropriately zoned land in Exmouth.

Council Officers support the modifications undertaken to the original approved plan of subdivision; and advise the WAPC that the existing conditions of subdivision approval remain relevant and adequate for the revised plan of subdivision.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Economic

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

4. Outcome 1.2 - Planned and balanced economic growth.

Environment

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

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

Social

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

- Outcome 3.2: Excellent lifestyle, recreational and cultural facilities.
- Outcome 3.3: An inclusive, responsible and cohesive community.
- Outcome 3.4: A community that is well informed and educated about our natural, cultural and built environment.
- Outcome 3.5 - Maintain and increase the participation levels in local community organisations and clubs.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.6.2

That the Council of the Shire of Exmouth advise the Western Australian Planning Commission that it supports the modifications undertaken to the original approved plan of subdivision application for Subdivision No145973 for Proposed Residential subdivision- Lot 500, 5001,609,847 Reid Street, Exmouth (Stage 1 and 2) and that the existing conditions of subdivision approval, remain relevant and adequate for the revised plan of subdivision.

COUNCIL DECISION – 16-1012 – 10.6.2

Moved Councillor Thompson, Seconded Councillor Hood.

That the Council of the Shire of Exmouth advise the Western Australian Planning Commission that it supports the modifications undertaken to the original approved plan of subdivision application for Subdivision No145973 for Proposed Residential subdivision- Lot 500, 5001,609,847 Reid Street, Exmouth (Stage 1 and 2) and that the existing conditions of subdivision approval, remain relevant and adequate for the revised plan of subdivision.

CARRIED 5/0

10. REPORTS OF OFFICERS**10.6 Executive Manager Town Planning****10.6.3 Multiple Holiday Accommodation Renewals**

Location: Lot 125 (12) Falls Street, Lot 399 (21) Krait Street, Lot 115 (13) Tautog Street, Lot 3 (12) Christie Street, Lot 35 (5) Learmonth Street, Lot 195 (15) Grenadier Street, Lot 99 (10) Tautog Street, Lot 86 (4) Page Street, Lot 183 (10) Ningaloo Street, Lot 478 (9A) Krait Street, Lot 1271 (4) Grayling Way, Lot 92 (5) Page Street, Lot 505 (3) Sargent Street, Lot 478 (9) Krait Street, Lot 309 (26) Gnulli Street, Lot 365 (2) Corella Court, Lot 1313 (30) Tambor Drive, Lot 34 (7) Learmonth Street, Lot 1213 (9) Skipjack Circle, Lot 497 (3) Lyon Street, Lot 705 (3) Cameron Street, Lot 2 (23) Ningaloo Street, Exmouth

Disclosure of Interest: Nil

Date: 8th October 2012

Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer:

Chief Executive Officer, Bill Price

SUMMARY

This report recommends that the Council of the Shire of Exmouth grant conditional planning approval for the renewal of multiple holiday accommodation renewals upon: Lot 125 (12) Falls Street, Lot 399 (21) Krait Street, Lot 115 (13) Tautog Street, Lot 3 (12) Christie Street, Lot 35 (5) Learmonth Street, Lot 195 (15) Grenadier Street, Lot 99 (10) Tautog Street, Lot 86 (4) Page Street, Lot 183 (10) Ningaloo Street, Lot 478 (9A) Krait Street, Lot 1271 (4) Grayling Way, Lot 92 (5) Page Street, Lot 505 (3) Sargent Street, Lot 478 (9) Krait Street, Lot 309 (26) Gnulli Street, Lot 365 (2) Corella Court, Lot 1313 (30) Tambor Drive, Lot 34 (7) Learmonth Street, Lot 1213 (9) Skipjack Circle, Lot 497 (3) Lyon Street, Lot 705 (3) Cameron Street and Lot 2 (23) Ningaloo Street, Exmouth.

BACKGROUND

The subject properties are within the Residential and Marina Zone under the Shire of Exmouth Town Planning Scheme No. 3 (the Scheme). The applicants seek Council's planning approval for the renewal of the use of holiday accommodation upon the subject lots.

Proposals summary:

- Maximum number of occupants: Conditioned
- Maximum number of vehicles: Conditioned
- Property to be managed by Exmouth real estate agents
- Tenant Code of Conduct and Management Statement for occupants for each holiday accommodation renewal
- Fire Escape plan for occupants for each holiday accommodation renewal

COMMENT

The Shire of Exmouth Town Planning Scheme No. 3 (Scheme) and Local Planning Policy No. 6.27: Holiday Accommodation outlines the permissibility and development requirements for holiday accommodation use.

Policy 6.27 objectives sought to:

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

Generally the development conforms to the provisions of the Scheme and the objectives of Policy 6.27.

Amenity

Tenant Code of Conduct framework for all the subject holiday accommodation clearly outlines: noise restrictions, that fish offal and scraps must be disposed of at fish cleaning facilities and not on the property, if applicable pool to be maintained and checked daily and recorded in log book, if applicable first aid and resuscitation chart attached to pool area, pets are permitted only at owners consent, parking and occupancy requirements, bin collection and emergency contacts. While sufficient, a condition shall be applied to ensure the use can be rescinded if, in the opinion of Council, any activities associated with the use affects amenity (enjoyment) or causes nuisance or annoyance to owners/occupiers of land in the vicinity.

Number of Occupants

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

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

Officers have calculated the permissible number of occupants per bedroom of the submitted floor layout which has been conditioned for each holiday accommodation renewal.

Occupancy Levels

Each application states the maximum number of overnight occupants. The Shire's Holiday Accommodation Policy (6.27) allows up to 12 persons to be considered in a holiday home, each application for holiday accommodation complies with the ventilation/overcrowding requirements of the *Health Act 1911*. This includes no more than five (5) people over the age of 10.

Alternative combinations of adults and children can be accommodated. Further, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy.

Number of Vehicles

Each property can accommodate a maximum number of cars and boats (including trailers) on site which has been conditioned for each renewal. The Holiday Accommodation Policy (6.27) states that car parking shall be calculated on the basis of four persons per vehicle.

Access

Legal access is provided by one sealed crossover to each application for holiday accommodation renewal. The Scheme permits the use of the front setback areas for a means of access and daily parking of vehicles. However, Council may impose conditions concerning:-

- a. *the proportion of parking spaces to be roofed or covered;*
- b. *the location of the parking spaces on-site and its effect on the amenity of adjoining properties; and*
- c. *the suitability and adequacy of proposed screening or landscaping.*

Management Statement and Code of Conduct

Each applicant has submitted a copy of the Tenant Code of Conduct and Fire Evacuation Plan. The documentation is considered sufficient to achieve the desired management framework. A condition shall be

applied to ensure the occupancy numbers are written clearly to reflect the relevant Scheme provisions and approval by Council.

Consultation Undertaken

All holiday accommodation applications are required to be referred to adjoining owners and occupiers of land for comment on the proposal. Council must consider any submissions received during the advertising period. Adjoining property owners were invited to comment on each proposal. No opposing comments were received. Council officers recommend Council grant planning approval for the use of holiday accommodation subject to conditions.

CONSULTATION

Each application was referred to adjoining landowners and tenants for comment as per Clause 8.3.3 of Town Planning Scheme No. 3. One objection was received for Lot 1271 however the objection was a general objection regarding holiday homes in Exmouth. The objection will be considered during the review of the holiday accommodation Policy in November.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Policy No. 6.27: Holiday Accommodation

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Economic

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

7. Outcome 1.2 - Planned and balanced economic growth.

Environment

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

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

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple Majority

RENEWAL OF HOLIDAY ACCOMMODATION CONDITIONS
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OFFICER'S RECOMMENDATION – 10.6.3 - PA 86/12 – Lot 125 (12) Falls Street, Exmouth
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That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 125 (12) Falls Street, Exmouth subject to the following conditions:-

1. *Development to accord with the Shire of Exmouth Town Planning Scheme No.3 and Local Planning Policy No. 6.27: Holiday Accommodation to the satisfaction of Council officers;*
2. *The maximum number of overnight occupants allowed within the dwelling at the same time shall be ten (10) persons. This includes no more than eight (8) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy;*
3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be three (3) and two (2) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
4. *The 'Retreat' shall not be used for separate holiday accommodation purposes;*
5. *The property shall provide at least two (2) 240 litre rubbish bins prior to the use commencing;*
6. *The Tenants Code of Conduct shall be clearly displayed in the premises in accordance with Council Policy;*
7. *The Tenants Code of Conduct and Management Statement shall be rewritten, and approved by Council prior to the use commencing. This includes and is not limited to the following issues:*
 - *The maximum number of occupants being ten (10) persons, this includes a maximum of eight (8) persons over the age of ten at any one time; and*
 - *The maximum number of vehicles and trailers (including boats on trailers) is three (3) and two (2); and*
 - *no pets are permitted on the property without prior permission given by owner.*
 - *Adding suitable contact details including relevant emergency services (hospital, police, fire station, SES etc) and appropriate cyclone procedures and information relevant to the property.*
8. *An approved smoke alarm must be installed on or near the ceiling in each guest bedroom (including kids dorm and games room); and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms associated with a bedroom and the remainder of the building. The smoke alarms must be installed in accordance with AS 3786 and be connected to the consumer mains power;*
9. *A system of lighting must be installed to assist with the evacuation of occupants in the event of a fire and be activated by the smoke alarm required by condition 6 above; and consist of a light incorporated within the smoke alarm or the lighting located in the corridor, hallway or areas served by the smoke alarm. Where the evacuation lighting is or of the type incorporated in the smoke alarm, it shall be provided with emergency backup power supply;*
10. *An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:*
 - *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
 - *no fires are to be lit outside with the exception of a gas barbeque.*

11. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
12. *If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighbouring properties, or causes a nuisance to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;*
13. *The property not being used for the use hereby granted until an inspection has been carried out by a Council officer and that officer is satisfied that the conditions of this approval hereby granted have been complied with; and*
14. *The approval is valid for a period of two (2) years. Upon this period lapsing, the re-application for approval shall be required should the property continue to be used for holiday accommodation.*

Advice

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

Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of ten (10) persons. This includes no more than eight (8) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

Schedule 1: Allowable Occupants: Lot 125 (12) Falls Street, Exmouth

Bedroom 1: Total Floor Space: 14m², Approximate Air Space: 35m³
Allowable occupants: 2 adults **OR** 4 children **OR** 1 adult and 2 children

Bedroom 2: Total Floor Space: 12m², Approximate Air Space: 29m³
Allowable occupants: 2 adults **OR** 3 children **OR** 1 adult & 1 child

Bedroom 3: Total Floor Space: 8m², Approximate Air Space: 19m³
Allowable occupants: 1 adult **OR** 2 children

Retreat: Total Floor Space: 19m², Approximate Air Space: 48m³
Allowable occupants: 3 adults **OR** 2 adults & 2 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 on the assumption of an average of 2.5m ceiling height.

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

COUNCIL DECISION – 17-1012 – 10.6.3 - PA 86/12 – Lot 125 (12) Falls Street, Exmouth

Moved Councillor Hood, Seconded Councillor Warren.

That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 125 (12) Falls Street, Exmouth subject to the following conditions:-

1. *Development to accord with the Shire of Exmouth Town Planning Scheme No.3 and Local Planning Policy No. 6.27: Holiday Accommodation to the satisfaction of Council officers;*
2. *The maximum number of overnight occupants allowed within the dwelling at the same time shall be ten (10) persons. This includes no more than eight (8) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy;*
3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be three (3) and two (2) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
4. *The 'Retreat' shall not be used for separate holiday accommodation purposes;*
5. *The property shall provide at least two (2) 240 litre rubbish bins prior to the use commencing;*
6. *The Tenants Code of Conduct shall be clearly displayed in the premises in accordance with Council Policy;*
7. *The Tenants Code of Conduct and Management Statement shall be rewritten, and approved by Council prior to the use commencing. This includes and is not limited to the following issues:*
 - *The maximum number of occupants being ten (10) persons, this includes a maximum of eight (8) persons over the age of ten at any one time; and*
 - *The maximum number of vehicles and trailers (including boats on trailers) is three (3) and two (2); and*
 - *no pets are permitted on the property without prior permission given by owner.*
 - *Adding suitable contact details including relevant emergency services (hospital, police, fire station, SES etc) and appropriate cyclone procedures and information relevant to the property.*
8. *An approved smoke alarm must be installed on or near the ceiling in each guest bedroom (including kids dorm and games room); and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms associated with a bedroom and the remainder of the building. The smoke alarms must be installed in accordance with AS 3786 and be connected to the consumer mains power;*
9. *A system of lighting must be installed to assist with the evacuation of occupants in the event of a fire and be activated by the smoke alarm required by condition 6 above; and consist of a light incorporated within the smoke alarm or the lighting located in the corridor, hallway or areas served by the smoke alarm. Where the evacuation lighting is or of the type incorporated in the smoke alarm, it shall be provided with emergency backup power supply;*
10. *An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:*
 - *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
 - *no fires are to be lit outside with the exception of a gas barbeque.*

11. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
12. *If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighbouring properties, or causes a nuisance to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;*
13. *The property not being used for the use hereby granted until an inspection has been carried out by a Council officer and that officer is satisfied that the conditions of this approval hereby granted have been complied with; and*
14. *The approval is valid for a period of two (2) years. Upon this period lapsing, the re-application for approval shall be required should the property continue to be used for holiday accommodation.*

Advice

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

Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of ten (10) persons. This includes no more than eight (8) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

Schedule 1: Allowable Occupants: Lot 125 (12) Falls Street, Exmouth

Bedroom 1: Total Floor Space: 14m², Approximate Air Space: 35m³
Allowable occupants: 2 adults **OR** 4 children **OR** 1 adult and 2 children

Bedroom 2: Total Floor Space: 12m², Approximate Air Space: 29m³
Allowable occupants: 2 adults **OR** 3 children **OR** 1 adult & 1 child

Bedroom 3: Total Floor Space: 8m², Approximate Air Space: 19m³
Allowable occupants: 1 adult **OR** 2 children

Retreat: Total Floor Space: 19m², Approximate Air Space: 48m³
Allowable occupants: 3 adults **OR** 2 adults & 2 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 on the assumption of an average of 2.5m ceiling height.

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

CARRIED 5/0

OFFICER'S RECOMMENDATION – 10.6.3 - PA 90/12 - Lot 399 (21) Krait Street, Exmouth

That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 399 (21) Krait Street, Exmouth subject to the following conditions:-

1. *Development to accord with the Shire of Exmouth Town Planning Scheme No.3 and Local Planning Policy No. 6.27: Holiday Accommodation to the satisfaction of Council officers;*
2. *The maximum number of overnight occupants allowed within the dwelling at the same time shall be seven (7) persons. This includes no more than five (5) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy;*
3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be two (2) and one (1) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
4. *The 'Retreat' shall not be used for separate holiday accommodation purposes;*
5. *The property shall provide at least two (2) 240 litre rubbish bins prior to the use commencing;*
6. *The Tenants Code of Conduct shall be clearly displayed in the premises in accordance with Council Policy;*
7. *The Tenants Code of Conduct and Management Statement shall be rewritten, and approved by Council prior to the use commencing. This includes and is not limited to the following issues:*
 - *The maximum number of occupants being seven (7) persons, this includes a maximum of five (5) persons over the age of ten at any one time; and*
 - *The maximum number of vehicles and trailers (including boats on trailers) is two (2) and one (1); and*
 - *no pets are permitted on the property without prior permission given by owner.*
 - *Adding suitable contact details including relevant emergency services (hospital, police, fire station, SES etc) and appropriate cyclone procedures and information relevant to the property.*
8. *An approved smoke alarm must be installed on or near the ceiling in each guest bedroom (including kids dorm and games room); and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms associated with a bedroom and the remainder of the building. The smoke alarms must be installed in accordance with AS 3786 and be connected to the consumer mains power;*
9. *A system of lighting must be installed to assist with the evacuation of occupants in the event of a fire and be activated by the smoke alarm required by condition 6 above; and consist of a light incorporated within the smoke alarm or the lighting located in the corridor, hallway or areas served by the smoke alarm. Where the evacuation lighting is or of the type incorporated in the smoke alarm, it shall be provided with emergency backup power supply;*
10. *An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:*
 - *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
 - *no fires are to be lit outside with the exception of a gas barbeque.*
11. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*

12. *If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighbouring properties, or causes a nuisance to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;*
13. *The property not being used for the use hereby granted until an inspection has been carried out by a Council officer and that officer is satisfied that the conditions of this approval hereby granted have been complied with; and*
14. *The approval is valid for a period of two (2) years. Upon this period lapsing, the re-application for approval shall be required should the property continue to be used for holiday accommodation.*

Advice

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

Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of seven (7) persons. This includes no more than five (5) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

Schedule 1: Allowable Occupants: Lot 399 (21) Krait Street, Exmouth

Bedroom 1: Total Floor Space: 12.3m², Approximate Air Space: 34m³
Allowable occupants: 2 adults **OR** 4 children **OR** 1 adult and 1 child

Bedroom 2: Total Floor Space: 10.5m², Approximate Air Space: 28m³
Allowable occupants: 2 adults **OR** 3 children **OR** 1 adult & 1 child

Bedroom 3: Total Floor Space: 9.2m², Approximate Air Space: 25m³
Allowable occupants: 1 adult **OR** 3 children **OR** 1 adult and 1 child

*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 on the assumption of an average of 2.75m ceiling height.

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

COUNCIL DECISION – 18-1012 – 10.6.3 - PA 90/12 - Lot 399 (21) Krait Street, Exmouth

Moved Councillor Hood, Seconded Councillor Warren.

That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 399 (21) Krait Street, Exmouth subject to the following conditions:-

1. *Development to accord with the Shire of Exmouth Town Planning Scheme No.3 and Local Planning Policy No. 6.27: Holiday Accommodation to the satisfaction of Council officers;*
2. *The maximum number of overnight occupants allowed within the dwelling at the same time shall be seven (7) persons. This includes no more than five (5) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy;*
3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be two (2) and one (1) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
4. *The 'Retreat' shall not be used for separate holiday accommodation purposes;*
5. *The property shall provide at least two (2) 240 litre rubbish bins prior to the use commencing;*
6. *The Tenants Code of Conduct shall be clearly displayed in the premises in accordance with Council Policy;*
7. *The Tenants Code of Conduct and Management Statement shall be rewritten, and approved by Council prior to the use commencing. This includes and is not limited to the following issues:*
 - *The maximum number of occupants being seven (7) persons, this includes a maximum of five (5) persons over the age of ten at any one time; and*
 - *The maximum number of vehicles and trailers (including boats on trailers) is two (2) and one (1); and*
 - *no pets are permitted on the property without prior permission given by owner.*
 - *Adding suitable contact details including relevant emergency services (hospital, police, fire station, SES etc) and appropriate cyclone procedures and information relevant to the property.*
8. *An approved smoke alarm must be installed on or near the ceiling in each guest bedroom (including kids dorm and games room); and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms associated with a bedroom and the remainder of the building. The smoke alarms must be installed in accordance with AS 3786 and be connected to the consumer mains power;*
9. *A system of lighting must be installed to assist with the evacuation of occupants in the event of a fire and be activated by the smoke alarm required by condition 6 above; and consist of a light incorporated within the smoke alarm or the lighting located in the corridor, hallway or areas served by the smoke alarm. Where the evacuation lighting is or of the type incorporated in the smoke alarm, it shall be provided with emergency backup power supply;*
10. *An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:*
 - *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
 - *no fires are to be lit outside with the exception of a gas barbeque.*

11. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
12. *If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighbouring properties, or causes a nuisance to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;*
13. *The property not being used for the use hereby granted until an inspection has been carried out by a Council officer and that officer is satisfied that the conditions of this approval hereby granted have been complied with; and*
14. *The approval is valid for a period of two (2) years. Upon this period lapsing, the re-application for approval shall be required should the property continue to be used for holiday accommodation.*

Advice

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

Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of seven (7) persons. This includes no more than five (5) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

Schedule 1: Allowable Occupants: Lot 399 (21) Krait Street, Exmouth

Bedroom 1: Total Floor Space: 12.3m², Approximate Air Space: 34m³
Allowable occupants: 2 adults **OR** 4 children **OR** 1 adult and 1 child

Bedroom 2: Total Floor Space: 10.5m², Approximate Air Space: 28m³
Allowable occupants: 2 adults **OR** 3 children **OR** 1 adult & 1 child

Bedroom 3: Total Floor Space: 9.2m², Approximate Air Space: 25m³
Allowable occupants: 1 adult **OR** 3 children **OR** 1 adult and 1 child

*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 on the assumption of an average of 2.75m ceiling height.

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

CARRIED 5/0

OFFICER'S RECOMMENDATION – 10.6.3 - PA 92/12 - Lot 115 (13) Tautog Street, Exmouth

That the Council of the Shire of Exmouth grant planning approval for renewed holiday accommodation upon Lot 115 (13) Tautog Street, Exmouth subject to the following conditions:-

1. *Development to accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA92/12) and Local Planning Policy No. 6.27: Holiday Accommodation (as amended) to the satisfaction of Council officers;*
2. *The maximum number of overnight occupants allowed within the dwelling at the same time shall be seven (7) persons. This includes no more than five (5) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy;*
3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be two (2) and two (2) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
4. *Further to Condition (3) above, the property shall provide a minimum of two (2) boat trailer parking bays and two (2) car parking bays, wholly within the property boundaries;*
5. *The property shall provide at least two (2) 240 litre rubbish bins prior to the use commencing;*
6. *The Tenants Code of Conduct and Management Statement shall be rewritten, and approved by Council prior to the use commencing. This includes and is not limited to the following issues:*
 - *The maximum number of occupants being seven (7) persons, this includes a maximum of five (5) persons over the age of ten at any one time;*
 - *The maximum number of vehicles and trailers (including boats on trailers) is two (2) and two (2); and*
 - *Adding suitable contact details including relevant emergency services (hospital, police, fire station, SES etc) and appropriate cyclone procedures and information relevant to the property.*
7. *The Tenants Code of Conduct shall be clearly displayed in the premises in accordance with Council Policy;*
8. *Prior to the property being used for Holiday Accommodation, an approved smoke alarm must be installed on or near the ceiling in each guest room; and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms and the remainder of the building. The smoke alarms must be installed in accordance with AS3786 and be connected to the consumer mains power;*
9. *A system of lighting must be installed to assist with the evacuation of occupants in the event of a fire and be activated by the smoke alarm required by condition 8 above. The system must consist of a light incorporated within the smoke alarm or the lighting located in the corridor, hallway or areas served by the smoke alarm. Where the evacuation lighting is not of the type incorporated in the smoke alarm, it shall be provided with emergency backup power supply;*
10. *An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:*
 - *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
 - *no fires are to be lit outside with the exception of a gas barbeque.*
11. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*

12. *If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighboring properties, or causes a nuisance to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy; and*
13. *The approval is valid for a period of two (2) years. Upon this period lapsing, the re-application for approval shall be required should the property continue to be used for holiday accommodation.*

Advice

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

Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of seven (7) persons. This includes no more than five (5) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

Schedule 1: Allowable Occupants: Lot 115 (13) Tautog Street, Exmouth

Bedroom 1: Total floor space: 12.38m², Approximate Air Space: 34m³
Allowable occupants: 2 adult **OR** 1 adult and 2 child **OR** 4 children

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

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

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

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

ii)

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

COUNCIL DECISION – 19-1012 – 10.6.3 - PA 92/12 - Lot 115 (13) Tautog Street, Exmouth

Moved Councillor Hood, Seconded Councillor Warren.

That the Council of the Shire of Exmouth grant planning approval for renewed holiday accommodation upon Lot 115 (13) Tautog Street, Exmouth subject to the following conditions:-

- 1. Development to accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA92/12) and Local Planning Policy No. 6.27: Holiday Accommodation (as amended) to the satisfaction of Council officers;***
- 2. The maximum number of overnight occupants allowed within the dwelling at the same time shall be seven (7) persons. This includes no more than five (5) persons over the age of ten at any one***

- time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy;*
3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be two (2) and two (2) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
 4. *Further to Condition (3) above, the property shall provide a minimum of two (2) boat trailer parking bays and two (2) car parking bays, wholly within the property boundaries;*
 5. *The property shall provide at least two (2) 240 litre rubbish bins prior to the use commencing;*
 6. *The Tenants Code of Conduct and Management Statement shall be rewritten, and approved by Council prior to the use commencing. This includes and is not limited to the following issues:*
 - *The maximum number of occupants being seven (7) persons, this includes a maximum of five (5) persons over the age of ten at any one time;*
 - *The maximum number of vehicles and trailers (including boats on trailers) is two (2) and two (2); and*
 - *Adding suitable contact details including relevant emergency services (hospital, police, fire station, SES etc) and appropriate cyclone procedures and information relevant to the property.*
 7. *The Tenants Code of Conduct shall be clearly displayed in the premises in accordance with Council Policy;*
 8. *Prior to the property being used for Holiday Accommodation, an approved smoke alarm must be installed on or near the ceiling in each guest room; and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms and the remainder of the building. The smoke alarms must be installed in accordance with AS3786 and be connected to the consumer mains power;*
 9. *A system of lighting must be installed to assist with the evacuation of occupants in the event of a fire and be activated by the smoke alarm required by condition 8 above. The system must consist of a light incorporated within the smoke alarm or the lighting located in the corridor, hallway or areas served by the smoke alarm. Where the evacuation lighting is not of the type incorporated in the smoke alarm, it shall be provided with emergency backup power supply;*
 10. *An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:*
 - *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
 - *no fires are to be lit outside with the exception of a gas barbeque.*
 11. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
 12. *If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighboring properties, or causes a nuisance to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy; and*
 13. *The approval is valid for a period of two (2) years. Upon this period lapsing, the re-application for approval shall be required should the property continue to be used for holiday accommodation.*

Advice

i) *In regards to Condition (2) above, the number of persons per room shall accord with the following:*

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

Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of seven (7) persons. This includes no more than five (5) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

Schedule 1: Allowable Occupants: Lot 115 (13) Tautog Street, Exmouth

Bedroom 1: Total floor space: 12.38m², Approximate Air Space: 34m³
Allowable occupants: 2 adult **OR** 1 adult and 2 child **OR** 4 children

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

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

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

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

ii)

ii) *Should the holiday accommodation be viewed as a 'Lodging House' at any time under the Health Act 1911, a permit pursuant to the Shire of Exmouth Health Local Laws will be required. For further Information, please contact the Shire of Exmouth's Health Services on 9949 3000.*

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

CARRIED 5/0

OFFICER'S RECOMMENDATION – 10.6.3 - PA 97/12 - Lot 3 (3/12) Christie Street, Exmouth

That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 3 (3/12) Christie Street, Exmouth subject to the following conditions:-

1. *Development to accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA97/12) and Local Planning Policy No. 6.27: Holiday Accommodation (as amended) to the satisfaction of Council officers;*
2. *The maximum number of overnight occupants allowed within the dwelling at the same time shall be eight (8) persons. This includes no more than five (5) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy;*
3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be two (2) and one (1) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
4. *The property shall provide at least two (2) 240 litre rubbish bins prior to the use commencing;*
5. *The Tenants Code of Conduct shall be clearly displayed in the premises in accordance with Council Policy;*
6. *The Tenants Code of Conduct and Management Statement shall be rewritten, and approved by Council prior to the use commencing. This includes and is not limited to the following issues:*
 - *The maximum number of occupants being eight (8) persons, this includes a maximum of five (5) persons over the age of ten at any one time;*
 - *Noise is to be restricted after 10pm (not midnight);*
 - *Note that the wooden decking in the entertaining area can be noisy for neighbours, therefore, extra care in this area would be appreciated;*
 - *The maximum number of vehicles and trailers (including boats on trailers) is two (2) and one (1); and*
 - *Adding suitable contact details including relevant emergency services (hospital, police, fire station, SES etc) and appropriate cyclone procedures and information relevant to the property.*
7. *An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:*
 - *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
 - *no fires are to be lit outside with the exception of a gas or electric barbeque.*
8. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
9. *If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighboring properties, or causes a nuisance to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;*
10. *The property not being used for the use hereby granted until an inspection has been carried out by a Council officer and that officer is satisfied that the conditions of this approval hereby granted have been complied with; and*

11. *The approval is valid for a period of two (2) years. Upon this period lapsing, the re-application for approval shall be required should the property continue to be used for holiday accommodation.*

Advice

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

Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of eight (8) persons. This includes no more than five (5) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

Schedule 1: Allowable Occupants: Lot 3 (3/12) Christie Street, Exmouth

Bedroom 1: Total floor space: 12.24m², Approximate Air Space: 29m³
Allowable occupants: 2 adults **OR** 3 children **OR** 1 adult and 1 children

Bedroom 2: Total floor space: 11.16m², Approximate Air Space: 27m³
Allowable occupants: 1 adult **OR** 1 adult and 1 child **OR** 3 children

Bedroom 3: Total floor space: 10.71m², Approximate Air Space: 26m³
Allowable occupants: 1 adult **OR** 1 adult and 1 child **OR** 3 children

Bedroom 4: Total floor space: 10.71m², Approximate Air Space: 26m³
Allowable occupants: 1 adult **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 2.45m ceiling height.

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

COUNCIL DECISION – 20-1012 – 10.6.3 - PA 97/12 - Lot 3 (3/12) Christie Street, Exmouth

Moved Councillor Hood, Seconded Councillor Warren.

That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 3 (3/12) Christie Street, Exmouth subject to the following conditions:-

1. ***Development to accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA97/12) and Local Planning Policy No. 6.27: Holiday Accommodation (as amended) to the satisfaction of Council officers;***
2. ***The maximum number of overnight occupants allowed within the dwelling at the same time shall be eight (8) persons. This includes no more than five (5) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy;***
3. ***The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be two (2) and one (1) respectively. The property does***

not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;

4. ***The property shall provide at least two (2) 240 litre rubbish bins prior to the use commencing;***
5. ***The Tenants Code of Conduct shall be clearly displayed in the premises in accordance with Council Policy;***
6. ***The Tenants Code of Conduct and Management Statement shall be rewritten, and approved by Council prior to the use commencing. This includes and is not limited to the following issues:***
 - ***The maximum number of occupants being eight (8) persons, this includes a maximum of five (5) persons over the age of ten at any one time;***
 - ***Noise is to be restricted after 10pm (not midnight);***
 - ***Note that the wooden decking in the entertaining area can be noisy for neighbours, therefore, extra care in this area would be appreciated;***
 - ***The maximum number of vehicles and trailers (including boats on trailers) is two (2) and one (1); and***
 - ***Adding suitable contact details including relevant emergency services (hospital, police, fire station, SES etc) and appropriate cyclone procedures and information relevant to the property.***
7. ***An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:***
 - ***a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and***
 - ***no fires are to be lit outside with the exception of a gas or electric barbeque.***
8. ***The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;***
9. ***If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighboring properties, or causes a nuisance to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;***
10. ***The property not being used for the use hereby granted until an inspection has been carried out by a Council officer and that officer is satisfied that the conditions of this approval hereby granted have been complied with; and***
11. ***The approval is valid for a period of two (2) years. Upon this period lapsing, the re-application for approval shall be required should the property continue to be used for holiday accommodation.***

Advice

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

Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of eight (8) persons. This includes no more than five (5) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

Schedule 1: Allowable Occupants: Lot 3 (3/12) Christie Street, Exmouth

Bedroom 1: Total floor space: 12.24m², Approximate Air Space: 29m³
Allowable occupants: 2 adults **OR** 3 children **OR** 1 adult and 1 children

Bedroom 2: Total floor space: 11.16m², Approximate Air Space: 27m³
Allowable occupants: 1 adult **OR** 1 adult and 1 child **OR** 3 children

Bedroom 3: Total floor space: 10.71m², Approximate Air Space: 26m³
Allowable occupants: 1 adult **OR** 1 adult and 1 child **OR** 3 children

Bedroom 4: Total floor space: 10.71m², Approximate Air Space: 26m³
Allowable occupants: 1 adult **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 2.45m ceiling height.

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

CARRIED 5/0

OFFICER'S RECOMMENDATION – 10.6.3 - PA 98/12 - Lot 35 (5) Learmonth Street, Exmouth

That the Council of the Shire of Exmouth grant planning approval for renewed holiday accommodation upon Lot 35 (5) Learmonth Street, Exmouth subject to the following conditions:-

1. *Development to accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA98/12) and Local Planning Policy No. 6.27: Holiday Accommodation (as amended) to the satisfaction of Council officers;*
2. *The maximum number of overnight occupants allowed within the dwelling at the same time shall be six (6) persons. This includes no more than four (4) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy;*
3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be two (2) and one (1) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
4. *Further to Condition (3) above, the property shall provide a minimum of one (1) boat trailer parking bays and two (2) car parking bays, wholly within the property boundaries;*
5. *The property shall provide at least two (2) 240 litre rubbish bins prior to the use commencing;*
6. *The Tenants Code of Conduct and Management Statement shall be rewritten, and approved by Council prior to the use commencing. This includes and is not limited to the following issues:*
 - *The maximum number of occupants being six (6) persons, this includes a maximum of four (4) persons over the age of ten at any one time; and*
 - *The maximum number of vehicles and trailers (including boats on trailers) is two (2) and one (1); and*
 - *Noise to be restricted after 10pm (not midnight); and*
 - *Adding suitable contact details including relevant emergency services (hospital, police, fire station, SES etc) and appropriate cyclone procedures and information relevant to the property.*
7. *The Tenants Code of Conduct shall be clearly displayed in the premises in accordance with Council Policy;*
8. *Prior to the property being used for Holiday Accommodation, an approved smoke alarm must be installed on or near the ceiling in each guest room; and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms and the remainder of the building. The smoke alarms must be installed in accordance with AS3786 and be connected to the consumer mains power;*
9. *A system of lighting must be installed to assist with the evacuation of occupants in the event of a fire and be activated by the smoke alarm required by condition 8 above. The system must consist of a light incorporated within the smoke alarm or the lighting located in the corridor, hallway or areas served by the smoke alarm. Where the evacuation lighting is not of the type incorporated in the smoke alarm, it shall be provided with emergency backup power supply;*
10. *An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:*
 - *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
 - *no fires are to be lit outside with the exception of a gas barbeque.*

11. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
12. *If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighbouring properties, or causes a nuisance to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy; and*
13. *The approval is valid for a period of two (2) years. Upon this period lapsing, the re-application for approval shall be required should the property continue to be used for holiday accommodation.*

Advice

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

Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of six (6) persons. This includes no more than four (4) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

Schedule 1: Allowable Occupants: Lot 35 (5) Learmonth Street, Exmouth

Bedroom 1: Total floor space: 14.28m², Approximate Air Space: 38.56m³
Allowable occupants: 2 adults and 1 child **OR** 4 children **OR** 1 adult and 3 children

Bedroom 2: Total floor space: 8.1m², Approximate Air Space: 21.87m³
Allowable occupants: 1 adults **OR** 2 children

Bedroom 3: Total floor space: 8.1m², Approximate Air Space: 21.87m³
Allowable occupants: 1 adults **OR** 2 children

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

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

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

COUNCIL DECISION – 21-1012 – 10.6.3 - PA 98/12 - Lot 35 (5) Learmonth Street, Exmouth

Moved Councillor Hood, Seconded Councillor Warren.

That the Council of the Shire of Exmouth grant planning approval for renewed holiday accommodation upon Lot 35 (5) Learmonth Street, Exmouth subject to the following conditions:-

1. ***Development to accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA98/12) and Local Planning Policy No. 6.27: Holiday Accommodation (as amended) to the satisfaction of Council officers;***

2. *The maximum number of overnight occupants allowed within the dwelling at the same time shall be six (6) persons. This includes no more than four (4) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy;*
3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be two (2) and one (1) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
4. *Further to Condition (3) above, the property shall provide a minimum of one (1) boat trailer parking bays and two (2) car parking bays, wholly within the property boundaries;*
5. *The property shall provide at least two (2) 240 litre rubbish bins prior to the use commencing;*
6. *The Tenants Code of Conduct and Management Statement shall be rewritten, and approved by Council prior to the use commencing. This includes and is not limited to the following issues:*
 - *The maximum number of occupants being six (6) persons, this includes a maximum of four (4) persons over the age of ten at any one time; and*
 - *The maximum number of vehicles and trailers (including boats on trailers) is two (2) and one (1); and*
 - *Noise to be restricted after 10pm (not midnight); and*
 - *Adding suitable contact details including relevant emergency services (hospital, police, fire station, SES etc) and appropriate cyclone procedures and information relevant to the property.*
7. *The Tenants Code of Conduct shall be clearly displayed in the premises in accordance with Council Policy;*
8. *Prior to the property being used for Holiday Accommodation, an approved smoke alarm must be installed on or near the ceiling in each guest room; and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms and the remainder of the building. The smoke alarms must be installed in accordance with AS3786 and be connected to the consumer mains power;*
9. *A system of lighting must be installed to assist with the evacuation of occupants in the event of a fire and be activated by the smoke alarm required by condition 8 above. The system must consist of a light incorporated within the smoke alarm or the lighting located in the corridor, hallway or areas served by the smoke alarm. Where the evacuation lighting is not of the type incorporated in the smoke alarm, it shall be provided with emergency backup power supply;*
10. *An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:*
 - *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
 - *no fires are to be lit outside with the exception of a gas barbeque.*
11. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
12. *If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighbouring properties, or causes a nuisance to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy; and*

- 13. The approval is valid for a period of two (2) years. Upon this period lapsing, the re-application for approval shall be required should the property continue to be used for holiday accommodation.**

Advice

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

Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of six (6) persons. This includes no more than four (4) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

<p>Schedule 1: Allowable Occupants: Lot 35 (5) Learmonth Street, Exmouth</p> <p>Bedroom 1: Total floor space: 14.28m², Approximate Air Space: 38.56m³ Allowable occupants: 2 adults and 1 child OR 4 children OR 1 adult and 3 children</p> <p>Bedroom 2: Total floor space: 8.1m², Approximate Air Space: 21.87m³ Allowable occupants: 1 adults OR 2 children</p> <p>Bedroom 3: Total floor space: 8.1m², Approximate Air Space: 21.87m³ Allowable occupants: 1 adults OR 2 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>

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

CARRIED 5/0

OFFICER'S RECOMMENDATION – 10.6.3 - PA 99/12 - Lot 195 (15) Grenadier Street, Exmouth

That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 195 (15) Grenadier Street, Exmouth subject to the following conditions:-

1. *Development to accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA99/12) and Local Planning Policy No. 6.27: Holiday Accommodation (as amended) to the satisfaction of Council officers;*
2. *The maximum number of overnight occupants allowed within the dwelling at the same time shall be ten (10) persons. This includes no more than seven (7) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy;*
3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be two (2) and two (2) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
4. *The property shall provide at least two (2) 240 litre rubbish bins prior to the use commencing;*
5. *The Tenants Code of Conduct shall be clearly displayed in the premises in accordance with Council Policy;*
6. *The Tenants Code of Conduct and Management Statement shall be rewritten, and approved by Council prior to the use commencing. This includes and is not limited to the following issues:*
 - *The maximum number of occupants being ten (10) persons, this includes a maximum of seven (7) persons over the age of ten at any one time; and*
 - *The maximum number of vehicles and trailers (including boats on trailers) is two (2) and two (2); and*
 - *Adding suitable contact details including relevant emergency services (hospital, police, fire station, SES etc) and appropriate cyclone procedures and information relevant to the property.*
7. *An approved smoke alarm must be installed on or near the ceiling in each guest bedroom (including kids dorm and games room); and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms associated with a bedroom and the remainder of the building. The smoke alarms must be installed in accordance with AS 3786 and be connected to the consumer mains power;*
8. *A system of lighting must be installed to assist with the evacuation of occupants in the event of a fire and be activated by the smoke alarm required by condition 6 above; and consist of a light incorporated within the smoke alarm or the lighting located in the corridor, hallway or areas served by the smoke alarm. Where the evacuation lighting is or of the type incorporated in the smoke alarm, it shall be provided with emergency backup power supply;*
9. *An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:*
 - *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
 - *no fires are to be lit outside with the exception of a gas barbeque.*
10. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*

11. *If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighbouring properties, or causes a nuisance to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;*
12. *The property not being used for the use hereby granted until an inspection has been carried out by a Council officer and that officer is satisfied that the conditions of this approval hereby granted have been complied with; and*
13. *The approval is valid for a period of two (2) years. Upon this period lapsing, the re-application for approval shall be required should the property continue to be used for holiday accommodation.*

Advice

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

Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of ten (10) persons. This includes no more than seven (7) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

Schedule 1: Allowable Occupants: Lot 195 (15) Grenadier Street, Exmouth
Bedroom 1: Total floor space: 14m ² , Approximate Air Space: 36.6m ³ Allowable occupants: 2 adults and 1 child OR 4 children OR 1 adults and 2 children
Bedroom 2: Total floor space: 16m ² , Approximate Air Space: 41.6m ³ Allowable occupants: 2 adults and 1 child OR 5 children OR 1 adults and 3 children
Bedroom 3: Total floor space: 11.24m ² , Approximate Air Space: 29.2m ³ Allowable occupants: 2 adults OR 3 children OR 1 adult and 1 children
Bedroom 4: Total floor space: 8m ² , Approximate Air Space: 20.9m ³ Allowable occupants: 1 adult OR 2 children
*Note: All persons over the age of 10 years require a minimum of 14 cubic metres of air space per person. Children aged up to 10 years require a minimum of 8 cubic metres of air space each. As such, the term 'adult' has been used for persons over the age of 10 years.
**The air space is calculated with a 2.6m ceiling height.

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

COUNCIL DECISION – 22-1012 – 10.6.3 - PA 99/12 - Lot 195 (15) Grenadier Street, Exmouth

Moved Councillor Hood, Seconded Councillor Warren.

That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 195 (15) Grenadier Street, Exmouth subject to the following conditions:-

1. *Development to accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA99/12) and Local Planning Policy No. 6.27: Holiday Accommodation (as amended) to the satisfaction of Council officers;*
2. *The maximum number of overnight occupants allowed within the dwelling at the same time shall be ten (10) persons. This includes no more than seven (7) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy;*
3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be two (2) and two (2) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
4. *The property shall provide at least two (2) 240 litre rubbish bins prior to the use commencing;*
5. *The Tenants Code of Conduct shall be clearly displayed in the premises in accordance with Council Policy;*
6. *The Tenants Code of Conduct and Management Statement shall be rewritten, and approved by Council prior to the use commencing. This includes and is not limited to the following issues:*
 - *The maximum number of occupants being ten (10) persons, this includes a maximum of seven (7) persons over the age of ten at any one time; and*
 - *The maximum number of vehicles and trailers (including boats on trailers) is two (2) and two (2); and*
 - *Adding suitable contact details including relevant emergency services (hospital, police, fire station, SES etc) and appropriate cyclone procedures and information relevant to the property.*
7. *An approved smoke alarm must be installed on or near the ceiling in each guest bedroom (including kids dorm and games room); and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms associated with a bedroom and the remainder of the building. The smoke alarms must be installed in accordance with AS 3786 and be connected to the consumer mains power;*
8. *A system of lighting must be installed to assist with the evacuation of occupants in the event of a fire and be activated by the smoke alarm required by condition 6 above; and consist of a light incorporated within the smoke alarm or the lighting located in the corridor, hallway or areas served by the smoke alarm. Where the evacuation lighting is or of the type incorporated in the smoke alarm, it shall be provided with emergency backup power supply;*
9. *An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:*
 - *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
 - *no fires are to be lit outside with the exception of a gas barbeque.*
10. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
11. *If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighbouring properties, or causes a nuisance to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;*

12. The property not being used for the use hereby granted until an inspection has been carried out by a Council officer and that officer is satisfied that the conditions of this approval hereby granted have been complied with; and

13. The approval is valid for a period of two (2) years. Upon this period lapsing, the re-application for approval shall be required should the property continue to be used for holiday accommodation.

Advice

i) In regards to Condition (2) above, the number of persons per room shall accord with the following:

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

Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of ten (10) persons. This includes no more than seven (7) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

<p>Schedule 1: Allowable Occupants: Lot 195 (15) Grenadier Street, Exmouth</p> <p>Bedroom 1: Total floor space: 14m², Approximate Air Space: 36.6m³ Allowable occupants: 2 adults and 1 child OR 4 children OR 1 adults and 2 children</p> <p>Bedroom 2: Total floor space: 16m², Approximate Air Space: 41.6m³ Allowable occupants: 2 adults and 1 child OR 5 children OR 1 adults and 3 children</p> <p>Bedroom 3: Total floor space: 11.24m², Approximate Air Space: 29.2m³ Allowable occupants: 2 adults OR 3 children OR 1 adult and 1 children</p> <p>Bedroom 4: Total floor space: 8m², Approximate Air Space: 20.9m³ Allowable occupants: 1 adult OR 2 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 2.6m ceiling height.</p>

ii) Should the holiday accommodation be viewed as a ‘Lodging House’ at any time under the Health Act 1911, a permit pursuant to the Shire of Exmouth Health Local Laws will be required. For further Information, please contact the Shire of Exmouth’s Health Services on 9949 3000.

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

CARRIED 5/0

OFFICER'S RECOMMENDATION – 10.6.3 - PA 100/12 – Lot 99 (10) Tautog Street, Exmouth

That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 99 (10) Tautog Street, Exmouth subject to the following conditions:-

1. *Development to accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA100/12) and Local Planning Policy No. 6.27: Holiday Accommodation (as amended) to the satisfaction of Council officers;*
2. *The maximum number of overnight occupants allowed within the dwelling at the same time shall be nine (9) persons. This includes no more than six (6) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy;*
3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be three (3) and two (2) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
4. *The ancillary building (granny flat) is not to be separately rented from the main dwelling. Each booking must include the use of both the dwelling and granny flat;*
5. *The garage is not a habitable room and shall not be used for guest accommodation;*
6. *The property shall provide at least three (2) 240 litre rubbish bins prior to the use commencing;*
7. *The Tenants Code of Conduct shall be clearly displayed in the premises in accordance with Council Policy;*
8. *The Tenants Code of Conduct and Management Statement shall be rewritten, and approved by Council prior to the use commencing. This includes and is not limited to the following issues:*
 - *The maximum number of occupants being nine (9) persons, this includes a maximum of six (6) persons over the age of ten at any one time; and*
 - *The maximum number of vehicles and trailers (including boats on trailers) is three (3) and two (2); and*
 - *Adding suitable contact details including relevant emergency services (hospital, police, fire station, SES etc) and appropriate cyclone procedures and information relevant to the property.*
9. *An approved smoke alarm must be installed on or near the ceiling in each guest bedroom (including kids dorm and games room); and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms associated with a bedroom and the remainder of the building. The smoke alarms must be installed in accordance with AS 3786 and be connected to the consumer mains power;*
10. *A system of lighting must be installed to assist with the evacuation of occupants in the event of a fire and be activated by the smoke alarm required by condition 6 above; and consist of a light incorporated within the smoke alarm or the lighting located in the corridor, hallway or areas served by the smoke alarm. Where the evacuation lighting is or of the type incorporated in the smoke alarm, it shall be provided with emergency backup power supply;*
11. *An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:*
 - *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
 - *no fires are to be lit outside with the exception of a gas barbeque.*

12. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
13. *If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighbouring properties, or causes a nuisance to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;*
14. *The property not being used for the use hereby granted until an inspection has been carried out by a Council officer and that officer is satisfied that the conditions of this approval hereby granted have been complied with; and*
15. *The approval is valid for a period of two (2) years. Upon this period lapsing, the re-application for approval shall be required should the property continue to be used for holiday accommodation.*

Advice

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

Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of nine (9) persons. This includes no more than six (6) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

Schedule 1: Allowable Occupants: Lot 99 (10) Tautog Street, Exmouth

Bedroom 1: Total floor space: 14.1m², Approximate Air Space: 38m³
Allowable occupants: 2 adults and 1 child **OR** 4 children **OR** 1 adult and 3 children

Bedroom 2: Total floor space: 11.55m², Approximate Air Space: 31m³
Allowable occupants: 2 adults **OR** 3 children **OR** 1 adults and 2 children

Bedroom 3: Total floor space: 9.9m², Approximate Air Space: 27m³
Allowable occupants: 1 adult **OR** 3 children

Bedroom 4 (Granny Flat): Total floor space: 7.6m², Approximate Air Space: 17m³
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 on a 2.7m ceiling height in the dwelling (Granny Flat ceiling height: 2.3m).

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

COUNCIL DECISION – 23-1012 – 10.6.3 - PA 100/12 – Lot 99 (10) Tautog Street, Exmouth

Moved Councillor Hood, Seconded Councillor Warren.

That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 99 (10) Tautog Street, Exmouth subject to the following conditions:-

1. *Development to accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA100/12) and Local Planning Policy No. 6.27: Holiday Accommodation (as amended) to the satisfaction of Council officers;*
2. *The maximum number of overnight occupants allowed within the dwelling at the same time shall be nine (9) persons. This includes no more than six (6) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy;*
3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be three (3) and two (2) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
4. *The ancillary building (granny flat) is not to be separately rented from the main dwelling. Each booking must include the use of both the dwelling and granny flat;*
5. *The garage is not a habitable room and shall not be used for guest accommodation;*
6. *The property shall provide at least three (2) 240 litre rubbish bins prior to the use commencing;*
7. *The Tenants Code of Conduct shall be clearly displayed in the premises in accordance with Council Policy;*
8. *The Tenants Code of Conduct and Management Statement shall be rewritten, and approved by Council prior to the use commencing. This includes and is not limited to the following issues:*
 - *The maximum number of occupants being nine (9) persons, this includes a maximum of six (6) persons over the age of ten at any one time; and*
 - *The maximum number of vehicles and trailers (including boats on trailers) is three (3) and two (2); and*
 - *Adding suitable contact details including relevant emergency services (hospital, police, fire station, SES etc) and appropriate cyclone procedures and information relevant to the property.*
9. *An approved smoke alarm must be installed on or near the ceiling in each guest bedroom (including kids dorm and games room); and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms associated with a bedroom and the remainder of the building. The smoke alarms must be installed in accordance with AS 3786 and be connected to the consumer mains power;*
10. *A system of lighting must be installed to assist with the evacuation of occupants in the event of a fire and be activated by the smoke alarm required by condition 6 above; and consist of a light incorporated within the smoke alarm or the lighting located in the corridor, hallway or areas served by the smoke alarm. Where the evacuation lighting is or of the type incorporated in the smoke alarm, it shall be provided with emergency backup power supply;*
11. *An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:*
 - *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
 - *no fires are to be lit outside with the exception of a gas barbeque.*
12. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
13. *If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighbouring properties, or causes a nuisance to owners/occupiers of the land in the*

vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;

14. The property not being used for the use hereby granted until an inspection has been carried out by a Council officer and that officer is satisfied that the conditions of this approval hereby granted have been complied with; and

15. The approval is valid for a period of two (2) years. Upon this period lapsing, the re-application for approval shall be required should the property continue to be used for holiday accommodation.

Advice

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

Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of nine (9) persons. This includes no more than six (6) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

Schedule 1: Allowable Occupants: Lot 99 (10) Tautog Street, Exmouth

Bedroom 1: Total floor space: 14.1m², Approximate Air Space: 38m³
Allowable occupants: 2 adults and 1 child **OR** 4 children **OR** 1 adult and 3 children

Bedroom 2: Total floor space: 11.55m², Approximate Air Space: 31m³
Allowable occupants: 2 adults **OR** 3 children **OR** 1 adults and 2 children

Bedroom 3: Total floor space: 9.9m², Approximate Air Space: 27m³
Allowable occupants: 1 adult **OR** 3 children

Bedroom 4 (Granny Flat): Total floor space: 7.6m², Approximate Air Space: 17m³
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 on a 2.7m ceiling height in the dwelling (Granny Flat ceiling height: 2.3m).

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

CARRIED 5/0

OFFICER'S RECOMMENDATION – 10.6.3 - PA 101/12 – Lot 86 (4) Page Street, Exmouth

That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 86 (4) Page Street, Exmouth subject to the following conditions:-

1. *Development to accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA101/12) and Local Planning Policy No. 6.27: Holiday Accommodation (as amended) to the satisfaction of Council officers;*
2. *The maximum number of overnight occupants allowed within the dwelling at the same time shall be seven (7) persons. This includes no more than five (5) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy;*
3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be two (2) and two (2) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
4. *Further to condition (3) above, the property shall provide a minimum of two (2) boat trailer parking bays and two (2) car parking bays, wholly within the property boundaries;*
5. *The property shall provide at least two (2) 240 litre rubbish bins prior to the use commencing;*
6. *The Tenants Code of Conduct shall be clearly displayed in the premises in accordance with Council Policy;*
7. *The Tenants Code of Conduct and Management Statement shall be rewritten, and approved by Council prior to the use commencing. This includes and is not limited to the following issues:*
 - *The maximum number of occupants being seven (7) persons, this includes a maximum of five (5) persons over the age of ten at any one time; and*
 - *The maximum number of vehicles and trailers (including boats on trailers) is two (2) and two (2); and*
 - *Adding suitable contact details including relevant emergency services (hospital, police, fire station, SES etc) and appropriate cyclone procedures and information relevant to the property.*
8. *An approved smoke alarm must be installed on or near the ceiling in each guest bedroom (including kids dorm and games room); and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms associated with a bedroom and the remainder of the building. The smoke alarms must be installed in accordance with AS 3786 and be connected to the consumer mains power;*
9. *A system of lighting must be installed to assist with the evacuation of occupants in the event of a fire and be activated by the smoke alarm required by condition 6 above; and consist of a light incorporated within the smoke alarm or the lighting located in the corridor, hallway or areas served by the smoke alarm. Where the evacuation lighting is or of the type incorporated in the smoke alarm, it shall be provided with emergency backup power supply;*
10. *An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:*
 - *A fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order;*
 - *No fires are to be lit outside; and*
 - *Outside barbeques are to be gas or electric.*

11. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
12. *If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighbouring properties, or causes a nuisance to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;*
13. *The property not being used for the use hereby granted until an inspection has been carried out by a Council officer and that officer is satisfied that the conditions of this approval hereby granted have been complied with; and*
14. *The approval is valid for a period of two (2) years. Upon this period lapsing, the re-application for approval shall be required should the property continue to be used for holiday accommodation.*

Advice

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

Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of seven (7) persons. This includes no more than five (5) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

Schedule 1: Allowable Occupants: Lot 86 (4) Page Street, Exmouth

Bedroom 1: Total floor space: 14.1m², Approximate Air Space: 34m³
Allowable occupants: 2 adults **OR** 4 children **OR** 1 adult and 2 children

Bedroom 2: Total floor space: 11.5m², Approximate Air Space: 28m³
Allowable occupants: 2 adult **OR** 3 children **OR** 1 adult and 1 child

Bedroom 3: Total floor space: 9.2m², Approximate Air Space: 22m³
Allowable occupants: 1 adult **OR** 2 children **OR** 1 adult and 1 child

*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 2.44m ceiling height

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

COUNCIL DECISION – 24-1012 – 10.6.3 - PA 101/12 – Lot 86 (4) Page Street, Exmouth

Moved Councillor Hood, Seconded Councillor Warren.

That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 86 (4) Page Street, Exmouth subject to the following conditions:-

1. ***Development to accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA101/12) and Local Planning Policy No. 6.27: Holiday Accommodation (as amended) to the satisfaction of Council officers;***

2. *The maximum number of overnight occupants allowed within the dwelling at the same time shall be seven (7) persons. This includes no more than five (5) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy;*
3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be two (2) and two (2) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
4. *Further to condition (3) above, the property shall provide a minimum of two (2) boat trailer parking bays and two (2) car parking bays, wholly within the property boundaries;*
5. *The property shall provide at least two (2) 240 litre rubbish bins prior to the use commencing;*
6. *The Tenants Code of Conduct shall be clearly displayed in the premises in accordance with Council Policy;*
7. *The Tenants Code of Conduct and Management Statement shall be rewritten, and approved by Council prior to the use commencing. This includes and is not limited to the following issues:*
 - *The maximum number of occupants being seven (7) persons, this includes a maximum of five (5) persons over the age of ten at any one time; and*
 - *The maximum number of vehicles and trailers (including boats on trailers) is two (2) and two (2); and*
 - *Adding suitable contact details including relevant emergency services (hospital, police, fire station, SES etc) and appropriate cyclone procedures and information relevant to the property.*
8. *An approved smoke alarm must be installed on or near the ceiling in each guest bedroom (including kids dorm and games room); and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms associated with a bedroom and the remainder of the building. The smoke alarms must be installed in accordance with AS 3786 and be connected to the consumer mains power;*
9. *A system of lighting must be installed to assist with the evacuation of occupants in the event of a fire and be activated by the smoke alarm required by condition 6 above; and consist of a light incorporated within the smoke alarm or the lighting located in the corridor, hallway or areas served by the smoke alarm. Where the evacuation lighting is or of the type incorporated in the smoke alarm, it shall be provided with emergency backup power supply;*
10. *An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:*
 - *A fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order;*
 - *No fires are to be lit outside; and*
 - *Outside barbeques are to be gas or electric.*
11. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
12. *If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighbouring properties, or causes a nuisance to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;*

13. *The property not being used for the use hereby granted until an inspection has been carried out by a Council officer and that officer is satisfied that the conditions of this approval hereby granted have been complied with; and*
14. *The approval is valid for a period of two (2) years. Upon this period lapsing, the re-application for approval shall be required should the property continue to be used for holiday accommodation.*

Advice

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

Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of seven (7) persons. This includes no more than five (5) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

<p>Schedule 1: Allowable Occupants: Lot 86 (4) Page Street, Exmouth</p> <p>Bedroom 1: Total floor space: 14.1m², Approximate Air Space: 34m³ Allowable occupants: 2 adults OR 4 children OR 1 adult and 2 children</p> <p>Bedroom 2: Total floor space: 11.5m², Approximate Air Space: 28m³ Allowable occupants: 2 adult OR 3 children OR 1 adult and 1 child</p> <p>Bedroom 3: Total floor space: 9.2m², Approximate Air Space: 22m³ Allowable occupants: 1 adult OR 2 children OR 1 adult and 1 child</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 2.44m ceiling height</p>

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

CARRIED 5/0

OFFICER'S RECOMMENDATION – 10.6.3 - PA102/12 – Lot 183 (10) Ningaloo Street, Exmouth

That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 183 (10) Ningaloo Street, Exmouth subject to the following conditions:-

1. *Development to accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA102/12) and Local Planning Policy No. 6.27: Holiday Accommodation (as amended) to the satisfaction of Council officers;*
2. *The maximum number of overnight occupants allowed within the dwelling at the same time shall be nine (9) persons. This includes no more than six (6) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy;*
3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be three (3) and two (2) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
4. *The property shall provide at least three (2) 240 litre rubbish bins prior to the use commencing;*
5. *The Tenants Code of Conduct shall be clearly displayed in the premises in accordance with Council Policy;*
6. *The Tenants Code of Conduct and Management Statement shall be rewritten, and approved by Council prior to the use commencing. This includes and is not limited to the following issues:*
 - *The maximum number of occupants being nine (9) persons, this includes a maximum of six (6) persons over the age of ten at any one time; and*
 - *The maximum number of vehicles and trailers (including boats on trailers) is three (3) and two (2); and*
 - *Access to the property via the existing crossover only. No kerb mounting or access via neighbouring properties; and*
 - *Noise to be restricted after 10pm (not midnight); and*
 - *Adding suitable contact details including relevant emergency services (hospital, police, fire station, SES etc) and appropriate cyclone procedures and information relevant to the property.*
7. *An approved smoke alarm must be installed on or near the ceiling in each guest bedroom (including kids dorm and games room); and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms associated with a bedroom and the remainder of the building. The smoke alarms must be installed in accordance with AS 3786 and be connected to the consumer mains power;*
8. *A system of lighting must be installed to assist with the evacuation of occupants in the event of a fire and be activated by the smoke alarm required by condition 6 above; and consist of a light incorporated within the smoke alarm or the lighting located in the corridor, hallway or areas served by the smoke alarm. Where the evacuation lighting is or of the type incorporated in the smoke alarm, it shall be provided with emergency backup power supply;*
9. *An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:*
 - *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
 - *no fires are to be lit outside with the exception of a gas barbeque.*

10. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
11. *If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighbouring properties, or causes a nuisance to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;*
12. *The property not being used for the use hereby granted until an inspection has been carried out by a Council officer and that officer is satisfied that the conditions of this approval hereby granted have been complied with; and*
13. *The approval is valid for a period of two (2) years. Upon this period lapsing, the re-application for approval shall be required should the property continue to be used for holiday accommodation.*

Advice

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

Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of nine (9) persons. This includes no more than six (6) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

Schedule 1: Allowable Occupants: Lot 183 (10) Ningaloo Street, Exmouth

Bedroom 1: Total floor space: 13.36m², Approximate Air Space: 32m³
Allowable occupants: 2 adults **OR** 4 children **OR** 1 adult and 2 children

Bedroom 2: Total floor space: 11.92m², Approximate Air Space: 28.6m³
Allowable occupants: 2 adults **OR** 3 children **OR** 1 adult and 1 children

Bedroom 3: Total floor space: 10.2m², Approximate Air Space: 24.5m³
Allowable occupants: 1 adult and 1 child **OR** 3 children

Bedroom 4: Total floor space: 9.57m², Approximate Air Space: 22.9m³
Allowable occupants: 1 adult and 1 child **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 on a 2.4m ceiling height

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

COUNCIL DECISION – 25-1012 – 10.6.3 - PA102/12 – Lot 183 (10) Ningaloo Street, Exmouth

Moved Councillor Hood, Seconded Councillor Warren.

That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 183 (10) Ningaloo Street, Exmouth subject to the following conditions:-

1. *Development to accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA102/12) and Local Planning Policy No. 6.27: Holiday Accommodation (as amended) to the satisfaction of Council officers;*
2. *The maximum number of overnight occupants allowed within the dwelling at the same time shall be nine (9) persons. This includes no more than six (6) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy;*
3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be three (3) and two (2) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
4. *The property shall provide at least three (2) 240 litre rubbish bins prior to the use commencing;*
5. *The Tenants Code of Conduct shall be clearly displayed in the premises in accordance with Council Policy;*
6. *The Tenants Code of Conduct and Management Statement shall be rewritten, and approved by Council prior to the use commencing. This includes and is not limited to the following issues:*
 - *The maximum number of occupants being nine (9) persons, this includes a maximum of six (6) persons over the age of ten at any one time; and*
 - *The maximum number of vehicles and trailers (including boats on trailers) is three (3) and two (2); and*
 - *Access to the property via the existing crossover only. No kerb mounting or access via neighbouring properties; and*
 - *Noise to be restricted after 10pm (not midnight); and*
 - *Adding suitable contact details including relevant emergency services (hospital, police, fire station, SES etc) and appropriate cyclone procedures and information relevant to the property.*
7. *An approved smoke alarm must be installed on or near the ceiling in each guest bedroom (including kids dorm and games room); and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms associated with a bedroom and the remainder of the building. The smoke alarms must be installed in accordance with AS 3786 and be connected to the consumer mains power;*
8. *A system of lighting must be installed to assist with the evacuation of occupants in the event of a fire and be activated by the smoke alarm required by condition 6 above; and consist of a light incorporated within the smoke alarm or the lighting located in the corridor, hallway or areas served by the smoke alarm. Where the evacuation lighting is or of the type incorporated in the smoke alarm, it shall be provided with emergency backup power supply;*
9. *An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:*
 - *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
 - *no fires are to be lit outside with the exception of a gas barbeque.*
10. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
11. *If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighbouring properties, or causes a nuisance to owners/occupiers of the land in the*

vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;

- 12. The property not being used for the use hereby granted until an inspection has been carried out by a Council officer and that officer is satisfied that the conditions of this approval hereby granted have been complied with; and**
- 13. The approval is valid for a period of two (2) years. Upon this period lapsing, the re-application for approval shall be required should the property continue to be used for holiday accommodation.**

Advice

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

Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of nine (9) persons. This includes no more than six (6) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

Schedule 1: Allowable Occupants: Lot 183 (10) Ningaloo Street, Exmouth
Bedroom 1: Total floor space: 13.36m ² , Approximate Air Space: 32m ³ Allowable occupants: 2 adults OR 4 children OR 1 adult and 2 children
Bedroom 2: Total floor space: 11.92m ² , Approximate Air Space: 28.6m ³ Allowable occupants: 2 adults OR 3 children OR 1 adult and 1 children
Bedroom 3: Total floor space: 10.2m ² , Approximate Air Space: 24.5m ³ Allowable occupants: 1 adult and 1 child OR 3 children
Bedroom 4: Total floor space: 9.57m ² , Approximate Air Space: 22.9m ³ Allowable occupants: 1 adult and 1 child 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 on a 2.4m ceiling height

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

CARRIED 5/0

OFFICER'S RECOMMENDATION – 10.6.3 - PA 103/12 – Lot 478 (9A) Krait Street, Exmouth

That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 478 (9A) Krait Street Exmouth subject to the following conditions:-

1. *Development to accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA103/12) and Local Planning Policy No. 6.27: Holiday Accommodation (as amended) to the satisfaction of Council officers;*
2. *The maximum number of overnight occupants allowed within the dwelling at the same time shall be eight (8) persons. This includes no more than five (5) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy;*
3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be one (1) and two (2) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
4. *Further to condition 3 above, the property shall provide a minimum of one (1) boat trailer parking bays and two (2) car parking bays, wholly within the property boundaries;*
5. *The property shall provide at least two (2) 240 litre rubbish bins prior to the use commencing;*
6. *The Tenants Code of Conduct shall be clearly displayed in the premises in accordance with Council Policy;*
7. *The Tenants Code of Conduct and Management Statement shall be rewritten, and approved by Council prior to the use commencing. This includes and is not limited to the following issues:*
 - *The maximum number of occupants being eight (8) persons, this includes a maximum of five (5) persons over the age of ten at any one time; and*
 - *The maximum number of vehicles and trailers (including boats on trailers) is one (1) and two (2); and*
 - *Adding suitable contact details including relevant emergency services (hospital, police, fire station, SES etc) and appropriate cyclone procedures and information relevant to the property.*
8. *An approved smoke alarm must be installed on or near the ceiling in each guest bedroom (including kids dorm and games room); and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms associated with a bedroom and the remainder of the building. The smoke alarms must be installed in accordance with AS 3786 and be connected to the consumer mains power;*
9. *A system of lighting must be installed to assist with the evacuation of occupants in the event of a fire and be activated by the smoke alarm required by condition 6 above; and consist of a light incorporated within the smoke alarm or the lighting located in the corridor, hallway or areas served by the smoke alarm. Where the evacuation lighting is or of the type incorporated in the smoke alarm, it shall be provided with emergency backup power supply;*
10. *An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:*
 - *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
 - *no fires are to be lit outside with the exception of a gas or electric barbeque.*

11. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
12. *If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighbouring properties, or causes a nuisance to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;*
13. *The property not being used for the use hereby granted until an inspection has been carried out by a Council officer and that officer is satisfied that the conditions of this approval hereby granted have been complied with; and*
14. *The approval is valid for a period of two (2) years. Upon this period lapsing, the re-application for approval shall be required should the property continue to be used for holiday accommodation.*

Advice

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

Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of eight (8) persons. This includes no more than five (5) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

Schedule 1: Allowable Occupants: Lot 478 (9A) Krait Street, Exmouth

Bedroom 1: Total Floor Space: 15.7m² Approximate Air Space: 38m³
Allowable occupants: 2 adults and 1 child **OR** 4 children **OR** 1 adult and 3 children

Bedroom 2: Total Floor Space: 10.9m² Approximate Air Space: 26m³
Allowable occupants: 1 adults **OR** 3 children **OR** 1 adult and 1 child

Bedroom 3: Total Floor Space: 8.0m² Approximate Air Space: 19m³
Allowable occupants: 1 adult **OR** 2 children

Bedroom 4: Total Floor Space: 8.0m² Approximate Air Space: 19m³
Allowable occupants: 1 adult **OR** 2 children

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

**The air space is calculated with a 2.45m ceiling height

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

COUNCIL DECISION – 26-1012 – 10.6.3 - PA 103/12 – Lot 478 (9A) Krait Street, Exmouth

Moved Councillor Hood, Seconded Councillor Warren.

That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 478 (9A) Krait Street Exmouth subject to the following conditions:-

1. *Development to accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA103/12) and Local Planning Policy No. 6.27: Holiday Accommodation (as amended) to the satisfaction of Council officers;*
2. *The maximum number of overnight occupants allowed within the dwelling at the same time shall be eight (8) persons. This includes no more than five (5) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy;*
3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be one (1) and two (2) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
4. *Further to condition 3 above, the property shall provide a minimum of one (1) boat trailer parking bays and two (2) car parking bays, wholly within the property boundaries;*
5. *The property shall provide at least two (2) 240 litre rubbish bins prior to the use commencing;*
6. *The Tenants Code of Conduct shall be clearly displayed in the premises in accordance with Council Policy;*
7. *The Tenants Code of Conduct and Management Statement shall be rewritten, and approved by Council prior to the use commencing. This includes and is not limited to the following issues:*
 - *The maximum number of occupants being eight (8) persons, this includes a maximum of five (5) persons over the age of ten at any one time; and*
 - *The maximum number of vehicles and trailers (including boats on trailers) is one (1) and two (2); and*
 - *Adding suitable contact details including relevant emergency services (hospital, police, fire station, SES etc) and appropriate cyclone procedures and information relevant to the property.*
8. *An approved smoke alarm must be installed on or near the ceiling in each guest bedroom (including kids dorm and games room); and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms associated with a bedroom and the remainder of the building. The smoke alarms must be installed in accordance with AS 3786 and be connected to the consumer mains power;*
9. *A system of lighting must be installed to assist with the evacuation of occupants in the event of a fire and be activated by the smoke alarm required by condition 6 above; and consist of a light incorporated within the smoke alarm or the lighting located in the corridor, hallway or areas served by the smoke alarm. Where the evacuation lighting is or of the type incorporated in the smoke alarm, it shall be provided with emergency backup power supply;*
10. *An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:*
 - *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
 - *no fires are to be lit outside with the exception of a gas or electric barbeque.*
11. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
12. *If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighbouring properties, or causes a nuisance to owners/occupiers of the land in the*

vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;

- 13. *The property not being used for the use hereby granted until an inspection has been carried out by a Council officer and that officer is satisfied that the conditions of this approval hereby granted have been complied with; and***
- 14. *The approval is valid for a period of two (2) years. Upon this period lapsing, the re-application for approval shall be required should the property continue to be used for holiday accommodation.***

Advice

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

Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of eight (8) persons. This includes no more than five (5) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

<p>Schedule 1: Allowable Occupants: Lot 478 (9A) Krait Street, Exmouth</p> <p>Bedroom 1: Total Floor Space: 15.7m² Approximate Air Space: 38m³ Allowable occupants: 2 adults and 1 child OR 4 children OR 1 adult and 3 children</p> <p>Bedroom 2: Total Floor Space: 10.9m² Approximate Air Space: 26m³ Allowable occupants: 1 adults OR 3 children OR 1 adult and 1 child</p> <p>Bedroom 3: Total Floor Space: 8.0m² Approximate Air Space: 19m³ Allowable occupants: 1 adult OR 2 children</p> <p>Bedroom 4: Total Floor Space: 8.0m² Approximate Air Space: 19m³ Allowable occupants: 1 adult OR 2 children</p> <p><i>*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.</i></p> <p><i>**The air space is calculated with a 2.45m ceiling height</i></p>
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- ii) Should the holiday accommodation be viewed as a ‘Lodging House’ at any time under the Health Act 1911, a permit pursuant to the Shire of Exmouth Health Local Laws will be required. For further Information, please contact the Shire of Exmouth’s Health Services on 9949 3000.***
- iii) Should the applicant be aggrieved by this decision, a right of review may exist pursuant to the State Administrative Tribunal Act 2004. A request for review should be made within 28 days of notice of this decision to the State Administrative Tribunal.***

CARRIED 5/0

OFFICER'S RECOMMENDATION – 10.6.3 - PA 104/12 – Lot 1271 (4) Grayling Street, Exmouth
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That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 1271 (4) Grayling Street, Exmouth subject to the following conditions:-

1. *Development to accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA104/12) and Local Planning Policy No. 6.27: Holiday Accommodation to the satisfaction of Council officers;*
2. *The maximum number of overnight occupants allowed within the dwelling at the same time shall be ten (10) persons. This includes no more than five (5) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy;*
3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be three (3) and two (2) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
4. *Further to condition 3 above, the property shall provide a minimum of two (2) boat trailer parking bays and three (3) car parking bays, wholly within the property boundaries;*
5. *The property shall provide at least two (2) 240 litre rubbish bins prior to the use commencing;*
6. *The Tenants Code of Conduct shall be clearly displayed in the premises in accordance with Council Policy;*
7. *The Tenants Code of Conduct and Management Statement shall be rewritten, and approved by Council prior to the use commencing. This includes and is not limited to the following issues:*
 - *The maximum number of occupants being ten (10) persons, this includes a maximum of five (5) persons over the age of ten at any one time; and*
 - *The maximum number of vehicles and trailers (including boats on trailers) is three (3) and two (2); and*
 - *Adding suitable contact details including relevant emergency services (hospital, police, fire station, SES etc) and appropriate cyclone procedures and information relevant to the property.*
8. *An approved smoke alarm must be installed on or near the ceiling in each guest bedroom (including kids dorm and games room); and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms associated with a bedroom and the remainder of the building. The smoke alarms must be installed in accordance with AS 3786 and be connected to the consumer mains power;*
9. *A system of lighting must be installed to assist with the evacuation of occupants in the event of a fire and be activated by the smoke alarm required by condition 6 above; and consist of a light incorporated within the smoke alarm or the lighting located in the corridor, hallway or areas served by the smoke alarm. Where the evacuation lighting is or of the type incorporated in the smoke alarm, it shall be provided with emergency backup power supply;*
10. *An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:*
 - *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
 - *no fires are to be lit outside with the exception of a gas or electric barbeque.*
11. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*

12. *If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighbouring properties, or causes a nuisance to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;*
13. *The property not being used for the use hereby granted until an inspection has been carried out by a Council officer and that officer is satisfied that the conditions of this approval hereby granted have been complied with; and*
14. *The approval is valid for a period of two (2) years. Upon this period lapsing, the re-application for approval shall be required should the property continue to be used for holiday accommodation.*

Advice

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

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

Schedule 1: Allowable Occupants: Lot 1271 (4) Grayling Street, Exmouth

Bedroom 1: Total Floor Space: 16m², Approximate Air Space: 38m³
Allowable occupants: 2 adults **OR** 4 children **OR** 2 adults and 1 child

Bedroom 2: Total Floor Space: 9m², Approximate Air Space: 22m³
Allowable occupants: 1 adult **OR** 2 children **OR** 1 adult & 1 child

Bedroom 3: Total Floor Space: 10m², Approximate Air Space: 24m³
Allowable occupants: 1 adult **OR** 3 children **OR** 1 adult and 1 child

Bedroom 4: Total Floor Space: 9m², Approximate Air Space: 22m³
Allowable occupants: 1 adult **OR** 2 children **OR** 1 adult and 1 child

*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 on the assumption of an average of 2.4m ceiling height.

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

COUNCIL DECISION – 27-1012 – 10.6.3 - PA 104/12 – Lot 1271 (4) Grayling Street, Exmouth

Moved Councillor Hood, Seconded Councillor Warren.

That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 1271 (4) Grayling Street, Exmouth subject to the following conditions:-

1. ***Development to accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA104/12) and Local Planning Policy No. 6.27: Holiday Accommodation to the satisfaction of Council officers;***

2. *The maximum number of overnight occupants allowed within the dwelling at the same time shall be ten (10) persons. This includes no more than five (5) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy;*
3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be three (3) and two (2) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
4. *Further to condition 3 above, the property shall provide a minimum of two (2) boat trailer parking bays and three (3) car parking bays, wholly within the property boundaries;*
5. *The property shall provide at least two (2) 240 litre rubbish bins prior to the use commencing;*
6. *The Tenants Code of Conduct shall be clearly displayed in the premises in accordance with Council Policy;*
7. *The Tenants Code of Conduct and Management Statement shall be rewritten, and approved by Council prior to the use commencing. This includes and is not limited to the following issues:*
 - *The maximum number of occupants being ten (10) persons, this includes a maximum of five (5) persons over the age of ten at any one time; and*
 - *The maximum number of vehicles and trailers (including boats on trailers) is three (3) and two (2); and*
 - *Adding suitable contact details including relevant emergency services (hospital, police, fire station, SES etc) and appropriate cyclone procedures and information relevant to the property.*
8. *An approved smoke alarm must be installed on or near the ceiling in each guest bedroom (including kids dorm and games room); and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms associated with a bedroom and the remainder of the building. The smoke alarms must be installed in accordance with AS 3786 and be connected to the consumer mains power;*
9. *A system of lighting must be installed to assist with the evacuation of occupants in the event of a fire and be activated by the smoke alarm required by condition 6 above; and consist of a light incorporated within the smoke alarm or the lighting located in the corridor, hallway or areas served by the smoke alarm. Where the evacuation lighting is or of the type incorporated in the smoke alarm, it shall be provided with emergency backup power supply;*
10. *An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:*
 - *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
 - *no fires are to be lit outside with the exception of a gas or electric barbeque.*
11. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
12. *If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighbouring properties, or causes a nuisance to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;*

13. *The property not being used for the use hereby granted until an inspection has been carried out by a Council officer and that officer is satisfied that the conditions of this approval hereby granted have been complied with; and*
14. *The approval is valid for a period of two (2) years. Upon this period lapsing, the re-application for approval shall be required should the property continue to be used for holiday accommodation.*

Advice

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

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

Schedule 1: Allowable Occupants: Lot 1271 (4) Grayling Street, Exmouth

Bedroom 1: Total Floor Space: 16m², Approximate Air Space: 38m³
Allowable occupants: 2 adults **OR** 4 children **OR** 2 adults and 1 child

Bedroom 2: Total Floor Space: 9m², Approximate Air Space: 22m³
Allowable occupants: 1 adult **OR** 2 children **OR** 1 adult & 1 child

Bedroom 3: Total Floor Space: 10m², Approximate Air Space: 24m³
Allowable occupants: 1 adult **OR** 3 children **OR** 1 adult and 1 child

Bedroom 4: Total Floor Space: 9m², Approximate Air Space: 22m³
Allowable occupants: 1 adult **OR** 2 children **OR** 1 adult and 1 child

*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 on the assumption of an average of 2.4m ceiling height.

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

CARRIED 5/0

OFFICER'S RECOMMENDATION – 10.6.3 - PA 105/12 – Lot 92 (5) Page Street, Exmouth

That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 92 (5) Page Street, Exmouth subject to the following conditions:-

1. *Development to accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA105/12) and Local Planning Policy No. 6.27: Holiday Accommodation to the satisfaction of Council officers;*
2. *The maximum number of overnight occupants allowed within the dwelling at the same time shall be six (6) persons. This includes no more than four (4) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy;*
3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be two (2) and two (2) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
4. *The property shall provide at least two (2) 240 litre rubbish bins prior to the use commencing;*
5. *The Tenants Code of Conduct shall be clearly displayed in the premises in accordance with Council Policy;*
6. *The Tenants Code of Conduct and Management Statement shall be rewritten, and approved by Council prior to the use commencing. This includes and is not limited to the following issues:*
 - *The maximum number of occupants being six (6) persons, this includes a maximum of four (4) persons over the age of ten at any one time; and*
 - *The maximum number of vehicles and trailers (including boats on trailers) is two (2) and two (2); and*
 - *Adding suitable contact details including relevant emergency services (hospital, police, fire station, SES etc) and appropriate cyclone procedures and information relevant to the property; and*
 - *On-site parking areas (not to be on verge area)*
7. *An approved smoke alarm must be installed on or near the ceiling in each guest bedroom (including kids dorm and games room); and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms associated with a bedroom and the remainder of the building. The smoke alarms must be installed in accordance with AS 3786 and be connected to the consumer mains power;*
8. *A system of lighting must be installed to assist with the evacuation of occupants in the event of a fire and be activated by the smoke alarm required by condition 6 above; and consist of a light incorporated within the smoke alarm or the lighting located in the corridor, hallway or areas served by the smoke alarm. Where the evacuation lighting is or of the type incorporated in the smoke alarm, it shall be provided with emergency backup power supply;*
9. *An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:*
 - *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
 - *no fires are to be lit outside with the exception of a gas or electric barbeque.*
10. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*

11. *If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighbouring properties, or causes a nuisance to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;*
12. *The property not being used for the use hereby granted until an inspection has been carried out by a Council officer and that officer is satisfied that the conditions of this approval hereby granted have been complied with; and*
13. *The approval is valid for a period of two (2) years. Upon this period lapsing, the re-application for approval shall be required should the property continue to be used for holiday accommodation.*

Advice

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

Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of six (6) persons. This includes no more than four (4) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

Schedule 1: Allowable Occupants: Lot 92 (5) Page Street, Exmouth

Bedroom 1: Total Floor Space: 14.12m², Approximate Air Space: 33.9m³
Allowable occupants: 2 adults **OR** 4 children **OR** 1 adult and 2 children

Bedroom 2: Total Floor Space: 11.53m², Approximate Air Space: 27.67m³
Allowable occupants: 1 adults **OR** 3 children **OR** 1 adult & 1 child

Bedroom 3: Total Floor Space: 7.74m², Approximate Air Space: 18.59m³
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 on the assumption of an average of 2.4m ceiling height.

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

COUNCIL DECISION – 28-1012 – 10.6.3 - PA 105/12 – Lot 92 (5) Page Street, Exmouth

Moved Councillor Hood, Seconded Councillor Warren.

That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 92 (5) Page Street, Exmouth subject to the following conditions:-

1. ***Development to accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA105/12) and Local Planning Policy No. 6.27: Holiday Accommodation to the satisfaction of Council officers;***
2. ***The maximum number of overnight occupants allowed within the dwelling at the same time shall be six (6) persons. This includes no more than four (4) persons over the age of ten at any one time.***

Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy;

3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be two (2) and two (2) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
4. *The property shall provide at least two (2) 240 litre rubbish bins prior to the use commencing;*
5. *The Tenants Code of Conduct shall be clearly displayed in the premises in accordance with Council Policy;*
6. *The Tenants Code of Conduct and Management Statement shall be rewritten, and approved by Council prior to the use commencing. This includes and is not limited to the following issues:*
 - *The maximum number of occupants being six (6) persons, this includes a maximum of four (4) persons over the age of ten at any one time; and*
 - *The maximum number of vehicles and trailers (including boats on trailers) is two (2) and two (2); and*
 - *Adding suitable contact details including relevant emergency services (hospital, police, fire station, SES etc) and appropriate cyclone procedures and information relevant to the property; and*
 - *On-site parking areas (not to be on verge area)*
7. *An approved smoke alarm must be installed on or near the ceiling in each guest bedroom (including kids dorm and games room); and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms associated with a bedroom and the remainder of the building. The smoke alarms must be installed in accordance with AS 3786 and be connected to the consumer mains power;*
8. *A system of lighting must be installed to assist with the evacuation of occupants in the event of a fire and be activated by the smoke alarm required by condition 6 above; and consist of a light incorporated within the smoke alarm or the lighting located in the corridor, hallway or areas served by the smoke alarm. Where the evacuation lighting is or of the type incorporated in the smoke alarm, it shall be provided with emergency backup power supply;*
9. *An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:*
 - *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
 - *no fires are to be lit outside with the exception of a gas or electric barbeque.*
10. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
11. *If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighbouring properties, or causes a nuisance to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;*
12. *The property not being used for the use hereby granted until an inspection has been carried out by a Council officer and that officer is satisfied that the conditions of this approval hereby granted have been complied with; and*
13. *The approval is valid for a period of two (2) years. Upon this period lapsing, the re-application for approval shall be required should the property continue to be used for holiday accommodation.*

Advice

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

Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of six (6) persons. This includes no more than four (4) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

Schedule 1: Allowable Occupants: Lot 92 (5) Page Street, Exmouth

Bedroom 1: Total Floor Space: 14.12m², Approximate Air Space: 33.9m³
Allowable occupants: 2 adults **OR** 4 children **OR** 1 adult and 2 children

Bedroom 2: Total Floor Space: 11.53m², Approximate Air Space: 27.67m³
Allowable occupants: 1 adults **OR** 3 children **OR** 1 adult & 1 child

Bedroom 3: Total Floor Space: 7.74m², Approximate Air Space: 18.59m³
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 on the assumption of an average of 2.4m ceiling height.

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

CARRIED 5/0

OFFICER'S RECOMMENDATION – 10.6.3 - PA 106/12 - Lot 505 (3) Sargent Street, Exmouth

That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 505 (3) Sargeant Street, Exmouth subject to the following conditions:-

1. *Development to accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA106/12) and Local Planning Policy No. 6.27: Holiday Accommodation to the satisfaction of Council officers;*
2. *The maximum number of overnight occupants allowed within the dwelling at the same time shall be seven (7) persons. This includes no more than four (4) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy;*
3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be two (2) and one (1) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
4. *Further to condition 3 above, the property shall provide a minimum of one (1) boat trailer parking bays and two (2) car parking bays, wholly within the property boundaries;*
5. *The property shall provide at least two (2) 240 litre rubbish bins prior to the use commencing;*
6. *The number of dogs on the property shall be restricted to two (2);*
7. *The Tenants Code of Conduct shall be clearly displayed in the premises in accordance with Council Policy;*
8. *The Tenants Code of Conduct and Management Statement shall be rewritten, and approved by Council prior to the use commencing. This includes and is not limited to the following issues:*
 - *The maximum number of occupants being seven (7) persons, this includes a maximum of four (4) persons over the age of ten at any one time; and*
 - *The maximum number of vehicles and trailers (including boats on trailers) is two (2) and one (1); and*
 - *Adding suitable contact details including relevant emergency services (hospital, police, fire station, SES etc) and appropriate cyclone procedures and information relevant to the property.*
9. *An approved smoke alarm must be installed on or near the ceiling in each guest bedroom (including kids dorm and games room); and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms associated with a bedroom and the remainder of the building. The smoke alarms must be installed in accordance with AS 3786 and be connected to the consumer mains power;*
10. *A system of lighting must be installed to assist with the evacuation of occupants in the event of a fire and be activated by the smoke alarm required by condition 6 above; and consist of a light incorporated within the smoke alarm or the lighting located in the corridor, hallway or areas served by the smoke alarm. Where the evacuation lighting is or of the type incorporated in the smoke alarm, it shall be provided with emergency backup power supply;*
11. *An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:*
 - *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
 - *no fires are to be lit outside with the exception of a gas or electric barbeque.*

12. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
13. *If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighbouring properties, or causes a nuisance to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;*
14. *The property not being used for the use hereby granted until an inspection has been carried out by a Council officer and that officer is satisfied that the conditions of this approval hereby granted have been complied with; and*
15. *The approval is valid for a period of two (2) years. Upon this period lapsing, the re-application for approval shall be required should the property continue to be used for holiday accommodation.*

Advice

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

Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of seven (7) persons. This includes no more than four (4) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

Schedule 1: Allowable Occupants: Lot 505 (3) Sargent Street, Exmouth

Bedroom 1: Total Floor Space: 13.88m², Approximate Air Space: 33.3m³
Allowable occupants: 2 adults **OR** 4 children **OR** 1 adult and 1 child

Bedroom 2: Total Floor Space: 11.08m², Approximate Air Space: 26.5m³
Allowable occupants: 3 children **OR** 1 adult & 1 child

Bedroom 3: Total Floor Space: 11.44m², Approximate Air Space: 27.4m³
Allowable occupants: 3 children **OR** 1 adult and 1 child

*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 on the assumption of an average of 2.4m ceiling height.

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

COUNCIL DECISION – 29-1012 – 10.6.3 - PA 106/12 - Lot 505 (3) Sargent Street, Exmouth

Moved Councillor Hood, Seconded Councillor Warren.

That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 505 (3) Sargeant Street, Exmouth subject to the following conditions:-

1. ***Development to accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA106/12) and Local Planning Policy No. 6.27: Holiday Accommodation to the satisfaction of Council officers;***

2. *The maximum number of overnight occupants allowed within the dwelling at the same time shall be seven (7) persons. This includes no more than four (4) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy;*
3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be two (2) and one (1) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
4. *Further to condition 3 above, the property shall provide a minimum of one (1) boat trailer parking bays and two (2) car parking bays, wholly within the property boundaries;*
5. *The property shall provide at least two (2) 240 litre rubbish bins prior to the use commencing;*
6. *The number of dogs on the property shall be restricted to two (2);*
7. *The Tenants Code of Conduct shall be clearly displayed in the premises in accordance with Council Policy;*
8. *The Tenants Code of Conduct and Management Statement shall be rewritten, and approved by Council prior to the use commencing. This includes and is not limited to the following issues:*
 - *The maximum number of occupants being seven (7) persons, this includes a maximum of four (4) persons over the age of ten at any one time; and*
 - *The maximum number of vehicles and trailers (including boats on trailers) is two (2) and one (1); and*
 - *Adding suitable contact details including relevant emergency services (hospital, police, fire station, SES etc) and appropriate cyclone procedures and information relevant to the property.*
9. *An approved smoke alarm must be installed on or near the ceiling in each guest bedroom (including kids dorm and games room); and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms associated with a bedroom and the remainder of the building. The smoke alarms must be installed in accordance with AS 3786 and be connected to the consumer mains power;*
10. *A system of lighting must be installed to assist with the evacuation of occupants in the event of a fire and be activated by the smoke alarm required by condition 6 above; and consist of a light incorporated within the smoke alarm or the lighting located in the corridor, hallway or areas served by the smoke alarm. Where the evacuation lighting is or of the type incorporated in the smoke alarm, it shall be provided with emergency backup power supply;*
11. *An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:*
 - *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
 - *no fires are to be lit outside with the exception of a gas or electric barbeque.*
12. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
13. *If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighbouring properties, or causes a nuisance to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;*

14. *The property not being used for the use hereby granted until an inspection has been carried out by a Council officer and that officer is satisfied that the conditions of this approval hereby granted have been complied with; and*
15. *The approval is valid for a period of two (2) years. Upon this period lapsing, the re-application for approval shall be required should the property continue to be used for holiday accommodation.*

Advice

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

Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of seven (7) persons. This includes no more than four (4) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

<p>Schedule 1: Allowable Occupants: Lot 505 (3) Sargent Street, Exmouth</p> <p>Bedroom 1: Total Floor Space: 13.88m², Approximate Air Space: 33.3m³ Allowable occupants: 2 adults OR 4 children OR 1 adult and 1 child</p> <p>Bedroom 2: Total Floor Space: 11.08m², Approximate Air Space: 26.5m³ Allowable occupants: 3 children OR 1 adult & 1 child</p> <p>Bedroom 3: Total Floor Space: 11.44m², Approximate Air Space: 27.4m³ Allowable occupants: 3 children OR 1 adult and 1 child</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 on the assumption of an average of 2.4m ceiling height.</p>

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

CARRIED 5/0

OFFICER'S RECOMMENDATION – 10.6.3 - PA 107/12 - Lot 478 (9) Krait Street, Exmouth

That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 478 (9) Krait Street, Exmouth subject to the following conditions:-

1. *Development to accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA107/12) and Local Planning Policy No. 6.27: Holiday Accommodation to the satisfaction of Council officers;*
2. *The maximum number of overnight occupants allowed within the dwelling at the same time shall be seven (7) persons. This includes no more than four (4) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy;*
3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be two (2) and one (1) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
4. *Further to condition 3 above, the property shall provide a minimum of one (1) boat trailer parking bays and two (2) car parking bays, wholly within the property boundaries;*
5. *The property shall provide at least two (2) 240 litre rubbish bins prior to the use commencing;*
6. *No pets are permitted on the property;*
7. *The Tenants Code of Conduct shall be clearly displayed in the premises in accordance with Council Policy;*
8. *The Tenants Code of Conduct and Management Statement shall be rewritten, and approved by Council prior to the use commencing. This includes and is not limited to the following issues:*
 - *The maximum number of occupants being seven (7) persons, this includes a maximum of four (4) persons over the age of ten at any one time; and*
 - *Noise levels are to be restricted after 10pm (not midnight); and*
 - *The maximum number of vehicles and trailers (including boats on trailers) is two (2) and one (1); and*
 - *Adding suitable contact details including relevant emergency services (hospital, police, fire station, SES etc) and appropriate cyclone procedures and information relevant to the property.*
9. *An approved smoke alarm must be installed on or near the ceiling in each guest bedroom (including kids dorm and games room); and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms associated with a bedroom and the remainder of the building. The smoke alarms must be installed in accordance with AS 3786 and be connected to the consumer mains power;*
10. *A system of lighting must be installed to assist with the evacuation of occupants in the event of a fire and be activated by the smoke alarm required by condition 6 above; and consist of a light incorporated within the smoke alarm or the lighting located in the corridor, hallway or areas served by the smoke alarm. Where the evacuation lighting is or of the type incorporated in the smoke alarm, it shall be provided with emergency backup power supply;*
11. *An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:*
 - *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*

- *no fires are to be lit outside with the exception of a gas or electric barbeque.*
12. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
 13. *If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighbouring properties, or causes a nuisance to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;*
 14. *The property not being used for the use hereby granted until an inspection has been carried out by a Council officer and that officer is satisfied that the conditions of this approval hereby granted have been complied with; and*
 15. *The approval is valid for a period of two (2) years. Upon this period lapsing, the re-application for approval shall be required should the property continue to be used for holiday accommodation.*

Advice

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

Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of seven (7) persons. This includes no more than four (4) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

Schedule 1: Allowable Occupants: Lot 478 (9) Krait Street (Unit 1, 1 Eurayle Street, Existing unit), Exmouth

Bedroom 1: Total Floor Space: 13.68m², Approximate Air Space: 33.52m³
Allowable occupants: 2 adults **OR** 4 children **OR** 1 adult and 2 child

Bedroom 2: Total Floor Space: 10.78m², Approximate Air Space: 26m³
Allowable occupants: 1 adult **OR** 3 children **OR** 1 adult & 1 child

Bedroom 3: Total Floor Space: 10.72m², Approximate Air Space: 26m³
Allowable occupants: 1 adult **OR** 3 children **OR** 1 adult and 1 child

*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 on the assumption of an average of 2.45m ceiling height.

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

COUNCIL DECISION – 30-1012 – 10.6.3 - PA 107/12 - Lot 478 (9) Krait Street, Exmouth

Moved Councillor Hood, Seconded Councillor Warren.

That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 478 (9) Krait Street, Exmouth subject to the following conditions:-

1. *Development to accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA107/12) and Local Planning Policy No. 6.27: Holiday Accommodation to the satisfaction of Council officers;*
2. *The maximum number of overnight occupants allowed within the dwelling at the same time shall be seven (7) persons. This includes no more than four (4) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy;*
3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be two (2) and one (1) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
4. *Further to condition 3 above, the property shall provide a minimum of one (1) boat trailer parking bays and two (2) car parking bays, wholly within the property boundaries;*
5. *The property shall provide at least two (2) 240 litre rubbish bins prior to the use commencing;*
6. *No pets are permitted on the property;*
7. *The Tenants Code of Conduct shall be clearly displayed in the premises in accordance with Council Policy;*
8. *The Tenants Code of Conduct and Management Statement shall be rewritten, and approved by Council prior to the use commencing. This includes and is not limited to the following issues:*
 - *The maximum number of occupants being seven (7) persons, this includes a maximum of four (4) persons over the age of ten at any one time; and*
 - *Noise levels are to be restricted after 10pm (not midnight); and*
 - *The maximum number of vehicles and trailers (including boats on trailers) is two (2) and one (1); and*
 - *Adding suitable contact details including relevant emergency services (hospital, police, fire station, SES etc) and appropriate cyclone procedures and information relevant to the property.*
9. *An approved smoke alarm must be installed on or near the ceiling in each guest bedroom (including kids dorm and games room); and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms associated with a bedroom and the remainder of the building. The smoke alarms must be installed in accordance with AS 3786 and be connected to the consumer mains power;*
10. *A system of lighting must be installed to assist with the evacuation of occupants in the event of a fire and be activated by the smoke alarm required by condition 6 above; and consist of a light incorporated within the smoke alarm or the lighting located in the corridor, hallway or areas served by the smoke alarm. Where the evacuation lighting is or of the type incorporated in the smoke alarm, it shall be provided with emergency backup power supply;*
11. *An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:*
 - *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
 - *no fires are to be lit outside with the exception of a gas or electric barbeque.*
12. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*

13. *If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighbouring properties, or causes a nuisance to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;*
14. *The property not being used for the use hereby granted until an inspection has been carried out by a Council officer and that officer is satisfied that the conditions of this approval hereby granted have been complied with; and*
15. *The approval is valid for a period of two (2) years. Upon this period lapsing, the re-application for approval shall be required should the property continue to be used for holiday accommodation.*

Advice

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

Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of seven (7) persons. This includes no more than four (4) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

<p>Schedule 1: Allowable Occupants: Lot 478 (9) Krait Street (Unit 1, 1 Eurayle Street, Existing unit), Exmouth</p> <p>Bedroom 1: Total Floor Space: 13.68m², Approximate Air Space: 33.52m³ Allowable occupants: 2 adults OR 4 children OR 1 adult and 2 child</p> <p>Bedroom 2: Total Floor Space: 10.78m², Approximate Air Space: 26m³ Allowable occupants: 1 adult OR 3 children OR 1 adult & 1 child</p> <p>Bedroom 3: Total Floor Space: 10.72m², Approximate Air Space: 26m³ Allowable occupants: 1 adult OR 3 children OR 1 adult and 1 child</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 on the assumption of an average of 2.45m ceiling height.</p>

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

CARRIED 5/0

OFFICER'S RECOMMENDATION – 10.6.3 - PA 109/12 - Lot 309 (26) Gnulli Court, Exmouth

That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 309 (26) Gnulli Court, Exmouth subject to the following conditions:-

1. *Development to accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA109/12) and Local Planning Policy No. 6.27: Holiday Accommodation to the satisfaction of Council officers;*
2. *The maximum number of overnight occupants allowed within the dwelling at the same time shall be eight (8) persons. This includes no more than eight (8) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy;*
3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be two (2) and one (1) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
4. *Further to condition 3 above, the property shall provide a minimum of one (1) boat trailer parking bays and two (2) car parking bays, wholly within the property boundaries;*
5. *The property shall provide at least two (2) 240 litre rubbish bins prior to the use commencing;*
6. *The Tenants Code of Conduct shall be clearly displayed in the premises in accordance with Council Policy;*
7. *The Tenants Code of Conduct and Management Statement shall be rewritten, and approved by Council prior to the use commencing. This includes and is not limited to the following issues:*
 - *The maximum number of occupants being eight (8) persons, this includes a maximum of eight (8) persons over the age of ten at any one time; and*
 - *The maximum number of vehicles and trailers (including boats on trailers) is two (2) and one (1); and*
 - *Adding suitable contact details including relevant emergency services (hospital, police, fire station, SES etc) and appropriate cyclone procedures and information relevant to the property.*
8. *An approved smoke alarm must be installed on or near the ceiling in each guest bedroom (including kids dorm and games room); and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms associated with a bedroom and the remainder of the building. The smoke alarms must be installed in accordance with AS 3786 and be connected to the consumer mains power;*
9. *A system of lighting must be installed to assist with the evacuation of occupants in the event of a fire and be activated by the smoke alarm required by condition 6 above; and consist of a light incorporated within the smoke alarm or the lighting located in the corridor, hallway or areas served by the smoke alarm. Where the evacuation lighting is or of the type incorporated in the smoke alarm, it shall be provided with emergency backup power supply;*
10. *An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:*
 - *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
 - *no fires are to be lit outside with the exception of a gas or electric barbeque.*

11. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
12. *If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighbouring properties, or causes a nuisance to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;*
13. *The property not being used for the use hereby granted until an inspection has been carried out by a Council officer and that officer is satisfied that the conditions of this approval hereby granted have been complied with; and*
14. *The approval is valid for a period of two (2) years. Upon this period lapsing, the re-application for approval shall be required should the property continue to be used for holiday accommodation.*

Advice

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

Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of eight (8) persons. This includes no more than eight (8) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

Schedule 1: Allowable Occupants: Lot 309 (26) Gnulli Court, Exmouth

Bedroom 1: Total Floor Space: 33.9m², Approximate Air Space: 88.48m³
Allowable occupants: 6 adults **OR** 10 children **OR** 1 adult and 9 child

Bedroom 2: Total Floor Space: 13.04m², Approximate Air Space: 35.32m³
Allowable occupants: 2 adults **OR** 4 children **OR** 1 adult & 2 children

Bedroom 3: Total Floor Space: 13.04m², Approximate Air Space: 35.32m³
Allowable occupants: 2 adults **OR** 4 children **OR** 1 adult and 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 for bedrooms 2 and 3 are calculated on a 2.71m ceiling height and bedroom 1 on a 2.61m ceiling height.

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

COUNCIL DECISION – 31-1012 – 10.6.3 - PA 109/12 - Lot 309 (26) Gnulli Court, Exmouth

Moved Councillor Hood, Seconded Councillor Warren.

That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 309 (26) Gnulli Court, Exmouth subject to the following conditions:-

1. *Development to accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA109/12) and Local Planning Policy No. 6.27: Holiday Accommodation to the satisfaction of Council officers;*
2. *The maximum number of overnight occupants allowed within the dwelling at the same time shall be eight (8) persons. This includes no more than eight (8) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy;*
3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be two (2) and one (1) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
4. *Further to condition 3 above, the property shall provide a minimum of one (1) boat trailer parking bays and two (2) car parking bays, wholly within the property boundaries;*
5. *The property shall provide at least two (2) 240 litre rubbish bins prior to the use commencing;*
6. *The Tenants Code of Conduct shall be clearly displayed in the premises in accordance with Council Policy;*
7. *The Tenants Code of Conduct and Management Statement shall be rewritten, and approved by Council prior to the use commencing. This includes and is not limited to the following issues:*
 - *The maximum number of occupants being eight (8) persons, this includes a maximum of eight (8) persons over the age of ten at any one time; and*
 - *The maximum number of vehicles and trailers (including boats on trailers) is two (2) and one (1); and*
 - *Adding suitable contact details including relevant emergency services (hospital, police, fire station, SES etc) and appropriate cyclone procedures and information relevant to the property.*
8. *An approved smoke alarm must be installed on or near the ceiling in each guest bedroom (including kids dorm and games room); and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms associated with a bedroom and the remainder of the building. The smoke alarms must be installed in accordance with AS 3786 and be connected to the consumer mains power;*
9. *A system of lighting must be installed to assist with the evacuation of occupants in the event of a fire and be activated by the smoke alarm required by condition 6 above; and consist of a light incorporated within the smoke alarm or the lighting located in the corridor, hallway or areas served by the smoke alarm. Where the evacuation lighting is or of the type incorporated in the smoke alarm, it shall be provided with emergency backup power supply;*
10. *An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:*
 - *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
 - *no fires are to be lit outside with the exception of a gas or electric barbeque.*
11. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
12. *If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighbouring properties, or causes a nuisance to owners/occupiers of the land in the*

vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;

- 13. *The property not being used for the use hereby granted until an inspection has been carried out by a Council officer and that officer is satisfied that the conditions of this approval hereby granted have been complied with; and***
- 14. *The approval is valid for a period of two (2) years. Upon this period lapsing, the re-application for approval shall be required should the property continue to be used for holiday accommodation.***

Advice

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

Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of eight (8) persons. This includes no more than eight (8) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

<p>Schedule 1: Allowable Occupants: Lot 309 (26) Gnulli Court, Exmouth</p> <p>Bedroom 1: Total Floor Space: 33.9m², Approximate Air Space: 88.48m³ Allowable occupants: 6 adults OR 10 children OR 1 adult and 9 child</p> <p>Bedroom 2: Total Floor Space: 13.04m², Approximate Air Space: 35.32m³ Allowable occupants: 2 adults OR 4 children OR 1 adult & 2 children</p> <p>Bedroom 3: Total Floor Space: 13.04m², Approximate Air Space: 35.32m³ Allowable occupants: 2 adults OR 4 children OR 1 adult and 2 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 for bedrooms 2 and 3 are calculated on a 2.71m ceiling height and bedroom 1 on a 2.61m ceiling height.</p>

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

CARRIED 5/0

OFFICER'S RECOMMENDATION – 10.6.3 - PA 110/12 - Lot 365 (2) Corella Court, Exmouth

That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 365 (2) Corella Court, Exmouth subject to the following conditions:-

- 1. Development to accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA110/12) and Local Planning Policy No. 6.27: Holiday Accommodation to the satisfaction of Council officers;*
- 2. The maximum number of overnight occupants allowed within the dwelling at the same time shall be ten (10) persons. This includes no more than eight (8) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy;*
- 3. The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be three (3) and two (2) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
- 4. Further to condition 3 above, the property shall provide a minimum of two (2) boat trailer parking bays and three (3) car parking bays, wholly within the property boundaries;*
- 5. The property shall provide at least three (3) 240 litre rubbish bins prior to the use commencing;*
- 6. The Tenants Code of Conduct shall be clearly displayed in the premises in accordance with Council Policy;*
- 7. The number of dogs permitted on the property shall be restricted to two (2);*
- 8. The Tenants Code of Conduct and Management Statement shall be rewritten, and approved by Council prior to the use commencing. This includes and is not limited to the following issues:*
 - The maximum number of occupants being ten (10) persons, this includes a maximum of eight (8) persons over the age of ten at any one time; and*
 - The maximum number of vehicles and trailers (including boats on trailers) is three (3) and two (2); and*
 - Adding suitable contact details including relevant emergency services (hospital, police, fire station, SES etc) and appropriate cyclone procedures and information relevant to the property.*
- 9. An approved smoke alarm must be installed on or near the ceiling in each guest bedroom (including kids dorm and games room); and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms associated with a bedroom and the remainder of the building. The smoke alarms must be installed in accordance with AS 3786 and be connected to the consumer mains power;*
- 10. A system of lighting must be installed to assist with the evacuation of occupants in the event of a fire and be activated by the smoke alarm required by condition 6 above; and consist of a light incorporated within the smoke alarm or the lighting located in the corridor, hallway or areas served by the smoke alarm. Where the evacuation lighting is or of the type incorporated in the smoke alarm, it shall be provided with emergency backup power supply;*
- 11. An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:*
 - a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*

- *no fires are to be lit outside with the exception of a gas or electric barbeque.*
- 12. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
- 13. *If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighbouring properties, or causes a nuisance to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;*
- 14. *The property not being used for the use hereby granted until an inspection has been carried out by a Council officer and that officer is satisfied that the conditions of this approval hereby granted have been complied with; and*
- 15. *The approval is valid for a period of two (2) years. Upon this period lapsing, the re-application for approval shall be required should the property continue to be used for holiday accommodation.*

Advice

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

Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of ten (10) persons. This includes no more than eight (8) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

Schedule 1: Allowable Occupants: Lot 365 (2) Corella Court, Exmouth

Bedroom 1: Total Floor Space: 17.77m², Approximate Air Space: 42.6m³
Allowable occupants: 3 adults **OR** 5 children **OR** 2 adults and 2 children

Bedroom 2: Total Floor Space: 16.97m², Approximate Air Space: 40.7m³
Allowable occupants: 2 adults **OR** 5 children **OR** 2 adult & 1 child

Bedroom 3: Total Floor Space: 10.8m², Approximate Air Space: 25.9m³
Allowable occupants: 1 adult **OR** 3 children **OR** 1 adult and 1 child

Bedroom 4: Total Floor Space: 14.36m², Approximate Air Space: 34.5m³
Allowable occupants: 2 adults **OR** 4 children **OR** 1 adult and 2 child

*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 on the assumption of an average of 2.4m ceiling height.

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

COUNCIL DECISION – 32-1012 – 10.6.3 - PA 110/12 - Lot 365 (2) Corella Court, Exmouth

Moved Councillor Hood, Seconded Councillor Warren.

That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 365 (2) Corella Court, Exmouth subject to the following conditions:-

1. *Development to accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA110/12) and Local Planning Policy No. 6.27: Holiday Accommodation to the satisfaction of Council officers;*
2. *The maximum number of overnight occupants allowed within the dwelling at the same time shall be ten (10) persons. This includes no more than eight (8) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy;*
3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be three (3) and two (2) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
4. *Further to condition 3 above, the property shall provide a minimum of two (2) boat trailer parking bays and three (3) car parking bays, wholly within the property boundaries;*
5. *The property shall provide at least three (3) 240 litre rubbish bins prior to the use commencing;*
6. *The Tenants Code of Conduct shall be clearly displayed in the premises in accordance with Council Policy;*
7. *The number of dogs permitted on the property shall be restricted to two (2);*
8. *The Tenants Code of Conduct and Management Statement shall be rewritten, and approved by Council prior to the use commencing. This includes and is not limited to the following issues:*
 - *The maximum number of occupants being ten (10) persons, this includes a maximum of eight (8) persons over the age of ten at any one time; and*
 - *The maximum number of vehicles and trailers (including boats on trailers) is three (3) and two (2); and*
 - *Adding suitable contact details including relevant emergency services (hospital, police, fire station, SES etc) and appropriate cyclone procedures and information relevant to the property.*
9. *An approved smoke alarm must be installed on or near the ceiling in each guest bedroom (including kids dorm and games room); and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms associated with a bedroom and the remainder of the building. The smoke alarms must be installed in accordance with AS 3786 and be connected to the consumer mains power;*
10. *A system of lighting must be installed to assist with the evacuation of occupants in the event of a fire and be activated by the smoke alarm required by condition 6 above; and consist of a light incorporated within the smoke alarm or the lighting located in the corridor, hallway or areas served by the smoke alarm. Where the evacuation lighting is or of the type incorporated in the smoke alarm, it shall be provided with emergency backup power supply;*
11. *An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:*
 - *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
 - *no fires are to be lit outside with the exception of a gas or electric barbeque.*
12. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*

13. *If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighbouring properties, or causes a nuisance to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;*
14. *The property not being used for the use hereby granted until an inspection has been carried out by a Council officer and that officer is satisfied that the conditions of this approval hereby granted have been complied with; and*
15. *The approval is valid for a period of two (2) years. Upon this period lapsing, the re-application for approval shall be required should the property continue to be used for holiday accommodation.*

Advice

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

Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of ten (10) persons. This includes no more than eight (8) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

<p>Schedule 1: Allowable Occupants: Lot 365 (2) Corella Court, Exmouth</p> <p>Bedroom 1: Total Floor Space: 17.77m², Approximate Air Space: 42.6m³ Allowable occupants: 3 adults OR 5 children OR 2 adults and 2 children</p> <p>Bedroom 2: Total Floor Space: 16.97m², Approximate Air Space: 40.7m³ Allowable occupants: 2 adults OR 5 children OR 2 adult & 1 child</p> <p>Bedroom 3: Total Floor Space: 10.8m², Approximate Air Space: 25.9m³ Allowable occupants: 1 adult OR 3 children OR 1 adult and 1 child</p> <p>Bedroom 4: Total Floor Space: 14.36m², Approximate Air Space: 34.5m³ Allowable occupants: 2 adults OR 4 children OR 1 adult and 2 child</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 on the assumption of an average of 2.4m ceiling height.</p>

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

CARRIED 5/0

OFFICER'S RECOMMENDATION – 10.6.3 - PA 111/12 - Lot 1313 (30) Tambor Drive, Exmouth

That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 1313 (30) Tambor Drive, Exmouth subject to the following conditions:-

1. *Development to accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA111/12) and Local Planning Policy No. 6.27: Holiday Accommodation to the satisfaction of Council officers;*
2. *The maximum number of overnight occupants allowed within the dwelling at the same time shall be twelve (12) persons. This includes no more than nine (9) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy;*
3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be three (3) and two (2) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
4. *Further to condition 3 above, the property shall provide a minimum of two (2) boat trailer parking bays and three (3) car parking bays, wholly within the property boundaries;*
5. *The property shall provide at least three (3) 240 litre rubbish bins prior to the use commencing;*
6. *The Tenants Code of Conduct shall be clearly displayed in the premises in accordance with Council Policy;*
7. *The Tenants Code of Conduct and Management Statement shall be rewritten, and approved by Council prior to the use commencing. This includes and is not limited to the following issues:*
 - *The maximum number of occupants being twelve (12) persons, this includes a maximum of nine (9) persons over the age of ten at any one time; and*
 - *The maximum number of vehicles and trailers (including boats on trailers) is three (3) and two (2); and*
 - *Adding suitable contact details including relevant emergency services (hospital, police, fire station, SES etc) and appropriate cyclone procedures and information relevant to the property.*
8. *An approved smoke alarm must be installed on or near the ceiling in each guest bedroom (including kids dorm and games room); and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms associated with a bedroom and the remainder of the building. The smoke alarms must be installed in accordance with AS 3786 and be connected to the consumer mains power;*
9. *A system of lighting must be installed to assist with the evacuation of occupants in the event of a fire and be activated by the smoke alarm required by condition 6 above; and consist of a light incorporated within the smoke alarm or the lighting located in the corridor, hallway or areas served by the smoke alarm. Where the evacuation lighting is or of the type incorporated in the smoke alarm, it shall be provided with emergency backup power supply;*
10. *An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:*
 - *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
 - *no fires are to be lit outside with the exception of a gas or electric barbeque.*

11. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
12. *If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighbouring properties, or causes a nuisance to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;*
13. *The property not being used for the use hereby granted until an inspection has been carried out by a Council officer and that officer is satisfied that the conditions of this approval hereby granted have been complied with; and*
14. *The approval is valid for a period of two (2) years. Upon this period lapsing, the re-application for approval shall be required should the property continue to be used for holiday accommodation.*

Advice

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

Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of twelve (12) persons. This includes no more than nine (9) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

Schedule 1: Allowable Occupants: Lot 1313 (30) Tambor Drive, Exmouth

Bedroom 1: Total Floor Space: 16.8m², Approximate Air Space: 43m³
Allowable occupants: 3 adults **OR** 5 children **OR** 2 adult and 1 child **OR** 1 adult and 3 children

Bedroom 2: Total Floor Space: 14.1m², Approximate Air Space: 36m³
Allowable occupants: 2 adults and 1 child **OR** 4 children **OR** 1 adult and 2 children

Bedroom 3: Total Floor Space: 12.7m², Approximate Air Space: 33m³
Allowable occupants: 2 adult **OR** 4 children **OR** 1 adult and 2 children

Bedroom 4: Total Floor Space: 11.9m², Approximate Air Space: 31m³
Allowable occupants: 2 adult **OR** 3 children **OR** 1 adult and 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 on the assumption of an average of 2.6m ceiling height.

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

COUNCIL DECISION – 33-1012 – 10.6.3 - PA 111/12 - Lot 1313 (30) Tambor Drive, Exmouth

Moved Councillor Hood, Seconded Councillor Warren.

That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 1313 (30) Tambor Drive, Exmouth subject to the following conditions:-

1. *Development to accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA111/12) and Local Planning Policy No. 6.27: Holiday Accommodation to the satisfaction of Council officers;*
2. *The maximum number of overnight occupants allowed within the dwelling at the same time shall be twelve (12) persons. This includes no more than nine (9) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy;*
3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be three (3) and two (2) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
4. *Further to condition 3 above, the property shall provide a minimum of two (2) boat trailer parking bays and three (3) car parking bays, wholly within the property boundaries;*
5. *The property shall provide at least three (3) 240 litre rubbish bins prior to the use commencing;*
6. *The Tenants Code of Conduct shall be clearly displayed in the premises in accordance with Council Policy;*
7. *The Tenants Code of Conduct and Management Statement shall be rewritten, and approved by Council prior to the use commencing. This includes and is not limited to the following issues:*
 - *The maximum number of occupants being twelve (12) persons, this includes a maximum of nine (9) persons over the age of ten at any one time; and*
 - *The maximum number of vehicles and trailers (including boats on trailers) is three (3) and two (2); and*
 - *Adding suitable contact details including relevant emergency services (hospital, police, fire station, SES etc) and appropriate cyclone procedures and information relevant to the property.*
8. *An approved smoke alarm must be installed on or near the ceiling in each guest bedroom (including kids dorm and games room); and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms associated with a bedroom and the remainder of the building. The smoke alarms must be installed in accordance with AS 3786 and be connected to the consumer mains power;*
9. *A system of lighting must be installed to assist with the evacuation of occupants in the event of a fire and be activated by the smoke alarm required by condition 6 above; and consist of a light incorporated within the smoke alarm or the lighting located in the corridor, hallway or areas served by the smoke alarm. Where the evacuation lighting is or of the type incorporated in the smoke alarm, it shall be provided with emergency backup power supply;*
10. *An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:*
 - *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
 - *no fires are to be lit outside with the exception of a gas or electric barbeque.*
11. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
12. *If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighbouring properties, or causes a nuisance to owners/occupiers of the land in the*

vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;

- 13. *The property not being used for the use hereby granted until an inspection has been carried out by a Council officer and that officer is satisfied that the conditions of this approval hereby granted have been complied with; and***
- 14. *The approval is valid for a period of two (2) years. Upon this period lapsing, the re-application for approval shall be required should the property continue to be used for holiday accommodation.***

Advice

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

Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of twelve (12) persons. This includes no more than nine (9) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

Schedule 1: Allowable Occupants: Lot 1313 (30) Tambor Drive, Exmouth

Bedroom 1: Total Floor Space: 16.8m², Approximate Air Space: 43m³
Allowable occupants: 3 adults **OR** 5 children **OR** 2 adult and 1 child **OR** 1 adult and 3 children

Bedroom 2: Total Floor Space: 14.1m², Approximate Air Space: 36m³
Allowable occupants: 2 adults and 1 child **OR** 4 children **OR** 1 adult and 2 children

Bedroom 3: Total Floor Space: 12.7m², Approximate Air Space: 33m³
Allowable occupants: 2 adult **OR** 4 children **OR** 1 adult and 2 children

Bedroom 4: Total Floor Space: 11.9m², Approximate Air Space: 31m³
Allowable occupants: 2 adult **OR** 3 children **OR** 1 adult and 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 on the assumption of an average of 2.6m ceiling height.

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

CARRIED 5/0

OFFICER'S RECOMMENDATION – 10.6.3 - PA 112/12 - Lot 34 (7) Learmonth Street, Exmouth

That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 34 (7) Learmonth Street, Exmouth subject to the following conditions:-

1. *Development to accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA112/12) and Local Planning Policy No. 6.27: Holiday Accommodation to the satisfaction of Council officers;*
2. *The maximum number of overnight occupants allowed within the dwelling at the same time shall be nine (9) persons. This includes no more than six (6) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy;*
3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be three (3) and two (2) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
4. *Further to condition 3 above, the property shall provide a minimum of two (2) boat trailer parking bays and three (3) car parking bays, wholly within the property boundaries;*
5. *The property shall provide at least two (2) 240 litre rubbish bins prior to the use commencing;*
6. *The Tenants Code of Conduct shall be clearly displayed in the premises in accordance with Council Policy;*
7. *The Tenants Code of Conduct and Management Statement shall be rewritten, and approved by Council prior to the use commencing. This includes and is not limited to the following issues:*
 - *The maximum number of occupants being nine (9) persons, this includes a maximum of six (6) persons over the age of ten at any one time; and*
 - *The maximum number of vehicles and trailers (including boats on trailers) is three (3) and two (2); and*
 - *Adding suitable contact details including relevant emergency services (hospital, police, fire station, SES etc) and appropriate cyclone procedures and information relevant to the property.*
8. *An approved smoke alarm must be installed on or near the ceiling in each guest bedroom (including kids dorm and games room); and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms associated with a bedroom and the remainder of the building. The smoke alarms must be installed in accordance with AS 3786 and be connected to the consumer mains power;*
9. *A system of lighting must be installed to assist with the evacuation of occupants in the event of a fire and be activated by the smoke alarm required by condition 6 above; and consist of a light incorporated within the smoke alarm or the lighting located in the corridor, hallway or areas served by the smoke alarm. Where the evacuation lighting is or of the type incorporated in the smoke alarm, it shall be provided with emergency backup power supply;*
10. *An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:*
 - *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
 - *no fires are to be lit outside with the exception of a gas or electric barbeque.*

11. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
12. *If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighbouring properties, or causes a nuisance to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;*
13. *The property not being used for the use hereby granted until an inspection has been carried out by a Council officer and that officer is satisfied that the conditions of this approval hereby granted have been complied with; and*
14. *The approval is valid for a period of two (2) years. Upon this period lapsing, the re-application for approval shall be required should the property continue to be used for holiday accommodation.*

Advice

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

Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of nine (9) persons. This includes no more than six (6) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

Schedule 1: Allowable Occupants: Lot 34 (7) Learmonth Street, Exmouth

Bedroom 1: Total Floor Space: 11.5m², Approximate Air Space: 28m³
Allowable occupants: 2 adults **OR** 3 children **OR** 1 adult and 1 child

Bedroom 2: Total Floor Space: 11.9m², Approximate Air Space: 29m³
Allowable occupants: 2 adults **OR** 3 children **OR** 1 adult & 1 child

Bedroom 3: Total Floor Space: 10.2m², Approximate Air Space: 24m³
Allowable occupants: 3 children **OR** 1 adult and 1 child

Bedroom 4: Total Floor Space: 9.5m², Approximate Air Space: 23m³
Allowable occupants: 2 children **OR** 1 adult and 1 child

*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 on the assumption of an average of 2.5m ceiling height.

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

COUNCIL DECISION – 34-1012 – 10.6.3 - PA 112/12 - Lot 34 (7) Learmonth Street, Exmouth

Moved Councillor Hood, Seconded Councillor Warren.

That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 34 (7) Learmonth Street, Exmouth subject to the following conditions:-

1. *Development to accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA112/12) and Local Planning Policy No. 6.27: Holiday Accommodation to the satisfaction of Council officers;*
2. *The maximum number of overnight occupants allowed within the dwelling at the same time shall be nine (9) persons. This includes no more than six (6) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy;*
3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be three (3) and two (2) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
4. *Further to condition 3 above, the property shall provide a minimum of two (2) boat trailer parking bays and three (3) car parking bays, wholly within the property boundaries;*
5. *The property shall provide at least two (2) 240 litre rubbish bins prior to the use commencing;*
6. *The Tenants Code of Conduct shall be clearly displayed in the premises in accordance with Council Policy;*
7. *The Tenants Code of Conduct and Management Statement shall be rewritten, and approved by Council prior to the use commencing. This includes and is not limited to the following issues:*
 - *The maximum number of occupants being nine (9) persons, this includes a maximum of six (6) persons over the age of ten at any one time; and*
 - *The maximum number of vehicles and trailers (including boats on trailers) is three (3) and two (2); and*
 - *Adding suitable contact details including relevant emergency services (hospital, police, fire station, SES etc) and appropriate cyclone procedures and information relevant to the property.*
8. *An approved smoke alarm must be installed on or near the ceiling in each guest bedroom (including kids dorm and games room); and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms associated with a bedroom and the remainder of the building. The smoke alarms must be installed in accordance with AS 3786 and be connected to the consumer mains power;*
9. *A system of lighting must be installed to assist with the evacuation of occupants in the event of a fire and be activated by the smoke alarm required by condition 6 above; and consist of a light incorporated within the smoke alarm or the lighting located in the corridor, hallway or areas served by the smoke alarm. Where the evacuation lighting is or of the type incorporated in the smoke alarm, it shall be provided with emergency backup power supply;*
10. *An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:*
 - *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
 - *no fires are to be lit outside with the exception of a gas or electric barbeque.*
11. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
12. *If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighbouring properties, or causes a nuisance to owners/occupiers of the land in the*

vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;

13. *The property not being used for the use hereby granted until an inspection has been carried out by a Council officer and that officer is satisfied that the conditions of this approval hereby granted have been complied with; and*

14. *The approval is valid for a period of two (2) years. Upon this period lapsing, the re-application for approval shall be required should the property continue to be used for holiday accommodation.*

Advice

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

Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of nine (9) persons. This includes no more than six (6) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

Schedule 1: Allowable Occupants: Lot 34 (7) Learmonth Street, Exmouth

Bedroom 1: Total Floor Space: 11.5m², Approximate Air Space: 28m³
Allowable occupants: 2 adults **OR** 3 children **OR** 1 adult and 1 child

Bedroom 2: Total Floor Space: 11.9m², Approximate Air Space: 29m³
Allowable occupants: 2 adults **OR** 3 children **OR** 1 adult & 1 child

Bedroom 3: Total Floor Space: 10.2m², Approximate Air Space: 24m³
Allowable occupants: 3 children **OR** 1 adult and 1 child

Bedroom 4: Total Floor Space: 9.5m², Approximate Air Space: 23m³
Allowable occupants: 2 children **OR** 1 adult and 1 child

*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 on the assumption of an average of 2.5m ceiling height.

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

CARRIED 5/0

OFFICER'S RECOMMENDATION – 10.6.3 - PA 113/12 - Lot 1213 (9) Skipjack Circle, Exmouth

That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 1213 (9) Skipjack Circle, Exmouth subject to the following conditions:-

1. *Development to accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA113/12) and Local Planning Policy No. 6.27: Holiday Accommodation to the satisfaction of Council officers;*
2. *The maximum number of overnight occupants allowed within the dwelling at the same time shall be eight (8) persons. This includes no more than six (6) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy;*
3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be two (2) and two (2) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
4. *Further to condition 3 above, the property shall provide a minimum of two (2) boat trailer parking bays and two (2) car parking bays, wholly within the property boundaries;*
5. *The property shall provide at least two (2) 240 litre rubbish bins prior to the use commencing;*
6. *The Tenants Code of Conduct shall be clearly displayed in the premises in accordance with Council Policy;*
7. *The Tenants Code of Conduct and Management Statement shall be rewritten, and approved by Council prior to the use commencing. This includes and is not limited to the following issues:*
 - *The maximum number of occupants being eight (8) persons, this includes a maximum of six (6) persons over the age of ten at any one time; and*
 - *The maximum number of vehicles and trailers (including boats on trailers) is two (2) and two (2); and*
 - *Adding suitable contact details including relevant emergency services (hospital, police, fire station, SES etc) and appropriate cyclone procedures and information relevant to the property.*
8. *An approved smoke alarm must be installed on or near the ceiling in each guest bedroom (including kids dorm and games room); and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms associated with a bedroom and the remainder of the building. The smoke alarms must be installed in accordance with AS 3786 and be connected to the consumer mains power;*
9. *A system of lighting must be installed to assist with the evacuation of occupants in the event of a fire and be activated by the smoke alarm required by condition 6 above; and consist of a light incorporated within the smoke alarm or the lighting located in the corridor, hallway or areas served by the smoke alarm. Where the evacuation lighting is or of the type incorporated in the smoke alarm, it shall be provided with emergency backup power supply;*
10. *An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:*
 - *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
 - *no fires are to be lit outside with the exception of a gas or electric barbeque.*

11. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
12. *If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighbouring properties, or causes a nuisance to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;*
13. *The property not being used for the use hereby granted until an inspection has been carried out by a Council officer and that officer is satisfied that the conditions of this approval hereby granted have been complied with; and*
14. *The approval is valid for a period of two (2) years. Upon this period lapsing, the re-application for approval shall be required should the property continue to be used for holiday accommodation.*

Advice

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

Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of eight (8) persons. This includes no more than six (6) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

Schedule 1: Allowable Occupants: Lot 1213 (9) Skipjack Circle, Exmouth

Bedroom 1: Total Floor Space: 12.15m², Approximate Air Space: 29.16m³
Allowable occupants: 2 adults **OR** 3 children **OR** 1 adult and 1 child

Bedroom 2: Total Floor Space: 9.37m², Approximate Air Space: 22.5m³
Allowable occupants: 1 adult **OR** 2 children **OR** 1 adult & 1 child

Bedroom 3: Total Floor Space: 9.37m², Approximate Air Space: 22.5m³
Allowable occupants: 2 children **OR** 1 adult and 1 child **OR** 1 adult

Bedroom 4: Total Floor Space: 12.15m², Approximate Air Space: 29.16m³
Allowable occupants: 3 children **OR** 1 adult and 1 child **OR** 2 adults

*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 on the assumption of an average of 2.4m ceiling height.

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

COUNCIL DECISION – 35-1012 – 10.6.3 - PA 113/12 - Lot 1213 (9) Skipjack Circle, Exmouth

Moved Councillor Hood, Seconded Councillor Warren.

That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 1213 (9) Skipjack Circle, Exmouth subject to the following conditions:-

1. *Development to accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA113/12) and Local Planning Policy No. 6.27: Holiday Accommodation to the satisfaction of Council officers;*
2. *The maximum number of overnight occupants allowed within the dwelling at the same time shall be eight (8) persons. This includes no more than six (6) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy;*
3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be two (2) and two (2) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
4. *Further to condition 3 above, the property shall provide a minimum of two (2) boat trailer parking bays and two (2) car parking bays, wholly within the property boundaries;*
5. *The property shall provide at least two (2) 240 litre rubbish bins prior to the use commencing;*
6. *The Tenants Code of Conduct shall be clearly displayed in the premises in accordance with Council Policy;*
7. *The Tenants Code of Conduct and Management Statement shall be rewritten, and approved by Council prior to the use commencing. This includes and is not limited to the following issues:*
 - *The maximum number of occupants being eight (8) persons, this includes a maximum of six (6) persons over the age of ten at any one time; and*
 - *The maximum number of vehicles and trailers (including boats on trailers) is two (2) and two (2); and*
 - *Adding suitable contact details including relevant emergency services (hospital, police, fire station, SES etc) and appropriate cyclone procedures and information relevant to the property.*
8. *An approved smoke alarm must be installed on or near the ceiling in each guest bedroom (including kids dorm and games room); and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms associated with a bedroom and the remainder of the building. The smoke alarms must be installed in accordance with AS 3786 and be connected to the consumer mains power;*
9. *A system of lighting must be installed to assist with the evacuation of occupants in the event of a fire and be activated by the smoke alarm required by condition 6 above; and consist of a light incorporated within the smoke alarm or the lighting located in the corridor, hallway or areas served by the smoke alarm. Where the evacuation lighting is or of the type incorporated in the smoke alarm, it shall be provided with emergency backup power supply;*
10. *An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:*
 - *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
 - *no fires are to be lit outside with the exception of a gas or electric barbeque.*
11. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
12. *If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighbouring properties, or causes a nuisance to owners/occupiers of the land in the*

vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;

- 13. *The property not being used for the use hereby granted until an inspection has been carried out by a Council officer and that officer is satisfied that the conditions of this approval hereby granted have been complied with; and***
- 14. *The approval is valid for a period of two (2) years. Upon this period lapsing, the re-application for approval shall be required should the property continue to be used for holiday accommodation.***

Advice

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

Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of eight (8) persons. This includes no more than six (6) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

<p>Schedule 1: Allowable Occupants: Lot 1213 (9) Skipjack Circle, Exmouth</p> <p>Bedroom 1: Total Floor Space: 12.15m², Approximate Air Space: 29.16m³ Allowable occupants: 2 adults OR 3 children OR 1 adult and 1 child</p> <p>Bedroom 2: Total Floor Space: 9.37m², Approximate Air Space: 22.5m³ Allowable occupants: 1 adult OR 2 children OR 1 adult & 1 child</p> <p>Bedroom 3: Total Floor Space: 9.37m², Approximate Air Space: 22.5m³ Allowable occupants: 2 children OR 1 adult and 1 child OR 1 adult</p> <p>Bedroom 4: Total Floor Space: 12.15m², Approximate Air Space: 29.16m³ Allowable occupants: 3 children OR 1 adult and 1 child OR 2 adults</p> <p><i>*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.</i></p> <p><i>**The air space is calculated on the assumption of an average of 2.4m ceiling height.</i></p>
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- ii) Should the holiday accommodation be viewed as a ‘Lodging House’ at any time under the Health Act 1911, a permit pursuant to the Shire of Exmouth Health Local Laws will be required. For further Information, please contact the Shire of Exmouth’s Health Services on 9949 3000.***
- iii) Should the applicant be aggrieved by this decision, a right of review may exist pursuant to the State Administrative Tribunal Act 2004. A request for review should be made within 28 days of notice of this decision to the State Administrative Tribunal.***

CARRIED 5/0

OFFICER'S RECOMMENDATION – 10.6.3 - PA 116/12 - Lot 497 (3) Lyon Street, Exmouth

That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 497 (3) Lyon Street, Exmouth subject to the following conditions:-

1. *Development to accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA116/12) and Local Planning Policy No. 6.27: Holiday Accommodation to the satisfaction of Council officers;*
2. *The maximum number of overnight occupants allowed within the dwelling at the same time shall be nine (9) persons. This includes no more than five (5) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy;*
3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be three (3) and two (2) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
4. *Further to condition 3 above, the property shall provide a minimum of two (2) boat trailer parking bays and three (3) car parking bays, wholly within the property boundaries;*
5. *The property shall provide at least two (2) 240 litre rubbish bins prior to the use commencing;*
6. *The Tenants Code of Conduct shall be clearly displayed in the premises in accordance with Council Policy;*
7. *The Tenants Code of Conduct and Management Statement shall be rewritten, and approved by Council prior to the use commencing. This includes and is not limited to the following issues:*
 - *The maximum number of occupants being nine (9) persons, this includes a maximum of five (5) persons over the age of ten at any one time; and*
 - *The maximum number of vehicles and trailers (including boats on trailers) is three (3) and two (2); and*
 - *Adding suitable contact details including relevant emergency services (hospital, police, fire station, SES etc) and appropriate cyclone procedures and information relevant to the property.*
8. *An approved smoke alarm must be installed on or near the ceiling in each guest bedroom (including kids dorm and games room); and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms associated with a bedroom and the remainder of the building. The smoke alarms must be installed in accordance with AS 3786 and be connected to the consumer mains power;*
9. *A system of lighting must be installed to assist with the evacuation of occupants in the event of a fire and be activated by the smoke alarm required by condition 6 above; and consist of a light incorporated within the smoke alarm or the lighting located in the corridor, hallway or areas served by the smoke alarm. Where the evacuation lighting is or of the type incorporated in the smoke alarm, it shall be provided with emergency backup power supply;*
10. *An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:*
 - *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
 - *no fires are to be lit outside with the exception of a gas or electric barbeque.*

11. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
12. *If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighbouring properties, or causes a nuisance to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;*
13. *The property not being used for the use hereby granted until an inspection has been carried out by a Council officer and that officer is satisfied that the conditions of this approval hereby granted have been complied with; and*
14. *The approval is valid for a period of two (2) years. Upon this period lapsing, the re-application for approval shall be required should the property continue to be used for holiday accommodation.*

Advice

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

Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of nine (9) persons. This includes no more than five (5) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

Schedule 1: Allowable Occupants: Lot 497 (3) Lyon Street, Exmouth

Bedroom 1: Total Floor Space: 13.7m², Approximate Air Space: 33m³
Allowable occupants: 2 adults **OR** 4 children **OR** 1 adult and 2 child

Bedroom 2: Total Floor Space: 11m², Approximate Air Space: 26m³
Allowable occupants: 1 adult **OR** 3 children **OR** 1 adult & 1 child

Bedroom 3: Total Floor Space: 15m², Approximate Air Space: 36m³
Allowable occupants: 4 children **OR** 2 adult and 1 child **OR** 2 adult

*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 on the assumption of an average of 2.4m ceiling height.

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

COUNCIL DECISION – 36-1012 – 10.6.3 - PA 116/12 - Lot 497 (3) Lyon Street, Exmouth

Moved Councillor Hood, Seconded Councillor Warren.

That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 497 (3) Lyon Street, Exmouth subject to the following conditions:-

1. ***Development to accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA116/12) and Local Planning Policy No. 6.27: Holiday Accommodation to the satisfaction of Council officers;***

2. *The maximum number of overnight occupants allowed within the dwelling at the same time shall be nine (9) persons. This includes no more than five (5) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy;*
3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be three (3) and two (2) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
4. *Further to condition 3 above, the property shall provide a minimum of two (2) boat trailer parking bays and three (3) car parking bays, wholly within the property boundaries;*
5. *The property shall provide at least two (2) 240 litre rubbish bins prior to the use commencing;*
6. *The Tenants Code of Conduct shall be clearly displayed in the premises in accordance with Council Policy;*
7. *The Tenants Code of Conduct and Management Statement shall be rewritten, and approved by Council prior to the use commencing. This includes and is not limited to the following issues:*
 - *The maximum number of occupants being nine (9) persons, this includes a maximum of five (5) persons over the age of ten at any one time; and*
 - *The maximum number of vehicles and trailers (including boats on trailers) is three (3) and two (2); and*
 - *Adding suitable contact details including relevant emergency services (hospital, police, fire station, SES etc) and appropriate cyclone procedures and information relevant to the property.*
8. *An approved smoke alarm must be installed on or near the ceiling in each guest bedroom (including kids dorm and games room); and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms associated with a bedroom and the remainder of the building. The smoke alarms must be installed in accordance with AS 3786 and be connected to the consumer mains power;*
9. *A system of lighting must be installed to assist with the evacuation of occupants in the event of a fire and be activated by the smoke alarm required by condition 6 above; and consist of a light incorporated within the smoke alarm or the lighting located in the corridor, hallway or areas served by the smoke alarm. Where the evacuation lighting is or of the type incorporated in the smoke alarm, it shall be provided with emergency backup power supply;*
10. *An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:*
 - *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
 - *no fires are to be lit outside with the exception of a gas or electric barbeque.*
11. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
12. *If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighbouring properties, or causes a nuisance to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;*

13. *The property not being used for the use hereby granted until an inspection has been carried out by a Council officer and that officer is satisfied that the conditions of this approval hereby granted have been complied with; and*
14. *The approval is valid for a period of two (2) years. Upon this period lapsing, the re-application for approval shall be required should the property continue to be used for holiday accommodation.*

Advice

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

Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of nine (9) persons. This includes no more than five (5) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

<p>Schedule 1: Allowable Occupants: Lot 497 (3) Lyon Street, Exmouth</p> <p>Bedroom 1: Total Floor Space: 13.7m², Approximate Air Space: 33m³ Allowable occupants: 2 adults OR 4 children OR 1 adult and 2 child</p> <p>Bedroom 2: Total Floor Space: 11m², Approximate Air Space: 26m³ Allowable occupants: 1 adult OR 3 children OR 1 adult & 1 child</p> <p>Bedroom 3: Total Floor Space: 15m², Approximate Air Space: 36m³ Allowable occupants: 4 children OR 2 adult and 1 child OR 2 adult</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 on the assumption of an average of 2.4m ceiling height.</p>
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- ii) *Should the holiday accommodation be viewed as a ‘Lodging House’ at any time under the Health Act 1911, a permit pursuant to the Shire of Exmouth Health Local Laws will be required. For further Information, please contact the Shire of Exmouth’s Health Services on 9949 3000.*
- iii) *Should the applicant be aggrieved by this decision, a right of review may exist pursuant to the State Administrative Tribunal Act 2004. A request for review should be made within 28 days of notice of this decision to the State Administrative Tribunal.*

CARRIED 5/0

OFFICER'S RECOMMENDATION – 10.6.3 - PA 117/12 - Lot 705 (3) Cameron Street, Exmouth

That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 705 (3) Cameron Street, Exmouth subject to the following conditions:-

1. *Development to accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA117/12) and Local Planning Policy No. 6.27: Holiday Accommodation to the satisfaction of Council officers;*
2. *The maximum number of overnight occupants allowed within the dwelling at the same time shall be nine (9) persons. This includes no more than six (6) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy;*
3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be three (3) and two (2) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
4. *Further to condition 3 above, the property shall provide a minimum of two (2) boat trailer parking bays and three (3) car parking bays, wholly within the property boundaries;*
5. *The property shall provide at least two (2) 240 litre rubbish bins prior to the use commencing;*
6. *The Tenants Code of Conduct shall be clearly displayed in the premises in accordance with Council Policy;*
7. *The Tenants Code of Conduct and Management Statement shall be rewritten, and approved by Council prior to the use commencing. This includes and is not limited to the following issues:*
 - *The maximum number of occupants being nine (9) persons, this includes a maximum of six (6) persons over the age of ten at any one time; and*
 - *The maximum number of vehicles and trailers (including boats on trailers) is three (3) and two (2); and*
 - *Adding suitable contact details including relevant emergency services (hospital, police, fire station, SES etc) and appropriate cyclone procedures and information relevant to the property.*
8. *An approved smoke alarm must be installed on or near the ceiling in each guest bedroom (including kids dorm and games room); and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms associated with a bedroom and the remainder of the building. The smoke alarms must be installed in accordance with AS 3786 and be connected to the consumer mains power;*
9. *A system of lighting must be installed to assist with the evacuation of occupants in the event of a fire and be activated by the smoke alarm required by condition 6 above; and consist of a light incorporated within the smoke alarm or the lighting located in the corridor, hallway or areas served by the smoke alarm. Where the evacuation lighting is or of the type incorporated in the smoke alarm, it shall be provided with emergency backup power supply;*
10. *An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:*
 - *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
 - *no fires are to be lit outside with the exception of a gas or electric barbeque.*

11. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
12. *If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighbouring properties, or causes a nuisance to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;*
13. *The property not being used for the use hereby granted until an inspection has been carried out by a Council officer and that officer is satisfied that the conditions of this approval hereby granted have been complied with; and*
14. *The approval is valid for a period of two (2) years. Upon this period lapsing, the re-application for approval shall be required should the property continue to be used for holiday accommodation.*

Advice

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

Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of nine (9) persons. This includes no more than six (6) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

Schedule 1: Allowable Occupants: Lot 705 (3) Cameron Street, Exmouth

Bedroom 1: Total Floor Space: 14.3m², Approximate Air Space: 37m³
Allowable occupants: 2 adults and 1 child **OR** 4 children **OR** 1 adult and 2 child

Bedroom 2: Total Floor Space: 13.7m², Approximate Air Space: 36m³
Allowable occupants: 2 adults and 1 child **OR** 4 children **OR** 1 adult & 2 child

Bedroom 3: Total Floor Space: 11m², Approximate Air Space: 29m³
Allowable occupants: 3 children **OR** 1 adult and 1 child **OR** 2 adult

*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 on the assumption of an average of 2.65m ceiling height.

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

COUNCIL DECISION – 37-1012 – 10.6.3 - PA 117/12 - Lot 705 (3) Cameron Street, Exmouth

Moved Councillor Hood, Seconded Councillor Warren.

That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 705 (3) Cameron Street, Exmouth subject to the following conditions:-

1. ***Development to accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA117/12) and Local Planning Policy No. 6.27: Holiday Accommodation to the satisfaction of Council officers;***

2. *The maximum number of overnight occupants allowed within the dwelling at the same time shall be nine (9) persons. This includes no more than six (6) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy;*
3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be three (3) and two (2) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
4. *Further to condition 3 above, the property shall provide a minimum of two (2) boat trailer parking bays and three (3) car parking bays, wholly within the property boundaries;*
5. *The property shall provide at least two (2) 240 litre rubbish bins prior to the use commencing;*
6. *The Tenants Code of Conduct shall be clearly displayed in the premises in accordance with Council Policy;*
7. *The Tenants Code of Conduct and Management Statement shall be rewritten, and approved by Council prior to the use commencing. This includes and is not limited to the following issues:*
 - *The maximum number of occupants being nine (9) persons, this includes a maximum of six (6) persons over the age of ten at any one time; and*
 - *The maximum number of vehicles and trailers (including boats on trailers) is three (3) and two (2); and*
 - *Adding suitable contact details including relevant emergency services (hospital, police, fire station, SES etc) and appropriate cyclone procedures and information relevant to the property.*
8. *An approved smoke alarm must be installed on or near the ceiling in each guest bedroom (including kids dorm and games room); and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms associated with a bedroom and the remainder of the building. The smoke alarms must be installed in accordance with AS 3786 and be connected to the consumer mains power;*
9. *A system of lighting must be installed to assist with the evacuation of occupants in the event of a fire and be activated by the smoke alarm required by condition 6 above; and consist of a light incorporated within the smoke alarm or the lighting located in the corridor, hallway or areas served by the smoke alarm. Where the evacuation lighting is or of the type incorporated in the smoke alarm, it shall be provided with emergency backup power supply;*
10. *An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:*
 - *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
 - *no fires are to be lit outside with the exception of a gas or electric barbeque.*
11. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
12. *If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighbouring properties, or causes a nuisance to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;*

13. *The property not being used for the use hereby granted until an inspection has been carried out by a Council officer and that officer is satisfied that the conditions of this approval hereby granted have been complied with; and*
14. *The approval is valid for a period of two (2) years. Upon this period lapsing, the re-application for approval shall be required should the property continue to be used for holiday accommodation.*

Advice

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

Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of nine (9) persons. This includes no more than six (6) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

<p>Schedule 1: Allowable Occupants: Lot 705 (3) Cameron Street, Exmouth</p> <p>Bedroom 1: Total Floor Space: 14.3m², Approximate Air Space: 37m³ Allowable occupants: 2 adults and 1 child OR 4 children OR 1 adult and 2 child</p> <p>Bedroom 2: Total Floor Space: 13.7m², Approximate Air Space: 36m³ Allowable occupants: 2 adults and 1 child OR 4 children OR 1 adult & 2 child</p> <p>Bedroom 3: Total Floor Space: 11m², Approximate Air Space: 29m³ Allowable occupants: 3 children OR 1 adult and 1 child OR 2 adult</p> <p><i>*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.</i></p> <p><i>**The air space is calculated on the assumption of an average of 2.65m ceiling height.</i></p>

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

CARRIED 5/0

OFFICER'S RECOMMENDATION – 10.6.3 - PA 123/12 - Lot 2 (23) Ningaloo Street, Exmouth
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That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 2 (23) Ningaloo Street, Exmouth subject to the following conditions:-

1. *Development to accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA123/12) and Local Planning Policy No. 6.27: Holiday Accommodation to the satisfaction of Council officers;*
2. *The maximum number of overnight occupants allowed within the dwelling at the same time shall be nine (9) persons. This includes no more than six (6) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy;*
3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be three (3) and two (2) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
4. *Further to condition 3 above, the property shall provide a minimum of two (2) boat trailer parking bays and three (3) car parking bays, wholly within the property boundaries;*
5. *The property shall provide at least two (2) 240 litre rubbish bins prior to the use commencing;*
6. *The Tenants Code of Conduct shall be clearly displayed in the premises in accordance with Council Policy;*
7. *The Tenants Code of Conduct and Management Statement shall be rewritten, and approved by Council prior to the use commencing. This includes and is not limited to the following issues:*
 - *The maximum number of occupants being nine (9) persons, this includes a maximum of six (6) persons over the age of ten at any one time; and*
 - *The maximum number of vehicles and trailers (including boats on trailers) is three (3) and two (2); and*
 - *Adding suitable contact details including relevant emergency services (hospital, police, fire station, SES etc) and appropriate cyclone procedures and information relevant to the property.*
8. *An approved smoke alarm must be installed on or near the ceiling in each guest bedroom (including kids dorm and games room); and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms associated with a bedroom and the remainder of the building. The smoke alarms must be installed in accordance with AS 3786 and be connected to the consumer mains power;*
9. *A system of lighting must be installed to assist with the evacuation of occupants in the event of a fire and be activated by the smoke alarm required by condition 6 above; and consist of a light incorporated within the smoke alarm or the lighting located in the corridor, hallway or areas served by the smoke alarm. Where the evacuation lighting is or of the type incorporated in the smoke alarm, it shall be provided with emergency backup power supply;*
10. *An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:*
 - *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
 - *no fires are to be lit outside with the exception of a gas or electric barbeque.*

11. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
12. *If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighbouring properties, or causes a nuisance to owners/occupiers of the land in the vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;*
13. *The property not being used for the use hereby granted until an inspection has been carried out by a Council officer and that officer is satisfied that the conditions of this approval hereby granted have been complied with; and*
14. *The approval is valid for a period of two (2) years. Upon this period lapsing, the re-application for approval shall be required should the property continue to be used for holiday accommodation.*

Advice

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

Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of nine (9) persons. This includes no more than six (6) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

Schedule 1: Allowable Occupants: Lot 2 (23) Ningaloo Street, Exmouth

Bedroom 1: Total Floor Space: 13.37m², Approximate Air Space: 32m³
Allowable occupants: 2 adults **OR** 4 children **OR** 1 adult and 2 child

Bedroom 2: Total Floor Space: 11.88m², Approximate Air Space: 28m³
Allowable occupants: 2 adult **OR** 3 children **OR** 1 adult & 1 child

Bedroom 3: Total Floor Space: 10.22m², Approximate Air Space: 24m³
Allowable occupants: 3 children **OR** 1 adult and 1 child **OR** 1 adult

Bedroom 4: Total Floor Space: 10.90m², Approximate Air Space: 26m³
Allowable occupants: 3 children **OR** 1 adult and 1 child **OR** 1 adult

*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 on the assumption of an average of 2.4m ceiling height.

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

COUNCIL DECISION – 38-1012 – 10.6.3 - PA 123/12 - Lot 2 (23) Ningaloo Street, Exmouth

Moved Councillor Hood, Seconded Councillor Warren.

That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 2 (23) Ningaloo Street, Exmouth subject to the following conditions:-

1. *Development to accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA123/12) and Local Planning Policy No. 6.27: Holiday Accommodation to the satisfaction of Council officers;*
2. *The maximum number of overnight occupants allowed within the dwelling at the same time shall be nine (9) persons. This includes no more than six (6) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy;*
3. *The maximum number of vehicles and trailers (including boats on trailers or camper trailers) that can be accommodated on the property shall be three (3) and two (2) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
4. *Further to condition 3 above, the property shall provide a minimum of two (2) boat trailer parking bays and three (3) car parking bays, wholly within the property boundaries;*
5. *The property shall provide at least two (2) 240 litre rubbish bins prior to the use commencing;*
6. *The Tenants Code of Conduct shall be clearly displayed in the premises in accordance with Council Policy;*
7. *The Tenants Code of Conduct and Management Statement shall be rewritten, and approved by Council prior to the use commencing. This includes and is not limited to the following issues:*
 - *The maximum number of occupants being nine (9) persons, this includes a maximum of six (6) persons over the age of ten at any one time; and*
 - *The maximum number of vehicles and trailers (including boats on trailers) is three (3) and two (2); and*
 - *Adding suitable contact details including relevant emergency services (hospital, police, fire station, SES etc) and appropriate cyclone procedures and information relevant to the property.*
8. *An approved smoke alarm must be installed on or near the ceiling in each guest bedroom (including kids dorm and games room); and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms associated with a bedroom and the remainder of the building. The smoke alarms must be installed in accordance with AS 3786 and be connected to the consumer mains power;*
9. *A system of lighting must be installed to assist with the evacuation of occupants in the event of a fire and be activated by the smoke alarm required by condition 6 above; and consist of a light incorporated within the smoke alarm or the lighting located in the corridor, hallway or areas served by the smoke alarm. Where the evacuation lighting is or of the type incorporated in the smoke alarm, it shall be provided with emergency backup power supply;*
10. *An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:*
 - *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
 - *no fires are to be lit outside with the exception of a gas or electric barbeque.*
11. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
12. *If in the opinion of Council the approved use adversely affects the local amenity including the enjoyment of neighbouring properties, or causes a nuisance to owners/occupiers of the land in the*

vicinity, or to persons or traffic using roads in the vicinity of the approved use, Council may vary or rescind its approval in accordance with Council Policy;

- 13. *The property not being used for the use hereby granted until an inspection has been carried out by a Council officer and that officer is satisfied that the conditions of this approval hereby granted have been complied with; and***
- 14. *The approval is valid for a period of two (2) years. Upon this period lapsing, the re-application for approval shall be required should the property continue to be used for holiday accommodation.***

Advice

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

Below is a Schedule of permitted number of occupants per room which identifies alternative combinations of guests – not to exceed a total of nine (9) persons. This includes no more than six (6) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.

<p>Schedule 1: Allowable Occupants: Lot 2 (23) Ningaloo Street, Exmouth</p> <p>Bedroom 1: Total Floor Space: 13.37m², Approximate Air Space: 32m³ Allowable occupants: 2 adults OR 4 children OR 1 adult and 2 child</p> <p>Bedroom 2: Total Floor Space: 11.88m², Approximate Air Space: 28m³ Allowable occupants: 2 adult OR 3 children OR 1 adult & 1 child</p> <p>Bedroom 3: Total Floor Space: 10.22m², Approximate Air Space: 24m³ Allowable occupants: 3 children OR 1 adult and 1 child OR 1 adult</p> <p>Bedroom 4: Total Floor Space: 10.90m², Approximate Air Space: 26m³ Allowable occupants: 3 children OR 1 adult and 1 child OR 1 adult</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 on the assumption of an average of 2.4m ceiling height.</p>

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

CARRIED 5/0

10. REPORTS OF OFFICERS**10.6 Executive Manager Town Planning****10.6.4 Canal Jetty Adjacent to Lot 367 (6) Corella Court Exmouth**

Location: Lot 367 (6) Corella Court, Exmouth
 Applicant: Shaun and Lisa Lee
 File Reference: 367(6)
 Disclosure of Interest: Nil
 Date: 9 October 2012
 Author: Executive Manager Town Planning, Rhassel Mhasho
 Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

This report recommends Council grant conditional planning approval for the development of a jetty adjacent to Lot 367 (6) Corella Court, Exmouth (refer *Attachment 5*).

BACKGROUND

The applicant proposes to construct a jetty on Canal Arm C adjacent to Lot 367 (6) Corella Court, Exmouth.

The Department of Transport (DoT) gave Council powers to approve “*broad development approval*” for jetty applications which have been lodged with Council. The term ‘broad approval’ is used; on the basis that no plans that are submitted (other than general location /site plans) will be endorsed.

It has been discussed and agreed upon by Council’s Town Planning Department, Environmental health and Building Department, and DoT that the basic principles of the Exmouth Marina Village Boat Mooring Management Plan, Standard Operating Procedures and Local Laws should form the basis of any approval, with the technical details regarding design and engineering of the proposed jetties being assessed by the DoT at Jetty license application stage.

- i)* Development of a ‘jetty’ is ancillary to a dwelling
- ii)* The proposed jetty will be within the designated mooring envelope

COMMENT

The proposal is for a jetty and can be assessed under the Shire of Exmouth Town Planning Scheme (TPS) No. 3, Local Laws and various Local Planning Policies. These instruments outline the permissibility for this proposal within the Scheme Area. In accordance with the Scheme, a jetty within the Marina zone is classified as an ‘IP’ use meaning the use is not permitted unless such use is incidental to the predominant use as approved by Council.

There are no major issues which can be noted on this application and Council Officers recommend that the Shire of Exmouth grant conditional planning approval for the Development of a ‘jetty’.

CONSULTATION.

Department of Transport

STATUTORY ENVIRONMENT

Town Planning Scheme No.3 and the following statutory policies adopted by Council under Part 9.6 of that Scheme:-

- Exmouth Marina Village Outline Development Plan;
- Exmouth Marina Village Superlot A Design Guidelines;
- Exmouth Floodplain Management Strategy 07; and

- Exmouth Marina Village Canal Boat Mooring Management Plan and Standard Operating Procedures (BMMP & SOP's).

POLICY IMPLICATIONS

Policy 6.34: Exmouth Marina Village Canal Boat Mooring Management Plan and Standard Operating Procedures.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Economic

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

10. Outcome 1.2 - Planned and balanced economic growth.

Environment

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

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple majority

OFFICER'S RECOMMENDATION 10.6.4
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That the Council of the Shire of Exmouth grant planning approval for a jetty adjacent to Lot 367 (6) Corella Court, Exmouth subject to the following conditions:-

- 1. The development being carried out to the satisfaction of Council Officers;*
- 2. The approval granted is valid up to two (2) years from the date of this approval. Should the use approved not substantially commence within this time, the approval will lapse;*
- 3. The boat mooring and jetty being constructed wholly within the jetty and mooring envelopes for the subject lot;*
- 4. The jetty structure not putting a horizontal surcharge load on the canal wall;*
- 5. Mooring piles and associated envelope areas not being roofed or having structures built on, around, adjacent to, or within the approved jetty area;*
- 6. All structures being constructed to approved engineering standards, and in accordance with plans and specifications to the satisfaction of the Department of Planning and Infrastructure – Coastal Facilities Branch;*
- 7. The obtaining of all relevant licenses (including a jetty license) from the Department of Transport, prior to obtaining a building license from Council; and*
- 8. All proposed jetty designs are to be approved by the Department of Transport - Coastal Facilities Branch, with engineering plans and detail being in accordance with the Exmouth Marina Village Canal Boat Mooring Management Plan and Standard Operating Procedures.*

FOOTNOTES

- *Prior to any construction, the applicant is required to obtain a building licence approval from the Shire of Exmouth.*
- *Enclosed is a copy of the Exmouth Marina Village Canal Boat Mooring Management Plan and Standard Operating Procedures.*
- *The approval granted is not to be construed as approval granted under the Local Government (Miscellaneous Provisions) Act 1960, Building Regulations 1989 or any other relevant statutory approval.*
- *Should the applicant be aggrieved by this decision, a right of review may exist pursuant to the State Administrative Tribunal Act 2004. A request for review should be made within 28 days of notice of this decision to the State Administrative Tribunal.*

COUNCIL DECISION – 39-1012 – 10.6.4

Moved Councillor Winzer, Seconded Councillor Warren.

That the Council of the Shire of Exmouth grant planning approval for a jetty adjacent to Lot 367 (6) Corella Court, Exmouth subject to the following conditions:-

- 1. The development being carried out to the satisfaction of Council Officers;***
- 2. The approval granted is valid up to two (2) years from the date of this approval. Should the use approved not substantially commence within this time, the approval will lapse;***
- 3. The boat mooring and jetty being constructed wholly within the jetty and mooring envelopes for the subject lot;***
- 4. The jetty structure not putting a horizontal surcharge load on the canal wall;***
- 5. Mooring piles and associated envelope areas not being roofed or having structures built on, around, adjacent to, or within the approved jetty area;***
- 6. All structures being constructed to approved engineering standards, and in accordance with plans and specifications to the satisfaction of the Department of Planning and Infrastructure – Coastal Facilities Branch;***
- 7. The obtaining of all relevant licenses (including a jetty license) from the Department of Transport, prior to obtaining a building license from Council; and***
- 8. All proposed jetty designs are to be approved by the Department of Transport - Coastal Facilities Branch, with engineering plans and detail being in accordance with the Exmouth Marina Village Canal Boat Mooring Management Plan and Standard Operating Procedures.***

FOOTNOTES

- *Prior to any construction, the applicant is required to obtain a building licence approval from the Shire of Exmouth.*
- *Enclosed is a copy of the Exmouth Marina Village Canal Boat Mooring Management Plan and Standard Operating Procedures.*
- *The approval granted is not to be construed as approval granted under the Local Government (Miscellaneous Provisions) Act 1960, Building Regulations 1989 or any other relevant statutory approval.*

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

CARRIED 5/0

10. REPORTS OF OFFICERS

10.6 Executive Manager Town Planning

10.6.5 Canal Jetty Adjacent to Lot 420 (60) Madaffari Drive Exmouth

Location: Lot 420 (60) Madaffari Drive, Exmouth
 Applicant: Phillip Litta
 File Reference: 420(60)
 Disclosure of Interest: Nil
 Date: 9 October 2012
 Author: Executive Manager Town Planning, Rhassel Mhasho
 Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

This report recommends Council grant conditional planning approval for the development of a jetty adjacent to Lot 420 (60) Madaffari Drive, Exmouth (refer ***Attachment 6***).

BACKGROUND

The applicant proposes to construct a jetty adjacent to Lot 420 (60) Madaffari Drive, Exmouth.

The Department of Transport (DoT) gave Council powers to approve “broad development approval” for jetty applications which have been lodged with Council. The term ‘broad approval’ is used, on the basis that no plans that are submitted (other than general location / site plans) will be endorsed.

It has been discussed and agreed upon by Council’s Town Planning Department, Environmental health and Building Department, and DoT that the basic principles of the Exmouth Marina Village Boat Mooring Management Plan, Standard Operating Procedures and Local Laws should form the basis of any approval, with the technical details regarding design and engineering of the proposed jetties being assessed by the DoT at Jetty license application stage.

- i) Development of a ‘jetty’ is ancillary to a dwelling.
- ii) The proposed jetty will be within the designated mooring envelope.

COMMENT

The proposal is for a jetty and can be assessed under the Shire of Exmouth Town Planning Scheme (TPS) No. 3, Local Laws and various Local Planning Policies. These instruments outline the permissibility for this proposal within the Scheme Area. In accordance with the Scheme, a jetty within the Marina zone is classified as an ‘IP’ use meaning the use is not permitted unless such use is incidental to the predominant use as approved by Council.

Issues

The applicant seeks Council to consider a variation to approve a jetty prior to the construction of a dwelling. Under Council’s Policy the proposal is considered to be an ‘IP’ use meaning the use is incidental to the predominant use. The Policy states:

“It is considered that development ancillary to the main dwelling including gazebos, pergolas, decks, retaining walls, and jetties should be dealt with as if they were listed as a ‘permitted’ use as long as they comply with any relevant site requirements under these guidelines.”

The clause is intended to limit a jetty to be ancillary to a dwelling, encouraging infill residential development to prevent vacant land within the Marina. Generally it is considered that the owner has provided sufficient justification to support approval on the basis:

1. Exmouth Marina Village Precinct 'B' provides vacant lots with jetties.

Council Officers recommend that the Shire of Exmouth grant conditional planning approval.

CONSULTATION.

Department of Transport

STATUTORY ENVIRONMENT

Town Planning Scheme No.3 and the following statutory policies adopted by Council under Part 9.6 of that Scheme:-

- Exmouth Marina Village Outline Development Plan;
- Exmouth Marina Village Superlot A Design Guidelines;
- Exmouth Floodplain Management Strategy 07; and
- Exmouth Marina Village Canal Boat Mooring Management Plan and Standard Operating Procedures (BMMP & SOP's).

POLICY IMPLICATIONS

Policy 6.34: Exmouth Marina Village Canal Boat Mooring Management Plan and Standard Operating Procedures.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Economic

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

- Outcome 1.2 - Planned and balanced economic growth.

Environment

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

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple majority

OFFICER'S RECOMMENDATION - 10.6.5
--

That the Council of the Shire of Exmouth grant planning approval for a jetty adjacent to Lot 420 (60) Madaffari Drive , Exmouth subject to the following conditions:-

1. *The development being carried out to the satisfaction of Council Officers;*
2. *The approval granted is valid up to two (2) years from the date of this approval. Should the use approved not substantially commence within this time, the approval will lapse;*
3. *The boat mooring and jetty being constructed wholly within the jetty and mooring envelopes for the subject lot;*
4. *The jetty structure not putting a horizontal surcharge load on the canal wall;*
5. *Mooring piles and associated envelope areas not being roofed or having structures built on, around, adjacent to, or within the approved jetty area;*

6. *All structures being constructed to approved engineering standards, and in accordance with plans and specifications to the satisfaction of the Department of Planning and Infrastructure – Coastal Facilities Branch;*
7. *The obtaining of all relevant licenses (including a jetty license) from the Department of Transport, prior to obtaining a building license from Council; and*
8. *All proposed jetty designs are to be approved by the Department of Transport - Coastal Facilities Branch, with engineering plans and detail being in accordance with the Exmouth Marina Village Canal Boat Mooring Management Plan and Standard Operating Procedures.*

FOOTNOTES

- *Prior to any construction, the applicant is required to obtain a building licence approval from the Shire of Exmouth.*
- *Enclosed is a copy of the Exmouth Marina Village Canal Boat Mooring Management Plan and Standard Operating Procedures.*
- *The approval granted is not to be construed as approval granted under the Local Government (Miscellaneous Provisions) Act 1960, Building Regulations 1989 or any other relevant statutory approval.*
- *Should the applicant be aggrieved by this decision, a right of review may exist pursuant to the State Administrative Tribunal Act 2004. A request for review should be made within 28 days of notice of this decision to the State Administrative Tribunal.*

COUNCIL DECISION –40-1012 – 10.6.5

Moved Councillor Winzer, Seconded Councillor Hood.

That the Council of the Shire of Exmouth grant planning approval for a jetty adjacent to Lot 420 (60) Madaffari Drive , Exmouth subject to the following conditions:-

1. *The development being carried out to the satisfaction of Council Officers;*
2. *The approval granted is valid up to two (2) years from the date of this approval. Should the use approved not substantially commence within this time, the approval will lapse;*
3. *The boat mooring and jetty being constructed wholly within the jetty and mooring envelopes for the subject lot;*
4. *The jetty structure not putting a horizontal surcharge load on the canal wall;*
5. *Mooring piles and associated envelope areas not being roofed or having structures built on, around, adjacent to, or within the approved jetty area;*
6. *All structures being constructed to approved engineering standards, and in accordance with plans and specifications to the satisfaction of the Department of Planning and Infrastructure – Coastal Facilities Branch;*
7. *The obtaining of all relevant licenses (including a jetty license) from the Department of Transport, prior to obtaining a building license from Council; and*
8. *All proposed jetty designs are to be approved by the Department of Transport - Coastal Facilities Branch, with engineering plans and detail being in accordance with the Exmouth Marina Village Canal Boat Mooring Management Plan and Standard Operating Procedures.*

FOOTNOTES

- *Prior to any construction, the applicant is required to obtain a building licence approval from the Shire of Exmouth.*
- *Enclosed is a copy of the Exmouth Marina Village Canal Boat Mooring Management Plan and Standard Operating Procedures.*
- *The approval granted is not to be construed as approval granted under the Local Government (Miscellaneous Provisions) Act 1960, Building Regulations 1989 or any other relevant statutory approval.*
- *Should the applicant be aggrieved by this decision, a right of review may exist pursuant to the State Administrative Tribunal Act 2004. A request for review should be made within 28 days of notice of this decision to the State Administrative Tribunal.*

CARRIED 5/0

10. REPORTS OF OFFICERS**10.6 Executive Manager Town Planning****10.6.6 Canal Jetty Adjacent to Lot 340 (22) Kestrel Place Exmouth**

Location: Lot 340 (22) Kestrel Place, Exmouth
 Applicant: Mark Walters
 File Reference: 340(22)
 Disclosure of Interest: Nil
 Date: 9 October 2012
 Author: Executive Manager Town Planning, Rhassel Mhasho
 Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

This report recommends Council grant conditional planning approval for the development of a jetty adjacent to Lot 340 (22) Kestrel Place, Exmouth (refer *Attachment 7*).

BACKGROUND

The applicant proposes to construct a jetty adjacent to Lot 340 (22) Kestrel Place, Exmouth.

The Department of Transport (DoT) gave Council powers to approve “broad development approval” for jetty applications which have been lodged with Council. The term ‘broad approval’ is used, on the basis that no plans that are submitted (other than general location / site plans) will be endorsed.

It has been discussed and agreed upon by Council’s Town Planning Department, Environmental health and Building Department, and DoT that the basic principles of the Exmouth Marina Village Boat Mooring Management Plan, Standard Operating Procedures and Local Laws should form the basis of any approval, with the technical details regarding design and engineering of the proposed jetties being assessed by the DoT at Jetty license application stage.

- i)* Development of a ‘jetty’ is ancillary to a dwelling.
- ii)* The proposed jetty will be within the designated mooring envelope.

COMMENT

The proposal is for a jetty and can be assessed under the Shire of Exmouth Town Planning Scheme (TPS) No. 3, Local Laws and various Local Planning Policies. These instruments outline the permissibility for this proposal within the Scheme Area. In accordance with the Scheme, a jetty within the Marina zone is classified as an ‘IP’ use meaning the use is not permitted unless such use is incidental to the predominant use as approved by Council.

There are no major issues which can be noted on this application and Council Officers recommend that the Shire of Exmouth grant conditional planning approval for the Development of a ‘jetty’.

CONSULTATION.

Department of Transport

STATUTORY ENVIRONMENT

Town Planning Scheme No.3 and the following statutory policies adopted by Council under Part 9.6 of that Scheme:-

- Exmouth Marina Village Outline Development Plan;
- Exmouth Marina Village Superlot A Design Guidelines;
- Exmouth Floodplain Management Strategy 07; and

- Exmouth Marina Village Canal Boat Mooring Management Plan and Standard Operating Procedures (BMMP & SOP's).

POLICY IMPLICATIONS

Policy 6.34: Exmouth Marina Village Canal Boat Mooring Management Plan and Standard Operating Procedures.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Economic

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

- Outcome 1.2 - Planned and balanced economic growth.

Environment

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

Civic Leadership

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

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

VOTING REQUIREMENTS

Simple majority

OFFICER'S RECOMMENDATION 10.6.6
--

That the Council of the Shire of Exmouth grant planning approval for a jetty adjacent to Lot 340 (22) Kestrel Place, Exmouth subject to the following conditions:-

- 1. The development being carried out to the satisfaction of Council Officers;*
- 2. The approval granted is valid up to two (2) years from the date of this approval. Should the use approved not substantially commence within this time, the approval will lapse;*
- 3. The boat mooring and jetty being constructed wholly within the jetty and mooring envelopes for the subject lot;*
- 4. The jetty structure not putting a horizontal surcharge load on the canal wall;*
- 5. Mooring piles and associated envelope areas not being roofed or having structures built on, around, adjacent to, or within the approved jetty area;*
- 6. All structures being constructed to approved engineering standards, and in accordance with plans and specifications to the satisfaction of the Department of Planning and Infrastructure – Coastal Facilities Branch;*
- 7. The obtaining of all relevant licenses (including a jetty license) from the Department of Transport, prior to obtaining a building license from Council; and*
- 8. All proposed jetty designs are to be approved by the Department of Transport - Coastal Facilities Branch, with engineering plans and detail being in accordance with the Exmouth Marina Village Canal Boat Mooring Management Plan and Standard Operating Procedures.*

FOOTNOTES

- *Prior to any construction, the applicant is required to obtain a building licence approval from the Shire of Exmouth.*
- *Enclosed is a copy of the Exmouth Marina Village Canal Boat Mooring Management Plan and Standard Operating Procedures.*
- *The approval granted is not to be construed as approval granted under the Local Government (Miscellaneous Provisions) Act 1960, Building Regulations 1989 or any other relevant statutory approval.*
- *Should the applicant be aggrieved by this decision, a right of review may exist pursuant to the State Administrative Tribunal Act 2004. A request for review should be made within 28 days of notice of this decision to the State Administrative Tribunal.*

COUNCIL DECISION –41-1012 – 10.6.6

Moved Councillor Hood, Seconded Councillor Warren.

That the Council of the Shire of Exmouth grant planning approval for a jetty adjacent to Lot 340 (22) Kestrel Place, Exmouth subject to the following conditions:-

1. *The development being carried out to the satisfaction of Council Officers;*
2. *The approval granted is valid up to two (2) years from the date of this approval. Should the use approved not substantially commence within this time, the approval will lapse;*
3. *The boat mooring and jetty being constructed wholly within the jetty and mooring envelopes for the subject lot;*
4. *The jetty structure not putting a horizontal surcharge load on the canal wall;*
5. *Mooring piles and associated envelope areas not being roofed or having structures built on, around, adjacent to, or within the approved jetty area;*
6. *All structures being constructed to approved engineering standards, and in accordance with plans and specifications to the satisfaction of the Department of Planning and Infrastructure – Coastal Facilities Branch;*
7. *The obtaining of all relevant licenses (including a jetty license) from the Department of Transport, prior to obtaining a building license from Council; and*
8. *All proposed jetty designs are to be approved by the Department of Transport - Coastal Facilities Branch, with engineering plans and detail being in accordance with the Exmouth Marina Village Canal Boat Mooring Management Plan and Standard Operating Procedures.*

FOOTNOTES

- *Prior to any construction, the applicant is required to obtain a building licence approval from the Shire of Exmouth.*
- *Enclosed is a copy of the Exmouth Marina Village Canal Boat Mooring Management Plan and Standard Operating Procedures.*
- *The approval granted is not to be construed as approval granted under the Local Government (Miscellaneous Provisions) Act 1960, Building Regulations 1989 or any other relevant statutory approval.*
- *Should the applicant be aggrieved by this decision, a right of review may exist pursuant to the State Administrative Tribunal Act 2004. A request for review should be made within 28 days of notice of this decision to the State Administrative Tribunal.*

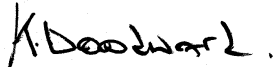
CARRIED 5/0

10. REPORTS OF OFFICERS

10.7 Executive Manager Engineering Services

10.7.1 General Report

Location: Exmouth
 Applicant: Keith Woodward
 File Reference: Nil
 Disclosure of Interest: Nil
 Date: 17 October 2012
 Author: Executive Manager Engineering Services, Keith Woodward
 Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

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

BACKGROUND

1. Project Status Schedule

The Engineering Services Project Status Schedule 2012/2013 provides an overview of the project start, progress and completion dates.

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

1. 2012/2013 Engineering Services Project Status Schedule. (Refer *Attachment 1*)

2. Town Centre Revitalisation Civil Design Drawings for Construction

Attached for Council's information are the Exmouth Town Centre Revitalisation stages 1 and 2 civil construction drawings (*Refer Attachment 2*). The design was developed from the Hassel April 2012 Exmouth Town Centre and Foreshore Revitalisation Plans.

An independent road safety design audit is being conducted in accordance with Main Roads Western Australian assessment criteria to ensure that the Exmouth Shire does not re-design and construct the road network in a manner that has the potential to cause liability as a result of the new geometric road design.

3. Shothole Canyon Road

The Shothole Canyon Road re-sheeting and formation works have been completed on Shothole Canyon Road. The project budget was \$372,800. The construction works have been completed for approximately \$265,035.

4. Flood Mitigation Reid Street Stage 1 and 2

The stage 1 LIA/Reid Street flood mitigation project has been completed. The project budget was \$2,150,000 and the cost of the stage 1 works was \$1,775,000. The project surplus is approximately \$375,000. It is management's intention that the surplus grant funds be transferred to the LIA/Reid Street flood mitigation project stage 2. The stage 2 works will include; the reconstruction and realignment of Reid Street, the Light Industrial Area Creek levee interconnected into the new profile of Reid Street and rock armour, guide post and signage. Once stage 2 works are completed this project will be finished. Stage 2 works are planned to commence in March 2013.

5. **Staffing**

Recruitment

There is currently 1 fulltime Engineering Crew position advertised and a further 6 month contract position advertised. Administrative Traineeship will be advertised over the coming weeks.

Training

During the month of September 2012 the following training occurred:

1. Introduction to Leadership – the 2 Leading Hands attended this training in Perth and this will enhance their leadership skills and attributes.
2. Basic Introduction to Fire fighting – 7 staff attended this theory training and practical training is currently being planned.
3. Skidsteer Loader Competency Training – 8 staff have now been deemed competent users.
4. Loader Competency Training – 6 staff have now been deemed competent users.
5. Crew Leader & Advance Fire Fighting – 8 staff attended this theory training and practical Crew Leader training will be incorporated with the practical basic fire fighting training that is being planned.

Issues

Abuse and intimidation aimed at Council staff is on the increase. Over the past 12 months there have been 2 physical assaults reported and 2 verbal assaults reported by engineering staff.

In relation to the physical assaults one of these incidents was reported to the local police with further legal action pending and the other physical assault, although on a lesser scale still impacted the work force considerably.

Working in isolation and remote areas poses an increased risk to council staff and a coordinated approach needs to be taken. Some council staff who work in isolation and remote areas are Ranger Services, Environmental Health, amenities cleaners and the parks and garden crew. The Engineering department is working in conjunction with human resources in an endeavour to alleviate the effect these types of attacks are having on the workforce.

In discussions with the workforce it has become apparent that there are many cases of threat and abuse that have not been reported by staff. Staff have been reminded that all incidents, accidents and near misses must be reported in a formal manner to ensure action can be taken accordingly. In relation to any law and order issues ongoing discussions with the local police will continue and staff are encouraged to report any incidents they deem to be of significance and warrant reporting to the police.

6. **Street Signage War Honour Information**

Council may have noticed that below some street name signs there are interpretive signs that explain who and why the street is named. Please refer to ***Attachment 3*** for an example. Over the years the numbers of these interpretive signs have been decreasing due to street signage vandalism and theft. Would Council be favourable to the reestablishment of this interpretive signage? (***Attachment 4***) provides an explanation to the event associated with each street name.

7. **Vandalism**

Engineering staff were required to respond to an increased amount of vandalism over the last few weeks. Damage to traffic and street signs have been noted but of most concern have been the general degradation of public infrastructure in and around the recreation centre and skate park. Of concern is the continued amount of broken glass found in gardens and seating areas of the skate park. Used marine flares were also found discarded in the area.

Over the long weekend, being the commencement of the school holiday period, Engineering staff were required to remove a vandalised tree, repair and replace vandalised posts and rail fencing, remove broken and damaged seats and clean up dozens of smashed bottles. A group of four youths were also asked to

move along from the park, having been found intoxicated and camping at the park in the early hours of the morning.

Ongoing communications with the local Police is one strategy that has been applied in an attempt to reduce the impact that this behaviour has on the wider community and an increase in presence by Engineering staff will also hopefully make a difference.

8. Stokes-Hughes Dual use Footpath

Works will commence on the construction of a dual use footpath on Stokes-Hughes Street between Krait and Reymond Street's on the 22nd October 2012. Duration of the project is expected to take up to six weeks to complete.

9. Apron Extension, Learmonth Airport

Line marking and fuel resilient sealing is currently being conducted and is due for completion on the 12 October 2012.

10. Charles Knife Road Blackspot Funding

The Shire's 2013-2014 Gascoyne RRG Local Government State Black Spot submission was successful. The project budget will be \$200,000 with the Black Spot Program funding \$130,000 with the Shire contributing \$70,000. Works will include geotechnical investigation, safety barrier, minor road works and signage.

COMMENT

Nil

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995 (s.3.57)

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

As per Shire 2012/2013 Budget

STRATEGIC IMPLICATIONS

Strategic Community Plan 2011-Outcome 1.5 Maintain and Improve Shire Infrastructure

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 10.7.1

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

COUNCIL DECISION –42-1012 – 10.7.1

Moved Councillor Winzer, Seconded Councillor Warren.

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

CARRIED 5/0

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

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

COUNCIL DECISION –43-1012 – ITEM 12

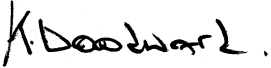
Moved Councillor Winzer, Seconded Councillor Hood.

That the Council of the Shire of Exmouth accept the New Business of an Urgent Nature

1. *Purchase of Grader through WALGA Tender Reference TPS0814*
2. *Loan Request – Exmouth Game Fishing Club*
3. *Ningaloo Centre - Invitation to Tender*

CARRIED 5/0

12.1 Purchase of Grader through WALGA Tender Reference TPS0814

Location:	Exmouth
Applicant:	Keith Woodward
File Reference:	Nil
Disclosure of Interest:	Nil
Date:	17 October 2012
Author:	Executive Manager Engineering Services, Keith Woodward
Signature of Author:	

Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

This report recommends that the Exmouth Shire Council approve the purchase of a 12m Cat Grader from WesTrac for \$336,800 and authorize the Executive Manager of Engineering Services to approve optional extras and freight arrangements.

BACKGROUND

The Shire’s 2012/2013 Capital Acquisition Budget included the trade of the Shire’s grader and purchase of a new grader.

The Shire obtained a tendered rate for the supply of a new 12m Cat Grader through WALGA. The WALGA tender number is TPS0814

COMMENT

Local Government can purchase Plant and Equipment (General and Heavy), Trailers, Road Construction Equipment through the WALGA Preferred Supply Panel. This acquisition process is permitted in the Local Government Act 1995 (Functions and General) Regulation (s.3.57) “(b) the supply of the goods or services is to be obtained through the Council Purchasing Service of WALGA”.

Under the Local Government (Functions and General) Regulations, a tender exemption applies to WALGA’s Preferred Supplier Contracts. WALGA Contracts are rigorously market tested using a compliant procurement process to ensure that the highest quality offerings are delivered at the best possible value. WALGA Members save millions of dollars each year utilising these Contracts, in addition to saving the cost and risk of independently tendering.

It is management’s intension to advertise the sale of the Shire’s grader regionally. WesTrac has provided a guaranteed trade price should there be no regional interest or uncompetitive trade prices submitted.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995 (Functions and General) Regulation (s.3.57) “(b) the supply of the goods or services is to be obtained through the Council Purchasing Service of WALGA”.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Shire’s 2012/2013 Capital Acquisition Budget included the trade of the Shire’s grader and purchase of a new grader.

Cost:

	Cost	Reserve a/c	Disposal Funds
Budget	400,000	300,000	100,000
Actual	336,800	280,800	56,000

STRATEGIC IMPLICATIONS

Strategic Community Plan 2011-Outcome 1.5 Maintain and Improve Shire Infrastructure

VOTING REQUIREMENTS

Absolute Majority

OFFICER’S RECOMMENDATION – 12.1

That the Council of the Shire of Exmouth approve the purchase of a 12m Cat Grader from WesTrac for \$336,800 and authorize the Executive Manager of Engineering Services to approve optional extras and freight arrangements.

COUNCIL DECISION –44-1012 – 12.1

Moved Councillor Hood, Seconded Councillor Thompson.

That the Council of the Shire of Exmouth approve the purchase of a 12m Cat Grader from WesTrac for \$336,800 and authorize the Executive Manager of Engineering Services to approve optional extras and freight arrangements.

CARRIED by ABSOLUTE MAJORITY 5/0

12.2 Loan Request –Exmouth Game Fishing Club.

Location: Exmouth
 Applicant: R Kempe
 File Reference: GS.PR.1
 Disclosure of Interest: Nil
 Date: 15 October 2012
 Author: Executive Manager Community Engagement, Rogé Kempe
 Signature of Author: 
 Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

This report recommends to Council to consider the provision of an interest free loan to the Exmouth Game Fishing Club of \$80,000 from the Shire's Community Development Fund for the replacement of the existing Gantry (fish weighing station) by a new Gantry.

BACKGROUND

Council received a request to consider the provision of a loan to the Exmouth Game Fishing Club of \$80,000 from the Shire's Community Development Fund for the replacement of the existing Gantry (fish weighing station) by a new Gantry. The current Gantry is about 30 years old and blocks emergency exits.

The Shire's Community Development Fund is regulated by Council Policy 2.2 "*Interest Free Loans to Clubs & Organisations*" and states the following purpose:

"Council has set aside funding in a Community Development Reserve Fund for the provision of interest free loans to Exmouth clubs and organisations to assist in the provision of facilities and equipment for the betterment of the club or organization and its members".

COMMENT

The Policy 2.2 states:

"The Executive Manager of Community Engagement (EMCE) and the Executive Manager Corporate Services (EMCS) should undertake assessment of the application with a recommendation to the Council for final approval or otherwise of the loan. Assessment should be based on:

- *Perceived ability for the loan to be repaid in full and for repayments to be made on time;*
- *Ensuring that there is an apparent benefit not only to the club/organization but also to the wider community from the loan being given;*
- *Clubs/organisations must have been in existence for 2 years and clearly demonstrated a stabilised or increased membership;*
- *Prior to an application being lodged, an applicant has used their best endeavours to source grant funding to assist with their purchase.*
- *Clubs/organisations must provide Council with an end of year financial statement for each year of the loan.*

Considering that the EMCS is a committee member of the Game Fishing Club, they did not participate in the assessment. Shire finance officers were involved and worked with the EMCE.

Council is informed that the Exmouth Game Fishing Club complies with and/or is expected to be able to comply with the above requirements. Specifically, the Club is a place for many local people and visitors to be physically active, to meet others and finally provides opportunity for other community groups, businesses and organisations to use the premises for social and other events. The Club, through their major tournaments attracts visitors to town, supports the local economy and is able to promote Exmouth and the immediate region to the rest of the world.

With the current balance of the position of the Community Development Fund Reserve being \$73,441 it is recommended to fund \$70,000 immediately with the balance of \$10,000 paid in February 2013 when additional funds have been received by the Fund through loan repayments.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Policy 2.2 - Interest Free Loans to Clubs & Organisations

FINANCIAL IMPLICATIONS

The Shire's Community Development Fund Reserve currently has a balance of \$73,441. If Council agree to this loan, there will be no available funds held in reserve, however the Bowling Club repayments are structured that they pay \$10,000 for 5 months during 2012/13 and these funds together with any interest earned could be used to provide the balance required by EGFC.

The following clubs currently hold loan funds totalling \$337,000:

Golf Club	\$ 43,000
Bowling Club	\$264,000
Squash Club	\$ 15,000
Truscott Club	\$ 15,000

Policy 2.2 stipulates that "an application fee of 5% will be charged on any new application and will be added to the loan amount requested and can be added to the total and paid via payment schedule". The terms will be discussed with the Club.

STRATEGIC IMPLICATIONS

Social

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

Outcome 3.3 –An inclusive, responsible and cohesive community.

Outcome 3.5 –Maintain and increase participation levels in local community organisations and clubs.

Civic Leadership

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

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

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION – 12.2

That the Council of the Shire of Exmouth provides an interest free loan of \$80,000 to the Exmouth Game Fishing Club from the Shire's Community Development Fund for the replacement of the existing Gantry (fish weighing station) by a new Gantry, with Executive Management to determine the loan conditions and repayments.

COUNCIL DECISION –45-1012 – 12.2


Moved Councillor Thompson, Seconded Councillor Hood.

That the Council of the Shire of Exmouth provides an interest free loan of \$80,000 to the Exmouth Game Fishing Club from the Shire's Community Development Fund for the replacement of the existing Gantry (fish weighing station) by a new Gantry, with Executive Management to determine the loan conditions and repayments.

CARRIED by ABSOLUTE MAJORITY 5/0

12.3 Ningaloo Centre – Invitation to Tender

Location: Exmouth
 Applicant: Andrew Forte
 File Reference:
 Disclosure of Interest: Nil
 Date: 18 October 2012
 Author: Strategic Project Officer, Andrew Forte

Signature of Author: 
 Senior Officer: Chief Executive Officer, Bill Price

SUMMARY

This Ningaloo Centre report presents the outcome of the panel's ranking of the five shortlisted contractors following their presentations. It recommends Council endorse the top two shortlisted companies to proceed to tender.

BACKGROUND

On 6 August 2012 the sixteen (16) submissions from builders and architects for the Design and Construct of the Ningaloo Centre were evaluated.

The panel comprised representation from;

- Shire of Exmouth management,
- Shire of Exmouth councillors,
- Gascoyne Development Commission,
- NOERC
- Durack TAFE

The panel were able to narrow their collective to a top five (5) ranking.

Each of these companies received feedback on their submissions and were invited to present their proposal to the panel on 8th and 9th of October 2012. During the lead-up some sought specific additional clarification and others did not.

The shortlisted companies that presented were as follows;

- Broad with Woodhead Architecture.
- Cimeco with Peter Hunt Architects.
- Matera with Site Architecture.
- Esslemont Cockram with Design Inc.
- Rapley with Bollig Design Group.

The EOI 01/2012 established a timeline of 20 August 2012 for the completion of the process. Due to the introduction of a secondary stage of presentations the final short listing is now needing to be concluded, albeit two months later.

The Stage Two – Request for Tender (RFT) – timeline was stated to be initiated within 180 days (six months) following selection of the shortlisted companies.

COMMENT

Individual panel members had opportunity to express their thoughts immediately after the conclusion of all five presentations. However, it was agreed that there should be five (5) votes only, one for each representative group. This necessitated a collective of thoughts in most instances to distil a final score.

Score sheets were completed using the following key factors to differentiate the shortlisted companies.

- Iconic,
- Response to Context,

- Fit for Purpose,
- Adaptable for the Future,
- Engage Visitors and the Community,
- Quality of the Team
- Value for Money.

The Score sheets established the voting intent for each representative group and the collective of votes is as shown below.

Firm	Shire Management	NOREC	GDC	Durack	Shire Councillors	Total	Score of 1 to 5	
							1	Top Ranking
Broad with Woodhouse Architects	5	4	2	4	5	20	2	
							3	
Cimeco with Peter Hunt Architects	4	3	4	5	4	20	4	
							5	Bottom Ranking
Matera with Site Architecture	2	1	1	3	1	8		
Esslemont Cockram with Design Inc.	3	5	5	1	2	16		
Rapley with Bollag Design Group	1	2	3	1	3	10		

Top Ranked **Matera**
 Rapley
 Esslemont
 Broad
 Bottom Ranked **Cimeco**

There were numerous for and against aspects of the shortlisted five.

It is a balanced view that has determined the outcome after considering the key factors.

It is important to continue the momentum with the selected top two companies once invited to tender.

For all those that have not achieved their goal it is a hard landing and the Shire of Exmouth must be very grateful for the efforts afforded by all respondents to the Expression of Interest process.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Economic

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

- Outcome 1.1: To increase the number of local businesses, industries and services that will provide a range of employment opportunities for the people of Exmouth
- Outcome 1.3: Diverse Tourism opportunities
- Outcome 1.5: Maintain & Improve Shire Infrastructure

Environment

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

- Outcome 2.2: Our pristine natural environment and biodiversity will be understood, maintained and protected
- Outcome 2.5: To make Exmouth an attractive town that is a comfortable and welcoming place to live and visit, and reflects the lifestyle values and unique natural environment

Social

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

- Outcome 3.2: Excellent lifestyle, recreational and cultural facilities.
- Outcome 3.4: A community that is well informed and educated about our natural, cultural and built environment.
- Outcome 3.6: Expanded education and training facilities and opportunities

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – 12.3

That the Council of the Shire of Exmouth endorse the panel's ranking for the five short listed companies through the EOI process for 'Design and Construction of the Ningaloo Centre' and approve Request for Tender (RFT) be invited from the top two ranked companies, namely Matera Construction and Rapley Wilkinson for their proposals, subject to the completion of the design brief.

COUNCIL DECISION –46-1012 – 12.3

Moved Councillor Thompson, Seconded Councillor Fitzgerald.

That the Council of the Shire of Exmouth endorse the panel's ranking for the five short listed companies through the EOI process for 'Design and Construction of the Ningaloo Centre' and approve Request for Tender (RFT) be invited from the top two ranked companies, namely Matera Construction and Rapley Wilkinson for their proposals, subject to the completion of the design brief.

CARRIED 3/2

Councillors Hood and Warren voted against.

NB: It was resolved that a Financial Due Diligence be carried out by an independent party on the two final shortlisted Companies prior to the final invitation to tender.

13. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS

Nil

14. CLOSURE OF MEETING

The Deputy Shire President declared the meeting closed at 4.30pm.