

# SHIRE OF EXMOUTH



## *ORDINARY COUNCIL MEETING*

### *MINUTES*

*20 SEPTEMBER 2012*

#### CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on 18<sup>th</sup> October 2012 as a true and accurate record of the Ordinary Council Meeting held on 20<sup>th</sup> September, 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 Shire President declared the meeting open at 3.00pm.

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

Councillor C (Turk) Shales

Shire President

Councillor S Fitzgerald

Deputy Shire President

Councillor R Winzer

Councillor M Hood

Councillor J Warren

Councillor G Thompson

Mr R Kempe

Acting Chief Executive Officer

Mrs Sue O'Toole

Executive Manager Corporate Services

Mr R Manning

Executive Manager Health & Building

Mr R Mhasho

Executive Manager Town Planning

Mr A Forte

Executive Manager Aviation Services

Ms Joanne Gordon

Works Coordinator

#### **GALLERY**

Visitors

10

#### **APOLOGIES**

Mr B Price

Chief Executive Officer

Mr K Woodward

Executive Manager Engineering Services

#### **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).

Three (3) questions were submitted by Jack Hine:

1. *Has Scheme Amendment 27 and/or proposed project been referred to Department of Sustainability, Environment, Water, Populations and Communities (DSEWPaC) under the EPBC Act?*

No

2. *If not, will it be referred?*

The DSEWPaC delegates authority to the EPA to carry out such assessments on behalf of them. It is only if the EPA considers it nationally significant enough to refer to the DSEWPaC that it will be referred.

3. *If so, by who and when and if not, why not?*

As per answer to Question 2.

**5 APPLICATIONS FOR LEAVE OF ABSENCE**

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

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

Nil

**6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

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

**COUNCIL DECISION – 01-0912 - ITEM 6**

Moved Councillor Hood, Seconded Councillor Warren.

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

**CARRIED 6/0**

**7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**

The Shire President informed Council of the sad loss of Muddy Martin who has passed away, Muddy was a Councillor with the Shire of Exmouth for 5 years.

He informed Council of the following:

- Attendance to the CCI meeting held at the Novotel Ningaloo Resort and thanked Jon Warren, President of CCI for his professionalism at the meeting.
- Attended and judged the Exmouth Cultural Arts Artwear Competition.
- Provided an update on the Qantas Karratha-Learmonth Route.
- Had an interview on ABC Radio.
- Attended a number of meetings with Rio Tinto.
- Nimitz street subdivision has had some minor changes but is all looking good.
- Oil & Gas meetings and operations at the heliport all going well.
- Invited to Sty barrow Oil Rig with BHP Billiton was informed about safety procedures and workers which he found to be second to none.
- Met with the Minister for Energy regarding underground power for Exmouth's CBD which proved to be successful.

**8. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

Nil

**9. REPORT OF COUNCILLORS**

Cr Winzer informed Council of his attendance to the Gascoyne Country Zone meeting held on 24<sup>th</sup> August which discussed the Fish Waste issue that has been referred to State Council, road funding, Container Deposits which is now being processed at State Level and Renewable energy for Street Lighting in Exmouth. The next meeting will be held in Carnarvon. He also informed Council of his attendance to the State Council Meeting held on 5<sup>th</sup> September and that the next State Council Meeting will be held on 5<sup>th</sup> December 2012.

Cr Hood informed Council of his attendance to the Visitor Centre Management Committee Meeting and explained that there are a few issues but they might be starting to turn a corner and head in the right direction with some positive initiatives.

Cr Warren thanked the Shire President and Cr Hood for attending the CCI meeting and appreciated the kind words said of the running of the meeting from the Shire President.

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## 9.1 RIO TINTO Day Trip Initiative – Council Position

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Location: Exmouth  
 Applicant: Cr C (Turk) Shales  
 File Reference:  
 Disclosure of Interest: Nil  
 Date: 11 September 2012  
 Author: Shire President, Mr C (Turk) Shales

Signature of Author:




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### **SUMMARY**

This report recommends that the Council formalise its position on the RIO TINTO Day Trip initiative proposed for Exmouth.

### **BACKGROUND**

RIO TINTO has been investigating the opportunity to utilise Exmouth as a hub to accommodate a small portion of their contracted construction workers with daily flights (day tripping) to their Brockman Mine Site. Representatives from RIO TINTO have been in dialogue and negotiations with local accommodation and service providers and have kept the Council Executive informed of their progress.

A formal presentation was provided to the Council on Thursday 6 September in the Council Chambers. The following information was provided.

- RIO TINTO made it quite clear that they are very conscious of the Exmouth ‘Way of Life’ and Tourism industry and have no intention in making decisions that severely impact on this.
- It is proposed that initially only 40 workers be accommodated with a gradual expansion of numbers so that it has minimal impact throughout the community.
- All Staff will undergo mandatory alcohol testing before transported to the airport.
- It is intended that workers will be distributed across several accommodation options.
- Opportunities exist for a range of local service providers such as Bus Charter, Catering business’s and laundry services.
- Roster includes a mandatory 1 RDO/three week swing with the company offering entertainment options such as tours, fishing charters and the like.
- Skypac have been engaged to coordinate the aviation logistical component which will involve a mix of external and local employment opportunities.

### **COMMENT**

Councillors discussed the pros & cons of the proposal, being mindful of the fact that Local Government cannot influence or restrict the makeup of clientele for local business.

In considering the information the following advantages and economic benefits would be gained from the initiative

1. Accommodation providers will benefit from higher and more consistent occupancy rates.
2. Higher occupancy rates will assist in potential new accommodation developments to commence.
3. Several local businesses will benefit from increased patronage ie bus charter, catering businesses, tourism providers and the opportunity for a new business being created.
4. This initiative is the first step in attracting permanent resource sector workers and families to reside in Exmouth. This is a recognised strategic aim of the Council for a more sustainable population.
5. Opportunity for the development of the Exmouth Aerodrome as a strategic daily flight option for the industry.

The negative impacts include

1. Perceived anti-social issues



2. Difficulty for Tourists to secure accommodation during peak times due to the higher occupancy rates.

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

**VOTING REQUIREMENTS**

Simple Majority

**COUNCILLOR'S RECOMMENDATION – 9.1**

*That the Shire of Exmouth formally supports the Day Trip initiative proposed by RIO TINTO to accommodate a portion of their contracted workforce in Exmouth.*

**COUNCIL DECISION – 02-0912 – 9.1**

Moved Councillor Fitzgerald, Seconded Councillor Hood.

*That the Shire of Exmouth formally supports the Day Trip initiative proposed by RIO TINTO to accommodate a portion of their contracted workforce in Exmouth.*

**CARRIED 5/1**

Councillor Thompson voted against

Councillor Thompson requested that the following be recorded:

*I think my opinion on this matter is quite well known, and I have huge concerns for our community and lifestyle. I have researched a lot of factors and lived in towns where fly in fly out affected the way of life of the locals. The shire has recently been involved in a modelling exercise, run by the CSIRO "Interestingly the lowest state of the economic growth occurs with high industrial growth without expansion in infrastructure, services, housing and tourism developments. In that case any potential benefits of the industrial expansion are either channelled out of the region or prevented altogether by flying labourers in and out, bypassing the local economy". p. 77*

*"If industrial development leads to greater overall growth in the region (i.e. more infrastructure, port expansion, residential development, increased services to support an expanded population, etc), this may lead to significant system-level issues. Increased population (both local and visitors) means much more waste, higher utility demands and increased crowding. This may result in lowering the value of the tourism experience, leading to a lower dollar-per-night spend, even if gross numbers rising means overall contribution to the economy increases. There is also increased demand for labour, but an equal increase in pressure for housing, even with large residential land releases". p. 89*

*Tourism Western Australia (TWA Quarterly Visitor Stats June 2012) latest figures show that Day Trippers are the lowest spenders when it comes to tourists, behind International, Interstate and Intrastate visitors.*

*Pilbara Cities Project was put in place to make Karratha and Port Hedland region cities and increased government spending have allowed them to increase the infrastructure, services to cope with FIFO. This is 30 years too late, why are we subjecting ourselves to this pressure, other Pilbara towns are now not family or tourist friendly.*

*Gascoyne Pilbara Project funded by the Government has made no mention of FIFO in Exmouth.*

*I attended a "stakeholder" meeting presented by representatives of Rio Tinto and was alarmed at what I heard. They were extremely poorly researched, Stating that Exmouth is traditionally a place where old people come to crawl under a rock and die, next comment was, I could tell you 100's of horror stories but I won't, (that means that there are 100s of horror stories and Rio are aware of them but are unable to stop.) then the next thing I read was the disclaimer page of the presentation was " this project will go ahead with or without the support of the Shire. The meeting had only gone for about five minutes and I was extremely concerned and alarmed at their lack of understanding.*

*This was the first opportunity I'd been given to hear about their plans, but rumours had already started circulating through town. As a councillor, I had been approached by many concerned residents of Exmouth, so I decided to put the information I'd received onto EELIS so that the community had the facts.*

*From this information received from the community, I forwarded my concerns. This may have been the catalyst for Rio Tinto to actual do some research into the project, they called the Exmouth Visitors centre on the 31st August, some four months after starting the process, to get accommodation numbers and occupancy rates.*

*I received overwhelming reinforcement that my concerns were shared with Exmouth residents which I forwarded to Rio on several occasions but they were ignored. I was attacked and abused by a couple of the business owners who stand to benefit financially from their individual arrangements with Rio, saying that I had manipulated the situation for my own benefit. (Spin doctor I think I was called)*

*I want it stated that I stand to gain nothing from the success or demise of this project, I am simply acting in the interests of the Exmouth residents who elected me into this position and my own aspirations to raise my family in Exmouth's family friendly environment that I was fortunate enough to have grown up in.*

*If Rio Tinto are to proceed with this project, it needs to be on our terms. We shouldn't be dictated to by a resource giant.*

*As we don't seem to have a choice about whether this goes ahead or not, I want to see a community steering group put into place to ensure that management of these construction contractors falls within the aspirations and conditions of our residents.*

*Management of these contractors should include:-*

- 1. Alcohol and Drug testing is always random – I want ALL contractors breath tested before the bus leaves each morning. Any registration of alcohol will mean instant dismissal.*
- 2. If there is a criminal incident, Rio's plans are to immediately send the person "on the next plan out of town" I want them transported to Exmouth Police Station or Karratha for investigation. Otherwise they evade the process and victims aren't given the opportunity to find justice.*
- 3. The Exmouth Police are to be involved in weekly meetings with the community steering group and Rio to discuss anti-social behaviour and / or incidents.*
- 4. I would like this steering group to analyse how many locals gain employment directly from this project, this should include number lost at some businesses to gain employment in this sector. This has to happen as 50 locals have participated in the Rio Tinto induction Courses in order to find work in the resources industry. They have been over looked by Rio, explanation one was that all 50 failed there drug tests and explanation two to the shire was that they forgot to research it and are embarrassed by their over sight.*
- 5. For those contractors staying in facilities without eating facilities there needs to be a clear management plan on how / where / when / how they will be transported to where they will eat. They*

- most definitely should not be left to their own devices and must be chaperoned by an approved chaperone at all times.*
6. *All recreational tours etc must be made through the Exmouth Visitors Centre, and all local tourism and recreation providers are to be involved, not a select few, with a generous booking fee to provide increased revenue for the centre.*
  7. *If the contractors are to invite friends or family to Exmouth to join them on their day off, it needs to be noted by the community steering committee – this is to ensure that large groups of people, causing anti-social behaviour doesn't occur when alcohol and drug testing are required. Day trippers need to be given the same rules as the FIFO staff.*
  8. *The Community Steering Group needs to be made up of representatives from each local business who has entered into a contract with Rio, plus several concerned community members, Police, Hospital and related government services.*
  9. *Rio needs to commit to community related funding to be determined by the community i.e. contributing further to the upgrade of the hospital. Bitumising of the Light Air Strip is purely for their benefit to enable them to fly their aircraft in and out. The example of \$185000 being given to Busselton is an insult considering how much money the resource giant is saving by choosing this model. And the majority of that \$185000 is going towards helping the FIFO staff and families, not the general community.*
  10. *There needs to be a cap on the number of contractors for the entirety of the project. It cannot be left up to "we'll see how many beds are available" and this needs to be monitored through analysis of occupancy rates, Tourism WA visitor statistics, Exmouth Visitor Centre door numbers regularly (weekly or monthly) throughout the project. If the Tourism sector experiences an increase and looks to be coming out of decline, this project needs to cease to allow tourism to take its rightful place as Exmouth's primary industry.*
  11. *This project will need to have a distinct end date.*
  12. *There needs to be an undertaking from all Exmouth businesses and the Shire of Exmouth that this agreement is for Rio Tinto only and that no other resource companies can enter into such arrangements while this project is undertaken.*
  13. *Each Tour operator in Exmouth is to be given work from these contractors (through the visitor centre). Each contractor is taking up a bed from a potential tourist who would probably take a tour, therefore each tour operator needs to benefit regardless. This is to prevent the scenario that Tom Price experienced where all tour operators went out of business due to no accommodation for tourists.*
  14. *Rio needs to have a representative in town 24/7 who can be contacted 24/7.*
  15. *Rio are also to have an additional high level staff member available to meet with this steering group, failure to do so will jeopardise the continuation of the project.*
  16. *A Memorandum of Understanding is to be drawn up and signed by each member of the Community Steering Group and a Rio representative to ensure that the above conditions are met. We need to get some assurances in writing from Rio that these issues and the MOU will be properly adhered to before proceeding any further. I have heard that they (their contractors) have already failed to meet the agreement to meet with the accommodation provider. (The contractors have not even got here yet.)*
  17. *Rio must undertake talks with this steering group, similar to the ones they are having in Carnarvon to have their permanent work force relocate to Exmouth and have house and land packages for the workers and FAMILIES to live and contribute to the Exmouth Community, I am concerned that Rio believe we are only good enough for their contractors and not there permanent staff.*

*Other Pilbara towns have already gone through this and it has ruined most of them, lets learn from their mistakes and stop FIFO altogether. The Shire would be extremely naive if they thought that nothing bad could come of this project. Control it not let them control us. It has not worked anywhere else in WA, why would it work here.*


## 10. REPORTS OF OFFICER

### 10.1 Chief Executive Officer

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#### 10.1.1 Chief Executive Officers Report

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Location: Exmouth  
Applicant: Chief Executive Officer  
File Reference:  
Disclosure of Interest: Nil  
Date: 12 September 12  
Author: Chief Executive Officer, Mr B Price  
Signature of Author: 

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#### **SUMMARY**

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

#### **BACKGROUND**

##### **Meeting with Hon Peter Collier – Minister for Energy**

The Shire President and myself, along with Vince Catania and Lex Fullarton, met with the Minister for Energy, Hon. Peter Collier at his offices in Perth on Wednesday 22 August to discuss several energy issues that are affecting Exmouth currently.

The following issues were raised with the Minister:

1. Undergrounding of the Power Network in area that is complimentary to the proposed CBD Revitalisation Project.
2. Renewable Energy Restrictions for Exmouth
3. Relocation of the existing Power Station post 2018.
4. Rehabilitation of Old Power Station Contaminated Site and Future Use.

The Minister gave us a good hearing on all of the issues and would provide the Council with a reply in the near future.

##### **Review of the Country Local Government Fund**

The State Government have completed their response to the review of the Royalties for Regions Country Local Government Fund. Attached is an information sheet itemising the summary of changes which will be implemented in July 2014 for Councillor review. (Refer *Attachment 1*)

##### **Ningaloo Centre Project**

As resolved at the last meeting, Council shortlisted five (5) respondents for the Ningaloo Centre Project, inviting each to attend a meeting of the Ningaloo Centre Management Committee to formally present their proposals.

Monday 8 October is the scheduled date for shortlisted EOI presentations.

The schedule of presentations is for an hour each as follows;

0930 is Broad  
1030 is Cimeco  
1130 is Matera  
Lunch 1230 to 1330  
1330 is Rapley  
1430 is Esslemont Cockram  
1530 to 1630 is panel shortlist decision or longer as needs be.

It will be the Committee's intention to further shortlist to no more than three (3) who, after ratification by the Council, will be formally invited to tender.

**Staffing Issues**

As advised previously Roge Kempe will be the Acting CEO for the period 13 September to the 28 September in my absence on leave.

The Executive Manager for Aviation position has closed with two applications being received. Interviews will be held at the start of October.

As advised previously Housing continues to be an issue with senior staff and it is my intention to compile a 10 Year Housing Strategy for the Council to consider. Competition with Resource industry packages and the cost of living in the North West requires Council to have a suitable strategy to be competitive in the human resource sector.

A house shuffle has occurred by staff with the completion of the latest two executive homes built in Snapper Loop and the need to allocate an additional home for the new Executive Manager for Aviation. I have arranged for a 12 month rental of 3 Osprey Way for the CEO. The following has occurred:

- 3 Osprey Way – Bill Price CEO
- 29 Snapper Loop – Rhassel Mhasho EMTP
- 31 Snapper Loop – Sue O'Toole EMCS
- 18 Schmidt Way – Rob Manning EMHB
- 5 Walters Way – TBA EMAS
- 20 Davidson Street – Joanne Gordon Works Coordinator
- Unit 34b Carr Way – Chris Rohan – Works Planning & Projects Officer

An inspection by Councillors of one of the new residences has been organised for the Council briefing session.

**Other Meetings & Functions attended by the CEO**

1. Shire President and myself met with Michael Richie, CEO of MG Kailis on Friday 17 August in Exmouth for general discussions.
2. EMHB, EMCE & myself met with Alf Iasky, Principal of the EDHS on Tuesday 4 September to discuss operational issues at the Hard Courts.
3. EMHB, EMCE, EMTP and myself met with representatives from Apache on Tuesday 11 September to discuss Oil Spill Response operations.

**Other Meetings Scheduled for next Month**

1. Shire President, EMTP and myself will be attending the Exmouth Land Group meeting to be held in Exmouth on Tuesday 9 October.
2. EMAS and myself will be attending the Heliport Consultative Group meeting scheduled to be held in Exmouth on Tuesday 9 October.

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

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION – 10.1.1**

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

**COUNCIL DECISION – 03-0912 – 10.1.1**

Moved Councillor Fitzgerald, Seconded Councillor Hood.

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

**CARRIED 6/0**

## 10. REPORTS OF OFFICER

### 10.1 Chief Executive Officer

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#### 10.1.2 Council Policy Manual Review – Corporate Services

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Location: Exmouth  
Applicant: S O'Toole  
File Reference: CM.PO.1  
Disclosure of Interest: Nil  
Date: 5 September 2012  
Author: Chief Executive Officer, Bill Price  
Signature of Author:



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#### **SUMMARY**

This report recommends the adoption of the new and reviewed Policies under the Corporate Services sphere of the Council Policy Manual.

#### **BACKGROUND**

It is the policy of the Council to maintain a manual recording the various policies of the Council. Policies are to relate to issues of an on-going nature, policy decisions on single issues are not to be recorded in the manual.

The objectives of the Council's Policy Manual are:

- To provide Council with a formal written record of all policy decisions;
- To provide the staff with precise guidelines in which to act in accordance with Council's wishes;
- To enable the staff to act promptly in accordance with Council's requirements, but without continual reference to Council;
- To enable Councillors to adequately handle enquiries from electors without undue reference to the staff or the Council;
- To enable Council to maintain a continual review of Council Policy decisions and to ensure they are in keeping with community expectations, current trends and circumstances;
- To enable ratepayers to obtain immediate advice on matters of Council Policy.

Executive staff members have been conducting a major review of the existing Shire of Exmouth Policy Manual, with a number of changes recommended in line with industry standards and guidelines.

Due to the volume and complexities of the existing Policy Manual, it is intended that over the next few ordinary Council meetings, the Executive will present sections of the revised Manual based on the following departmental headings

- Governance
- Corporate Services
- Aviation Services
- Community Engagement
- Health & Building
- Town Planning & Emergency Management
- Engineering

This agenda item specifically relates to policies reviewed under the Corporate Services section.

#### **COMMENT**

The sections within the Policy Manual have been revised to reflect the current organisational structure. As such the Administration and Finance section has been renamed to Corporate Services.

Below is a summary of the existing Policies and the proposed changes to the same and as duly marked for your consideration:

Policy 2.1 (Was 3.1) Asset Capitalisation – Depreciation

This policy has been updated to incorporate the new policy format.

Policy 2.2 (Was 3.2) Interest Free Loans to Clubs & Organisations

This policy has been updated in line with the Policy Manual format. New criteria has been included to firstly define what is an organisation; capping the amount available to any individual club; encouraging clubs to source external grant funding to assist with their purchase; and not allowing any retrospective purchases. A 5% application fee has been included that will be charged on any new loan. By introducing fee it will ensure future growth of the fund in addition to any interest received on Reserve Funds.

Policy 3.3 Insurances – Disclaimers

This policy is recommended to be deleted as indemnity is already provided by Council's Insurer via a number of insurance policies.

Policy 3.5 Ratepayers Letter of Welcome

This policy is recommended to be deleted as this is considered an operational activity.

Policy 2.3 (Was 3.6) Common Seal

This policy has been updated to provide clearer guidance to Officers on the usage of the Shire's common seal.

Policy 2.4 (Was 3.7) Leases

There are no changes proposed to this policy.

Policy 2.5 (Was 3.8) Community Notice Board

This policy has been updated to in line with Council Policy format and to transfer fees collected less 20% administration fee to Councils Donations Program.

Policy 3.9 Budget Development Process

This policy is recommended to be deleted as the budget process will now be influenced by the implementation of integrated planning and reporting which will have differing timelines and milestones.

Policy 3.10 Implementing the Budget

This policy is recommended to be deleted. Once council formally adopt the Budget, this provides all the necessary approvals to commence expenditure contained within the Budget.

Policy 3.11 Elections – Advertising

This policy is recommended to be deleted as election advertising is regulated via the Electoral Act and Regulations.

Policy 3.12 Enrolment of Non-Residents

This policy is recommended to be deleted as the content contradicts the Electoral Act and Regulations.

Policy 3.13 Audit Committee – Establishment and Terms of Reference

This policy is recommended to be deleted as the Audit Committee establishment is regulated by the Local Government Act and the Terms of Reference are provided by the Department of Local Government Operational Guidelines Number 9.

Policy 2.6 (Was 3.16) Token Gifts

There are no changes proposed to this policy

Policy 3.17 Applying for Grants

This policy is recommended to be deleted as it would seem where appropriate, every attempt should be made by Officers to seek external grant funding in consultation with the CEO.

Policy 2.7 (Was 3.18) Responding to Repetitive and/or Abusive Requests

There are no changes proposed to this policy



Policy 3.19 Family Friendly Workplace

This policy is recommended to be deleted as the content is included in the 'All Staff Collective Agreement', Clause 10.0 – What Individual Flexibility Arrangements are Available?

Policy 3.20 Creation - Allocation to and from Reserves

This policy is recommended to be deleted, as the process to transfer funds to and from Reserves are included in the Annual Budget, or by way of a council resolution. The requirement to transfer unspent project funds greater than \$5,000 to a Reserve makes it difficult if a project won't be proceeding in the next financial year. It would seem practical during the draft budget process for the next financial year to decide if the project will be carried forward to transfer the funds and if not, no transfer will be necessary.

Policy 3.21 Public Interest Disclosure Act

This policy is recommended to be deleted as the content does not provide any additional procedures that are not included in the Public Interest Disclosure Act.

Policy 2.8 (Was 3.22) Complaints Handling

This policy is updated to streamline the complaints handling process and to provide an all purpose Customer Feedback Form.

Policy 3.23 Advertising - Statutory & General

This policy is recommended to be deleted since advertising can be included in other forms of communication in addition to the print media, i.e. ELIS.

Policy 2.9 (Was 3.24) Investment Policy

This policy has been updated

Policy 2.10 (Was 3.25) Purchasing Policy

This policy is updated and renamed to ensure consistency with purchasing processes.

Policy 3.26 Insurances – Professional Indemnity – Use of Disclaimers

This policy is recommended to be deleted as indemnity is already provided by Council's Insurer via a number of insurance policies.

Policy 2.11 (Was 3.27) Smoke Free Workplace

There are no changes proposed to this policy

Policy 3.28 Equal Opportunity Policy Statement

This policy is recommended to be deleted since Council have legal obligations under the Equal Opportunity Act 1984.

Policy 3.29 Hiring of Council Equipment – Bonds

This policy is recommended to be deleted as the payment of a bond for the use of council facilities and or equipment is included in the Schedule of Fees and Charges

Policy 2.12 (Was 3.30) Distribution and Display of Promotional and Advertising material at Council Offices or Buildings

This policy is updated with minor typographical changes.

Policy 2.13 (Was 3.31) Disposal of Surplus Council Furniture and Equipment

There are no changes proposed to this policy

Policy 2.14 (Was 3.33) Debt Recovery

There are no changes proposed to this policy

Policy 2.15 New Credit Card Policy

Creation of new policy recommended providing guidance on the use of Corporate Credit Cards.

**Policy 2.16 (Was 5.4) Joint Venture Aged Pensioner Housing**

This policy has been updated to provide guidelines to the fair and equitable management of the Aged Persons Homes. An additional criterion was included to provide priority to applicants who have been residents of Exmouth for greater than five years and applicants outside of Exmouth will only be considered if there are no Exmouth applicants on the waiting list. Also if an applicant is offered a unit twice and rejects both offers, their name is removed from the waiting list.

The following policies were originally included in Administration and Finance, however their content seems more appropriate to relocate them to the following department headings:

**Community Engagement**

**Policy 4.3 (Was 3.4) Sponsorship, Donations and Waiver of Fees**

This policy has been updated in line with the Policy Manual format and provides guidance to Officers in respect of the process required for addressing requests made by external parties.

**Governance**

Policy 1.44 has been created titled “Ex-Factor Allowance (Cost of Living Assistance)” to recognise the amount currently provided to staff as detailed in the “All Staff Collective Agreement”. This policy is to be located under the Governance section.

**Policy 1.45 (Was 3.14) Managing Public Question Time**

There are no changes proposed to this policy

**Policy 1.46 (Was 3.15) Managing Petitions, Deputations, Presentations & Submissions**

There are no changes proposed to this policy

**Aviation Services**

**Policy 3.32 Display of Promotional material and Advertising Signs at the Learmonth Airport Terminal**

This policy will be reviewed by the Executive Manager Aviation Services.

A copy of the changes to original policies is provided at *Attachment 2*.

**CONSULTATION**

The policies have been considered by the Executive Managers before being presented to Council.

**STATUTORY ENVIRONMENT**

Section 2.7 of the Local Government Act 1995 states that one of the roles of a Council is to determine the Local Government’s policies.

**POLICY IMPLICATIONS**

Policies: 2.1 to 2.17

**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 to 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 – 10.1.2**

*That the Shire of Exmouth formally adopts:*

- *Reviewed Policies numbered 2.1 to 2.16 contained within the Corporate Services section of the Council Policy Manual;*
- *Creation of Policy 1.44 and reviewed Policies numbered 1.45 and 1.46 contained within the Governance section of the Council Policy Manual;*
- *Reviewed Policy 4.3 contained within the Community Engagement section of the Council Policy Manual;*
- *Delegate authority to the Chief Executive Officer to implement the adopted Council Policies where appropriate.*

**COUNCIL DECISION – 04-0912 – 10.1.2**

Moved Councillor Hood, Seconded Councillor Thompson.

*That the Shire of Exmouth formally adopts:*

- *Reviewed Policies numbered 2.1 to 2.16 contained within the Corporate Services section of the Council Policy Manual;*
- *Creation of Policy 1.44 and reviewed Policies numbered 1.45 and 1.46 contained within the Governance section of the Council Policy Manual;*
- *Reviewed Policy 4.3 contained within the Community Engagement section of the Council Policy Manual;*
- *Delegate authority to the Chief Executive Officer to implement the adopted Council Policies where appropriate.*

**CARRIED by ABSOLUTE MAJORITY 6/0**

## 10. REPORTS OF OFFICER

### 10.1 Chief Executive Officer

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#### 10.1.3 Amend Council Delegation Number 211 – Creditors, Payment from Trust, Municipal and Reserve Funds

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Location: Exmouth  
Applicant: S O'Toole  
File Reference: GV.AU.2  
Disclosure of Interest: Nil  
Date: 5 September 2012  
Author: Chief Executive Officer, Bill Price  
Signature of Author:



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#### **SUMMARY**

This report recommends the adoption of the amended Delegation Number 211, Creditors, Payment from Trust, Municipal and Reserve Funds.

#### **BACKGROUND**

Section 5.42 of the *Local Government Act 1995* provides authority to a local government to delegate to the CEO any of its powers or the discharge of any of its duties under the Act other than those referred to in section 5.43.

#### **COMMENT**

Whilst section 5.46(2) of the Act requires delegations to be formally reviewed annually, this does not preclude local governments from amending or enabling new delegations on an ad-hoc basis as required.

Current practices for the payment of Creditors has altered slightly and as a result, Delegation Number 211 needs to be amended. (*see Attachment 3*)

#### **CONSULTATION**

CEO

#### **STATUTORY ENVIRONMENT**

Sections 5.42 & 5.46 of the Local Government Act 1995

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

Nil

#### **STRATEGIC IMPLICATIONS**

Civic Leadership

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

- Outcome: 4.1: To be a collaborative community with the capacity to manage to 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 – 10.1.3**

*That the Shire of Exmouth adopts amended Delegation Number 211, Creditors, Payment from Trust, Municipal and Reserve Fund as detailed in Attachment 3.*

**COUNCIL DECISION – 05-0912 – 10.1.3**

Moved Councillor Winzer, Seconded Councillor Thompson.

*That the Shire of Exmouth adopts amended Delegation Number 211, Creditors, Payment from Trust, Municipal and Reserve Fund as detailed in Attachment 3.*

**CARRIED by ABSOLUTE MAJORITY 6/0**


## 10. REPORTS OF OFFICER

### 10.1 Chief Executive Officer

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#### 10.1.4 Council Policy Manual Review – Environmental Health & Building

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Location:	Exmouth
Applicant:	R Manning
File Reference:	CM.PO.1
Disclosure of Interest:	Nil
Date:	5 September 2012
Author:	Chief Executive Officer, Bill Price
Signature of Author:	

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#### **SUMMARY**

This report recommends the adoption of reviewed Policies under the Environmental Health & Building Services sphere of the Council Policy Manual.

#### **BACKGROUND**

It is the policy of the Council to maintain a manual recording the various policies of the Council. Policies are to relate to issues of an on-going nature, policy decisions on single issues are not to be recorded in the manual.

The objectives of the Council's Policy Manual are:

- To provide Council with a formal written record of all policy decisions;
- To provide the staff with precise guidelines in which to act in accordance with Council's wishes;
- To enable the staff to act promptly in accordance with Council's requirements, but without continual reference to Council;
- To enable Councillors to adequately handle enquiries from electors without undue reference to the staff or the Council;
- To enable Council to maintain a continual review of Council Policy decisions and to ensure they are in keeping with community expectations, current trends and circumstances;
- To enable ratepayers to obtain immediate advice on matters of Council Policy.

Executive staff members have been conducting a major review of the existing Shire of Exmouth Policy Manual, with a number of changes recommended in line with industry standards and guidelines.

Due to the volume and complexities of the existing Policy Manual, it is intended that over the next few ordinary Council meetings, the Executive will present sections of the revised Manual based on the following departmental headings

- Governance
- Corporate Services
- Aviation Services
- Community Engagement
- Health & Building
- Town Planning & Emergency Management
- Engineering

This agenda item specifically relates to policies reviewed under the Health & Building Department.

#### **COMMENT**

The sections within the Policy Manual have been revised to reflect the current organisational structure. Building related policies were previously listed under a heading of Town Planning and Building. There was no specific heading for policies that related to functions of Environmental Health Services, such policies were located under other 'best fit' headings. E.G. Policies relating to camping other than in a licensed facility

were listed under Town Planning & Building Policies and policies relating to the Paltridge Memorial Swimming Pool were listed under Recreation & Culture.

The bulk of Health & Building Policies were revised and adopted by the Council in May this year. However, when the Policy Manual was reformatted in preparation for the 2012 review a number of the updates provided by the Executive Manager Health & Building (EMHB) were not included in the updated Draft Policy Manual. At that time the EMHB also provided comment to the Executive Manager Town Planning regarding policies that had previously been regarded as Building or Environmental Health related policies that technically relate to matters of a Planning nature and these will be reviewed by the EMTP at a later date.

Below is a summary of the existing Policies and the proposed changes to the same and as duly marked for the consideration of Council:

**Previous Policy 7.2 Swimming Pool Hire**

This policy is recommended for deletion as it currently details procedural matters and matters that are already dictated by legislation.

**Previous Policy 7.6 Swimming Pool Manager Exemptions**

This policy is no longer necessary as it related to a process that was pursuant to the Health (Swimming Pools) Regulations 1964 which have been repealed and replaced with the Health (Aquatic Facilities) Regulations 2007. Owing to the above, previous Policy 7.6 must be deleted.

**Policy 5.6 (was 7.12) Group Instruction at the Paltridge memorial Swimming Pool**

This policy has been updated to the new format without any alterations to the main content of the policy.

In the transition from the old policy format to the new, following policies were placed under the heading of Health & Building when the more accurately relate to matters controlled by the Executive Manager of Town Planning. Therefore it is more appropriate to relocate them to the following department headings:

A copy of the changes to original policies is provided at **Attachment 4**.

**CONSULTATION**

The policies have been considered by the Executive Managers before being presented to Council.

**STATUTORY ENVIRONMENT**

Section 2.7 of the Local Government Act 1995 states that one of the roles of a Council is to determine the Local Government's policies.

**POLICY IMPLICATIONS**

Previous Policies: 7.2, 7.6 & 7.12. New Policy 5.6

**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 to 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 – 10.1.4**

*That the Shire of Exmouth deletes previous Policies 7.2 and 7.6 and formally adopts an updated version of previous Policy 6.12 as Policy 5.6 as detailed in Attachment 4.*

**COUNCIL DECISION – 06-0912 – 10.1.4**

Moved Councillor Thompson, Seconded Councillor Winzer.

*That the Shire of Exmouth deletes previous Policies 7.2 and 7.6 and formally adopts an updated version of previous Policy 6.12 as Policy 5.6 as detailed in Attachment 4.*

**CARRIED by ABSOLUTE MAJORITY 6/0**



**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 September 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**

**RATES**

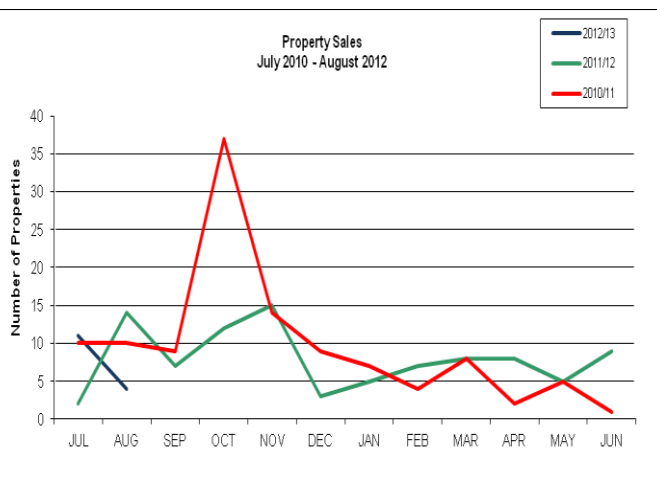
**Property Sales**

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

**2012/13 Summary of Property Sales**

Number Sold	Land Usage	Total Sales	Average Sale
4	Vacant Land	\$1,390,000	\$347,500
6	Residential	\$3,045,000	\$507,500
4	Industrial	\$856,000	\$214,000
1	Mixed Use	\$99,000	\$99,000
0	Composite Devel	\$0	\$0
0	Special Use	\$0	\$0
0	Tourism	\$0	\$0
<b>15</b>		<b>\$5,390,000</b>	

Property Sales	2012/13	2011/12	2010/11
JUL	11	2	10
AUG	4	14	10
SEP		7	9
OCT		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
	<b>15</b>	<b>95</b>	<b>116</b>



**Outstanding Rates and Charges**

Council are in the final stages in the debt collection process for rates and charges outstanding. Judgments are currently being lodged in the courts for rates totalling \$667,451.

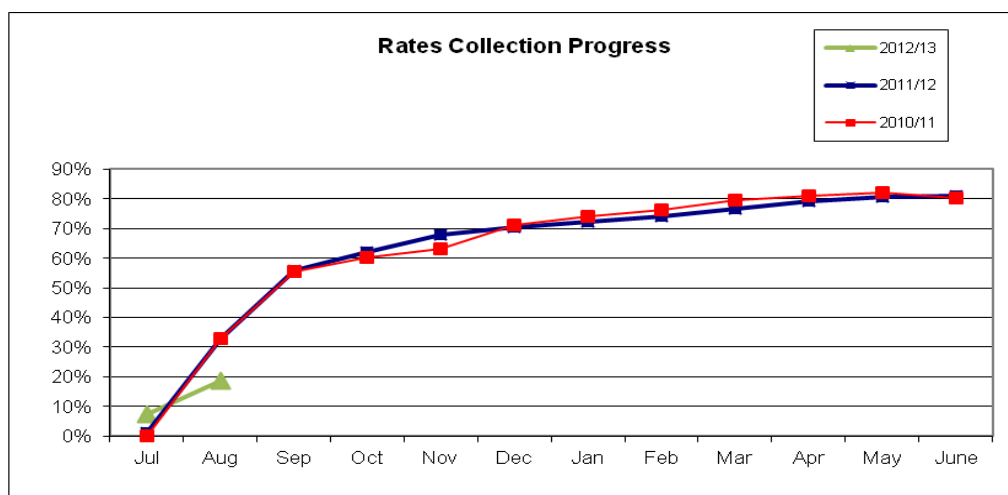
**2012/13 Rates Collection Analysis**

	\$
Rates & Charges Levied 2012/13	3,635,019
Arrears 1 July 2012	827,863
Less Collections	(815,925)
<b>Total Rates &amp; Charges Outstanding</b>	<b>3,646,957</b>
Less Pensioner Deferred Rates	(13,288)
<b>Total Rates Collectable</b>	<b>3,633,669</b>
<b>% Collected to Date</b>	<b>18.6%</b>
Notices Sent	6/08/2012
Due Date	10/09/2012

**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		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%

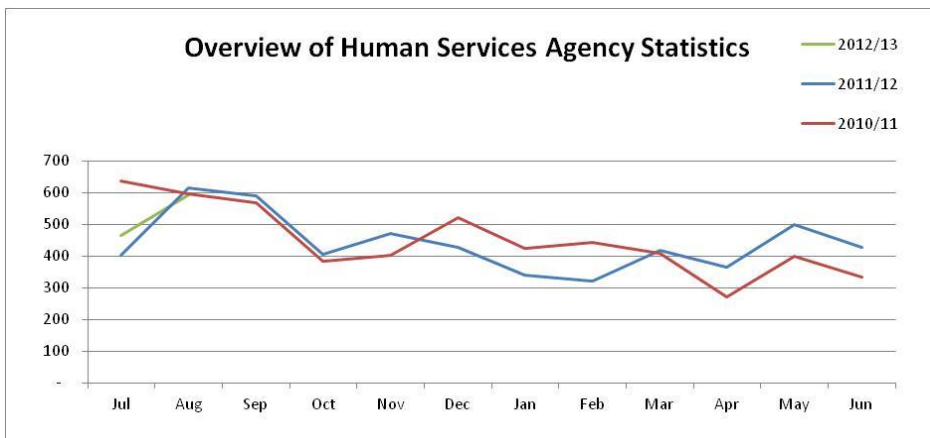
**Graphical Overview of Rates Collection**



**Human Services Agency (formerly Centrelink)**

Jasmine Rohan has been appointed as our new Customer Service Officer for Human Services Agency, following the resignation of Wendy Deering. Jasmine commenced her new role on 12 September 2012.

	Lodgement of Forms/Assist with Completion	Referrals to Call Centre & CSC	Assist with use of Equipment & Computer	Respond to General Enquiries	TOTAL	Hours of Operation/week		
						12.5	15	15
						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					-		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
<b>TOTAL</b>	<b>316</b>	<b>197</b>	<b>78</b>	<b>465</b>	<b>1,056</b>	<b>1,056</b>	<b>5,278</b>	<b>5,384</b>



**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

Local Government Act S 3.58

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Civic Leadership

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

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

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION – 10.2.1**

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


**COUNCIL DECISION – 07-0912 – 10.2.1**

Moved Councillor Winzer, Seconded Councillor Hood.

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

**CARRIED 6/0**

**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:	12 September 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 31 August 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**

1. *The monthly financial report for period ended 31 August 2012 be accepted; and*
2. *The accounts as listed in the monthly financial report be received:*
  - a. *Municipal Fund ~ August 2012 \$1,381,690.24 incorporating cheque numbers 11901 to 11936 inclusive and direct debits*
  - b. *Trust Fund ~ \$311,814.10 incorporating cheque number 400737 to 400741 inclusive and direct debits.*

*Outstanding Creditors totalling ~ \$251,361.82*

**COUNCIL DECISION – 08-0912 – 10.2.2**

Moved Councillor Hood, Seconded Councillor Thompson.


1. *The monthly financial report for period ended 31 August 2012 be accepted; and*
2. *The accounts as listed in the monthly financial report be received:*
  - a. *Municipal Fund ~ August 2012 \$1,381,690.24 incorporating cheque numbers 11901 to 11936 inclusive and direct debits*
  - b. *Trust Fund ~ \$311,814.10 incorporating cheque number 400737 to 400741 inclusive and direct debits.*

*Outstanding Creditors totalling ~ \$251,361.82*

**CARRIED 6/0**

**10. REPORTS OF OFFICERS****10.2 Executive Manager Corporate Services****10.2.3 Request to Write Off Rates A64 7 Bennett St Exmouth**


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Location:	Exmouth
Applicant:	Norwest Settlements
File Reference:	
Disclosure of Interest:	Nil
Date:	9 August 2012
Author:	Executive Manager Corporate Services, Sue O'Toole
Signature of Author:	
Senior Officer:	Chief Executive Officer, Bill Price

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**SUMMARY**

As per the Ordinary Council Meeting held 16 August 2012, Council resolved:

*“That the Council of the Shire of Exmouth defer the above report to the next Ordinary Council Meeting.”*

This report recommends that the Shire of Exmouth write off outstanding penalty interest of \$772.57 to 8 August 2012 and any subsequent interest levied, subject to receiving full payment of all other outstanding Rates and charges for 7 Bennett St Exmouth within 60 days of Council approval.

**BACKGROUND**

A request has been received from Robyn Cook, Norwest Settlements on 2 August 2012 asking council to consider a write off of rates and charges owed at settlement for 7 Bennett St Exmouth (*Refer Attachment 3*).

An Account Enquiry and Advice of Sale was received on 5 January 2012 from Norwest Settlements whom represented both the Seller and Buyer, with settlement due on 30 January 2012. Administration processed this advice and generated a written Statement of Rates showing the property had an outstanding debt of \$9,236.37 comprising of (*Refer Attachment 4*):

<u>Current</u>	\$
Rates	1,083.00
Emergency Services Levy	61.36
Rubbish	331.00
<u>Arrears</u>	
Deferred Rates	7,635.27
Interest to 5/1/12	<u>125.74</u>
Total Outstanding	9,236.37

A cheque was received from Norwest Settlements on 14 February 2012 of \$2,867.21 which left an outstanding balance of \$6,400.93 on the assessment that included penalty interest of \$31.77.

**COMMENT**

This underpayment was discovered whilst carrying out year end procedures on 31 July 2012 and a phone call was immediately made to Mrs Cook to notify her of the outstanding balance.

Mrs Cook states she contacted our administration office on the day of settlement and was advised only \$2,867.21 was outstanding, however she cannot recall who she spoke to. The previous owner, Colleen Barker had indicated to Mrs Cook that Ronnie Fleay, previous Shire President had waived the balance. Mrs Cook therefore assumed this to be the case although had not sighted any correspondence to support this.

Discussions with Mrs Cook and at her request, with the previous owner on 31 July and 1 August 2012 have not brought about any satisfactory result to have this account paid. Mrs Cook explained there are no funds held from settlement.

Any debt that remains outstanding at the time of settlement, the Local Government Act 1995, S6.43 states:

6.43. *Rates and service charges are a charge on land*

*Subject to the Rates and Charges (Rebates and Deferments) Act 1992, rates and service charges imposed under this Act, together with the costs of proceedings, if any, for the recovery of the rates or service charges, are a charge on the land rated or in relation to which the service charge is imposed.*

6.44. *Liability for rates or service charges*

- (1) *The owner for the time being of land on which a rate or service charge has been imposed is liable to pay the rate or service charge to the local government.*
- (2) *If there are 2 or more owners of the land they are jointly and severally liable to pay the rate or service charge, as the case requires.*

Administration had provided a written Statement of Rates that reflected the total balance outstanding of the property. No officers can recall speaking to Mrs Cook in relation to providing rating information for this assessment. Every attempt has been made to determine if our rating software could possibly have provided the amount Mrs Cook paid as the total amount outstanding, which would therefore support Mrs Cook's version. However these investigations have clearly shown the amount provided on the Statement of Rates was correct.

Administration acknowledges there was no follow up of the debt from date of settlement, however the Settlement Agent is obliged to ensure the outstanding balance is paid in full at time of settlement.

Having regard to the above, it is proposed that Council write off the penalty interest only of \$772.57 and any interest subsequently accrued to the property subject to the full payment of all other rates and charges owing from the date of settlement, within 60 days of Council decision.

If full payment is not received, Council will reapply interest to the property at 7 Bennett St Exmouth for which the current owner will be responsible for.

**CONSULTATION**

Robyn Cook, Norwest Settlements  
Previous Owner, Colleen Barker

**STATUTORY ENVIRONMENT**

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

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

The financial implication resulting from the recommendation is a loss of penalty interest of \$772.57 and subsequent interest accrued subject to all other outstanding rates and charges being paid in full.

**STRATEGIC IMPLICATIONS**

**Civic Leadership**

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

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

**VOTING REQUIREMENTS**

Absolute Majority



**OFFICER'S RECOMMENDATION – 10.2.3**

*That the Council of the Shire of Exmouth advise current owner and Norwest Settlements that Council will write off penalty interest of \$772.57 and any subsequent interest accrued upon receiving full payment of all other rates and charges for 7 Bennett St Exmouth within 60 days of Council decision. If payment is not received Council will reapply interest to the property, of which the current owner will be liable.*

**COUNCIL DECISION – 09-0912 – 10.2.3**

Moved Councillor Warren, Seconded Councillor Fitzgerald.

*That the Council of the Shire of Exmouth advise current owner and Norwest Settlements that Council will write off penalty interest of \$772.57 and any subsequent interest accrued upon receiving full payment of all other rates and charges for 7 Bennett St Exmouth within 60 days of Council decision. If payment is not received Council will reapply interest to the property, of which the current owner will be liable.*

Councillor Winzer declared during the debate he would put forward an alternative motion should the officer recommendation be lost (Foreshadow Motion).

**DRAWN VOTE 3/3**

As per S 5.21(3) of the Local Government Act 1995 the President delivered his casting vote in the positive.

**MOTION LOST 4/3**

Cr Thompson, Winzer and Hood voted against the Motion and therefore the decision was not carried by Absolute Majority.

**COUNCIL MOTION – 10-0912 – 10.2.3**

Moved Councillor Winzer, Seconded Councillor Thompson.


*That the Council of the Shire of Exmouth adjust the amount of \$6,400.93 to the Settlement Agent for the property A64 Bennett Street, Exmouth, to the total of \$4,267.29, this being 2/3 of the total amount. The 1/3 of the total \$2,133.64 being written off is made up from accumulated Fees, Service Charges, Interest and Deferred Rates.*

**CARRIED by ABSOLUTE MAJORITY 5/1**  
Councillor Warren voted against

The President added that it should be noted that the CEO and his Executive did not fault what so ever in this matter.

**10. REPORTS OF OFFICERS****10.3 Executive Manager Aviation Services****10.3.1 General Report**


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Location:	Exmouth
Applicant:	Andrew Forte
File Reference:	TT.SP.0
Disclosure of Interest:	Nil
Date:	13 September 2012
Author:	Executive Manager Aviation Services, Andrew Forte
Signature of Author:	
Senior Officer:	Chief Executive Officer, Bill Price

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**SUMMARY**

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

**BACKGROUND****Defence**

Formal approval for the eight airlines having sought alternate approval has been granted. Defence, are supportive of the use of Learmonth for emergency diversion.

The monthly LACM (Learmonth Airport Consultative Meeting) with RAAF is working well with information exchange minuted and distributed.

Wildlife management within the secure boundary of the Learmonth airport remains a high priority.

Fly neighbourly by civil users is also a pressing issue for RAAF with breach of ERSAs (En-route Supplement Australia) stipulation of no fly over residential quarters still occurring. This matter is being reinforced on issue of movement approval notifications.

**Regulatory**

The airport incurred a double failure of X-ray equipment serving passenger and checked bags the security officers were obligated to conduct physical search of carry on luggage and ETD (Explosive Trace Detection) of the Checked bags. Failure of computerised systems in a security environment is worthy of a key note presentation at the next security RICM (Regional Industry Consultative Meeting) convened by the Office of Transport Security!

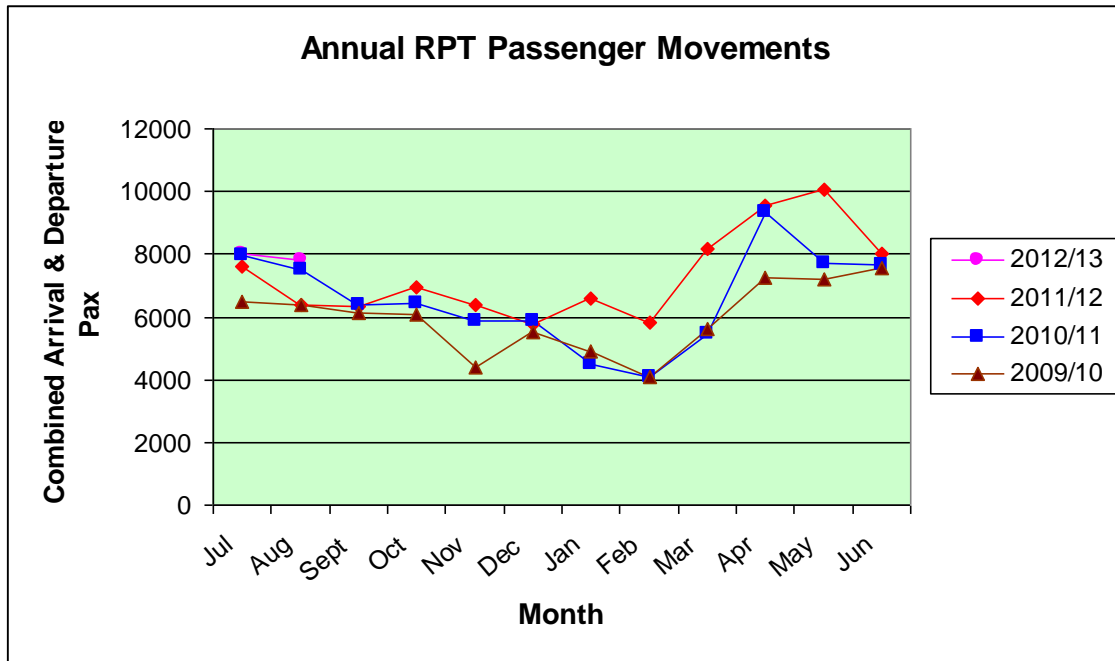
Rapiscan who supplied and installed the new passenger X-ray responded brilliantly with overnight road freight of new 70Kg X-ray module and installed that evening with technicians flying ex-Perth.

L3 have struggled to identify the cause of CBS fault and over a series of weeks have replaced all major components, without joy. The resultant fix was effected on 12 September were a new set of computer data cables!

**Airlines/Air Operators/Industry**

RPT passenger numbers continue on an increasing trend with a 13.1% average over the first two months of this financial year.

August RPT passenger numbers of 7,828 are up significantly when compared with this time last year and exceed the previous 2010/11 peak of 7,494. See the graphical presentation of statistics below.



Qantas operated their Q400 during the month with a load factor of approximately 68% and Skywest operated their F100 with a load factor of approximately 50%, which suggests adequate capacity is available on Skywest. Yet Qantas is getting closer to the 75% mark which typically would trigger either increased frequency or larger aircraft.

#### Airport

Additional consultation has occurred with the Department of Transport's State Aviation Strategy consultant (GHD) on our planning and financial capabilities to fund expansion works.

A meeting was convened with Vincent Aviation Management prior to their proving flight on behalf of Skypac and Rio Tinto on 12 September flying a B1900. Several operating arrangements still need to be worked through and importantly apron markings established before their operations commence in earnest mid-October.

Asphalt, although complete on the apron extensions, now needs to be line marked to be made available for users. The markings plans have been accepted by the users and we await engineering to have markings set out and painted.

Exmouth Light Engineering are engaged to design and install a physical deterrent for Osprey nesting on the apron light towers. A trial installation on the tower adjoining southern end of the terminal will occur in next month. DEC (Department of Conservation) wildlife officer will be consulted regarding optimum timing to remove nest at northern end of terminal.

AVDATA billing services have installed and commissioned a voice recorder with dedicated data line transmit capability. All aircraft movements at Learmonth and Exmouth aerodrome are now voice recorded. AVDATA will be using this information, together with Airservices Australia flight planning records and airport supplied visual records to determine daily activity and undertake billing as per the Schedule of Fees and Charges.

RPT (Regular Public Transport) fees and charges and Heliport passenger and helicopter service fees are excluded from this contracted arrangement. These will continue to be invoiced by the Finance Department.

#### Heliport

Shell have advised they have changed their minds and will be operating (CHC are helicopter operator) from Karratha flying workers on/off the drill rig for the Palta exploratory well. The basis for this change of plan has been requested.

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.

The lawn area in front of the heliport has been reticulated, excellent effort by Allen Ladhams.

Clif O'Toole has successfully negotiated on behalf of the Shire to have NBN Satellite Broadband installed at nil cost (month charges apply) on 6 October 2012. As previously advised Learmonth Airport, as an essential Shire service, has received NBN subsidy approval for installation and operation of satellite internet services. This will provide the required reliability for essential communications. The current wireless service is subject to outages, often several days, and is subject to peak demand degradation of speed.

This high speed service will become the Shire's priority internet service with monthly data quota of 20gb versus present 12gb. It will ensure the airport's ability to maintain its web based check-in systems at the Heliport and electronic systems management of movement requests and similar operationally essential services.

### **Staffing**

The Airport Manager's position has been offered and accepted by Stephen Kox, previously employed as Karratha airport's Operations Coordinator.

Andrew Froome will continue acting in the position of Airport Manager until 29 October, the commencement date for Stephen Kox.

Clif O'Toole, Heliport Coordinator, is currently undertaking a week long course to achieve Cert IV in OSH that will enhance his standing and assist the airport with its obligations of maintaining safety in the workplace.

Interviews have concluded and two new airport security officer positions have been appointed, namely Jill Roberts and Pratima Ojha. Training has been completed with Cert II in Security Officer being obtained by both together with current employees Neil Linthorne and Cameron Regterschot.

### **Leasing**

Air BP has been consulted regarding their site lease request for facility establishment. The leasing of land for fuel site establishment is subject to tender outcome presently under preparation.

### **Projects**

A new (replacement of failed) CCTV system is in the process of being installed. This is a mandatory component of the airport's Transport Security Program.

Investigations are proceeding as to upgrade of the fire escape doors, as recommended by the final installation report of fire systems within the terminal.

### **Other Items**

An entry, titled Establishment of Heliport Operations, has been submitted to the AAA (Australian Airport's Association) as the Shire's application for National Regional Airport of the year award (Category RPT passengers 50,000 to 500,000). Award night is 14 November at the National AAA Convention in Melbourne.

### **Exmouth Aerodrome**

Solar lights have been purchased from AVLITE for runway, taxiway and the wind indicator to the value of \$60,170. Funding with industry support has not matured and Renewable Energy Grant funds have instead been used. The Shire will be funding the installation cost from the Exmouth Aerodrome budget allocation.

### **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 September, 2012.*

**COUNCIL DECISION – 11-0912 – 10.3.1**

Moved Councillor Fitzgerald, Seconded Councillor Winzer.

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

**CARRIED 6/0**

**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: 6 September 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:

	<b>2010/11</b>	<b>2011/12</b>	<b>2012/13</b>	<b>Compared to last year</b>
<b>JUL</b>	19833	16175	17548	+1373
<b>AUG</b>	15165	15147	<b>14795</b>	<b>-352</b>
<b>SEP</b>	12309	10901		
<b>OCT</b>	10890	9474		
<b>NOV</b>	6255	6119		
<b>DEC</b>	5272	5029		
<b>JAN</b>	5355	4874		
<b>FEB</b>	3200	3073		
<b>MAR</b>	6740	5124		
<b>APR</b>	13062	11565		
<b>MAY</b>	13243	12130		
<b>JUN</b>	13956	12480		
<b>TOTAL</b>	<b>125,280</b>	<b>112,091</b>	32,343	+1021

**Door count July 2011**

- Total visitor numbers 15147
- The average visitor number per day in July was 488.

**Door count July 2012**

- Total visitor numbers 14795
- The average visitor number per day in July was 477.

Book easy statistics

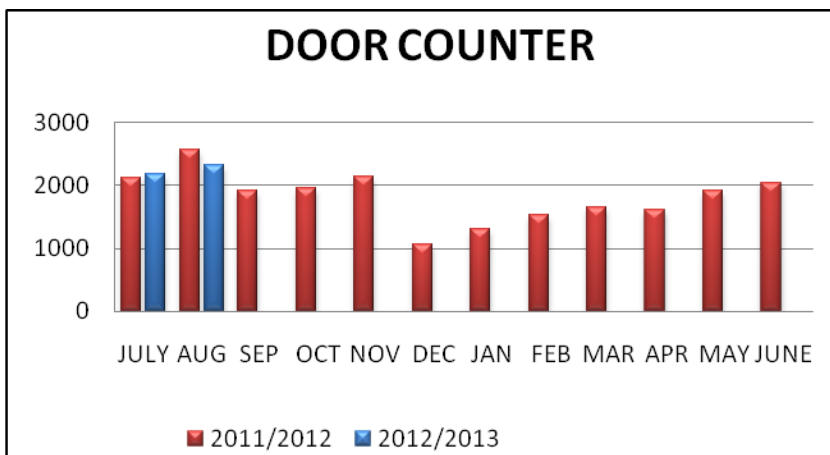
<b>Accommodation</b>	<b>August 12</b>	<b>July 12</b>	<b>August 11</b>
Online Accommodation Bookings	312	239	283
Average Spend per booking	\$144	\$142	\$181
<b>Tours</b>			
Online Tour Bookings	617	651	635
Average Spend per booking	\$204	\$284	\$198

Accommodation Summary

- The number of total accommodation bookings increased by approx. 10% in August 2012 compared to the same time last year.
- Average spend per booking was down by approx. 25% from \$181 in August 2011 compared to August 2012.

Tour Summary

- The average tour spend is consistent with last year.
- Tour booking numbers have decreased slightly by 3%.

Library & Community Resource Centre (CRC)State Library statistics

As part of State Library WA's year statistics, the Exmouth Public Library is required to provide a count of the number of information enquiries received daily. This includes internet access, book enquiries, tourist information and assistance with the use of resources. This count does not include book issues or returns or any other task that is captured in our daily statistics. Over a five day period 303 enquiries occurred, resulting in staff answering 60 enquires per day in addition to regular library circulation enquiries.

Exmouth Mothers Group

On the 13<sup>th</sup> August the Library visited the Early Childhood Centre at the request of Ruth Storey, the Community Health Nurse, to talk to seven first time mums about the benefits of reading to their babies. The talk focused on encouraging the development of early literacy and resources available at the Public Library. It was a good opportunity to promote the SLWA's *Better Beginnings* program, Exmouth's weekly *Story Time* and our Library collection and other online resources.

Children's Book Week – Exmouth

Book Week is the longest running children's festival in Australia, celebrating its 67th birthday in 2012. Each August schools and public libraries in Australia spend a week celebrating books and Australian authors and illustrators. Classroom teachers and public libraries hold activities and tell stories relating to a theme to highlight the importance of reading with children.

With support from the Dept of Culture and the Arts, Healthway, and Lotterywest and the Australian Govt an author is invited to travel the region visiting Carnarvon, Exmouth, Shark Bay and Gascoyne Junction. Dianne Wolfer, a West Australian children's author, from Albany, Minh Henderson, Carnarvon Regional Librarian and the Exmouth Library Coordinator visited the Exmouth School on Friday 17<sup>th</sup> of August. 30 year 8 students participated in a writing workshop. About 80 Pre-Primary and Year 1 students participated in "meet the author" and 25 selected students from Year 2 to Year 7 enjoyed a writing workshop with Dianne.



Dianne is also Advisor for the Society of Children's Book Writers and Illustrators WA and currently has 12 children's books published with another 3 titles coming soon. Her book "Photographs in the Mud" released in 2005 has been published in Japanese and used as a resource for international peace workshops around the world. "Lighthouse Girl" (2008), based on a true story, won the West Australian Young Readers Book Award (WAYRBA) Picture Book 2010 and the Children's Book Council of Australia Notable Book Winner 2010. Dianne personally signed all the School and Public libraries copies of her books.

### Better Beginnings (BB)

On Friday the 31<sup>st</sup> of August, the Library visited the 90 Pre Primary and Kindy children and parents at the Exmouth District High School. After a talk, each child received a Better Beginnings reading satchel containing an array of reading material including the book Isabella's Garden and A crash of Rhinos, a Discovery Book, and information for parents on the importance of reading with children and the resources available through SLWA and the public library. The afternoon concluded with the children reading their new books with parents and teachers.

### Staff

The Library welcomes new casual staff member Tania Purcell who commenced 1<sup>st</sup> August.

### Community Development

#### Tri-Dance

Two dance instructors came up to Exmouth to teach our 12-17 year olds. They ran 16 workshop events on hip-hop, contemporary dance, ballet and choreography over the last three weeks and have helped choreograph the Artwear show as well.

There have been a few bruises and sore muscles but they have come away from it with a dance clip on YouTube and some great skills to pass on to the community. The young people involved have also spread the Drug Aware message through their promotion. They have entered an entry in the Artwear show and are now working on how they can keep the dance group together to perform in town and find a place to practice. All the team are keen to keep the dance group going and are working on the grant acquittal. This is a partnership between young Exmouth people and organisations like Partnership Broker-Exmouth, PCYC, LDAG, ECAC and the Shire of Exmouth.



#### Vietnam Veterans Day

Vietnam Veterans Day was well attended with over 100 people at the service. The morning went well with people commenting on how good the speeches were. The only problem we had was that some organisations had a wreath but they had nobody representing them to actually lay the wreath. This will be addressed in the preparations for the next commemorative service.



### Vlaming Head Lighthouse Celebrations

Word is out in the artistic community about the Lantern Workshops to make 100 lanterns for the lantern procession for the lighthouse celebrations. The adult workshops are filling up fast and hopefully the kids' workshops will follow when the school holiday flyer goes out to the school.

The Lighthouse hill car park will be levelled out and the interpretive signage is well on the way of being erected so everything will look spick & span for the celebrations.

We now have all emergency services helping out on Saturday 8 December for the smooth running of lighting up the lighthouse, including Exmouth Volunteer Fire Brigade, St. John Ambulance and SES who will all be in attendance. Flyers and programs for the event should be out by the end of the month.



### Banners in Maidstone Crescent

The banners have arrived and will soon be up at Maidstone Crescent near Ross Street Mall. The photos displayed on the banners are taken by Exmouth residents and were part of a photo competition run earlier this year.

### Whaleshark Festival

Officers attended the AGM of the Ningaloo Whaleshark Festival Inc and the EMC is again a committee member with the portfolio of "Shire Liaison Officer" to coordinate Shire support for the event. In addition, a committee meeting was attended to discuss the program for the 2013 Festival.

### Media and Community Information

The Shire provided the following community information:

- Shire Newsletter for August

### Grant Applications and Sponsorship opportunities

- Officers submitted a grant application for the development of a Recreation Centre Precinct Plan for the 'Community Sporting and Recreation Facilities Fund from DSR, seeking a contribution of \$25,000.
- Officers are preparing an application with Lotterywest/DSR for a Special Trails Grant, supporting the planning for a walking/cycling/exercise trail as part of the Foreshore Development Plan.

### 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 September 2012.*

**COUNCIL DECISION – 12-0912 – 10.4.1**

Moved Councillor Fitzgerald, Seconded Councillor Thompson.

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

**CARRIED 6/0**

## 10. REPORTS OF OFFICERS

### 10.4 Executive Manager Community Engagement

#### 10.4.2 Licence Agreement with DoE for Shared Use of Hard Courts at EDHS

Location:	Exmouth
Applicant:	R Kempe
File Reference:	
Disclosure of Interest:	Nil
Date:	11 September 2012
Author:	Executive Manager Community Engagement, Rogé Kempe
Signature of Author:	
Senior Officer:	Chief Executive Officer, Bill Price

#### **SUMMARY**

This report proposes that Council adopt the Licence Agreement for the Shared Use of Facilities for Sporting and Recreational Purposes at Exmouth District High School between the Shire of Exmouth and the Minister for Education and authorise the Shire President & CEO to sign and duly seal the document.

#### **BACKGROUND**

In 2010, the Shire of Exmouth was successful with an application under the Royalties for Regions-Regional Grants Scheme and received \$876,900 (ex GST) to add to and improve the propose hard courts at the Exmouth District High School (EDHS) through a partnership between the Shire of Exmouth, Department of Education and EDHS.

With the additional funding, a joined facility has been developed that will provide both the school and the Exmouth community access to two covered multipurpose hard courts. This all-weather venue, which includes lighting for evening use, can be used for netball, basketball and various other sports like tennis and volleyball.

At the May 2012 Council meeting, a Hard Courts User MOU between the Shire of Exmouth and the Exmouth District High School was presented to Council and endorsed for signing.

In addition to this MOU, the Shire of Exmouth and the Department of Education (DoE) have been detailing the processes that need to be in place to assist the shared use of the Courts by both the school and community groups and sets out the responsibilities of both parties.

A Licence Agreement has been drafted up and is presented to Council. (*Refer Attachment 1*).

#### **COMMENT**

Shire of Exmouth and the DoE, through the proposed Licence Agreement, recognise the shared goals of providing sporting and recreational opportunities and facilities for both Exmouth District High School students and Exmouth Community & Sporting Groups.

This Agreement defines the roles and responsibilities of both parties with respect to providing efficient, fair and equitable processes for the use of the covered Hard Court facilities at the Exmouth District High School grounds. Specifically the Agreement addresses: Times of use, booking procedures and Cost Sharing and Maintenance.

Council is presented with the draft User Agreement and requested to adopt the Agreement, subject to final discussion with the EDHS and for the CEO to be authorised to make minor amendments should they be necessary.

**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

Nil

**POLICY IMPLICATIONS**

Policy 2.3, Common Seal

**FINANCIAL IMPLICATIONS**

The annual Shire contribution through this Licence Agreement is \$6,000 being a contribution towards costs of cleaning and maintenance of the facilities. This contribution will be budgeted for through the Council's Annual Budgetary process and reviewed every year.

Council will set bonds and users fees for the use of the Courts by groups and clubs; these will be set through the Council's Annual budget process and reviewed every year.

**STRATEGIC IMPLICATIONS**

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

Outcome 1.3 – Diverse Tourism opportunities.

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.

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 – 10.4.2**

*That the Council of the Shire of Exmouth adopt the Licence Agreement for the Shared Use of Facilities for Sporting and Recreational Purposes at Exmouth District High School between the Shire of Exmouth and the Minister for Education and authorise the Shire President & CEO to sign and duly seal the document.*

**COUNCIL DECISION – 13-0912 – 10.4.2**

Moved Councillor Fitzgerald, Seconded Councillor Thompson.

*That the Council of the Shire of Exmouth adopt the Licence Agreement for the Shared Use of Facilities for Sporting and Recreational Purposes at Exmouth District High School between the Shire of Exmouth and the Minister for Education and authorise the Shire President & CEO to sign and duly seal the document.*

**CARRIED 6/0**

## 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: 10th September  
 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 12<sup>th</sup> September 2012.

Building Applications						
Applic. No.	Date received	Lot No	Development Location	Description	Decision	Decision Date
20120055	23/04/2012	285	Lot 285 (27) Lefroy Street	Fence	Awaiting information from applicant	
20120079	29/06/2012	65	Lot 65 Inggarda Lane	Single Dwelling	Approved	21/08/2012
20120085	10/07/2012	203	Lot 203 Cobia Close	Single Dwelling	Awaiting information from applicant – 31/07/2012	
20120086	11/07/2012	28	Lot 28 (2) Crevalle Way	Single Dwelling	Approved	09/08/2012
20120094	19/07/2012	1451	Lot 1451 (1) Grayling Way	Single Dwelling	Approved	08/08/2012
20120095	23/07/2012	120	Lot 120 Bluefin Cove	Timber Thatched Roof	Awaiting information from applicant – 08/07/2012	
20120098	24/07/2012	1112	Site 213 Murat Road	Carport	Approved	09/08/2012
20120099	25/07/2012	812	Lot 812 (901) Learmonth Street	Demolition Of Units	Approved	03/09/2012
20120104	01/08/2012	233	Lot 233 (3) Carpenter Street	Enclose Verandah, Extend Shed	Approved	20/08/2012
20120105	10/08/2012		Cape Range National Park - Kurrajong Access	Public Toilet	Approved	16/08/2012
20120107	13/08/2012		Lot 443 (24) Osprey Way	Single Dwelling	Approved	24/08/2012
20120108	16/08/2012	145	Lot 145 (41) Snapper Loop	Swimming Pool And Fence	Awaiting information from applicant 05/09/2012	
20120109	17/08/2012	999	Lot 999 (1) Griffiths Way	Transportable Building	Approved	22/08/2012
20120110	17/08/2012	33	Pellew Street	Additions	Approved	22/08/2012
20120111	20/08/2012		Lyndon Location 32 – Heliport	Storage Shed	Approved	06/09/2012
20120114	23/08/2012	301	Lot 301 Minilya Exmouth Road	Swimming Pool And Gazebo	Approved	06/09/2012

20120115	03/09/2012	302	Lot 302 Minilya Exmouth Road	Single Dwelling	Approved	14/09/2012
20120116	31/08/2012		Vlamingh Head	Interpretive Signage Project	Approved	06/09/2012
20120117	31/08/2012		Potshot Memorial Site	Interpretive Signage Project	Approved	05/09/2012
20120118	31/08/2012		Krait Memorial Site	Interpretive Signage Project	Approved	06/09/2012
20120119	31/08/2012	1281	Seawolf Place	Single Dwelling	Processing	
20120120	04/09/2012	654	Lot 654 (12) Hall Street	Outbuilding	Processing	

**Summary of Building Licence Applications**  
**2005 to Year to date 12<sup>th</sup> September 2012**

Year	No. Applications Calendar Year	Total Value of Works Calendar Year	No. Applications up 12 September	Value up to 12 September
2007	138	\$19,487,319.01	87	\$14,992,148.00
2008	140	\$23,065,372.40	83	\$8,816,801.00
2009	140	\$24,780,872.94	88	\$13,075,343.00
2010	202	\$25,165,355.12	145	\$19,398,425.22
2011	186	\$26,904,715.11	119	\$18,126,461.11
2012			98	\$13,379,959.00

**COMMENT**

**BUILDING**

**Argosy Court**

Legal advice has now been received to confirm that pursuant to the new Building Act and Regulations, the Shire of Exmouth can remove the remaining buildings without the need to return to the courts before doing so. However, the items within the units that belong to Mr Wise and Ms McKeown need to either be collected by the same or placed in storage and handled in accordance with the Disposal of Uncollected Goods Act 1970.

It is anticipated that the buildings subject of the section 408 Notices will be removed by mid-November 2012.

**Aust Institute of Building Surveyors (WA Chapter) Conference 23-24 August 2012**

Council's Building Surveyor, Mr Steve Foster attended the above conference and has provided the following feedback to the Council relating to the topics discussed at the conference:-

- With the new Building Act introduced on 2nd April 2012 the majority of the conference was focused on how the new Act was being received by the private sector and local governments with some insights on how building control is managed in other states;
- Peter Laurenson discussing on the events after the Christchurch Earthquake in regards to inspections post disaster and the logistical magnitude and building performance outcomes;
- Dale Alcock, Managing Director ABN Group Builders gave his perspective on the new act; and
- Peter Bennington, Chief Technology Officer, City of Stirling. e-Business and Digital signatures how they work.

Concluding the Program there was a WA Building Act Workshop Forum - A detailed look at the new working environment for private and local government building surveyors.

The conference was attended by approx 150+ Building Surveyors from local governments and private certifiers state wide. Steve has advised that in addition to seeing the above presentations attending the conference gave a good opportunity to network with other building surveyors throughout the region and put a face to the name of many people that he has spoken with over the phone. It was evident that WA's Act and Regulations are not a perfect system and adjustments will need to be made as required, but whilst not perfect

it has allowed for private certification to play a part in the process which opens options for consumers and business opportunities.

## **ENVIRONMENTAL HEALTH**

### **Waste Management & Recycling**

#### **Qualing Scarp Waste Disposal Site to Become a DEC Licensed Premises**

The Executive Manager Health & Building has recently been in communication with the Environmental Officer from the Pilbara Industrial Regulation Branch of the Department of Environment & Conservation in relation to matters pertaining to the tip. One outcome from the above is that the tip cannot continue to operate under the administration of the Environmental Protection (Rural Landfill) Regulations and it must be formally licensed with an added Category 61 on the licence in relation to the liquid waste disposal ponds.

#### **Clean Up Australia – Great Northern Clean Up: 14<sup>th</sup>-16<sup>th</sup> September 2012**

Early indications are that the Exmouth community's participation the Great Northern Clean Up will be very well supported.

At the time of preparing this report the following participation has been confirmed as an addition to the main Clean Up Day of Sunday 16<sup>th</sup>:-

- EDHS - clean up of the school grounds on Thursday afternoon 13<sup>th</sup> Sept.
- Cape Board Riders Club - Beach, bush land and road side adjacent to Mildura Wreck Rd;
- Lighthouse Caravan Park - Beach, bush land and road side from wind mills to Hunters Access;
- Yardie Homestead Caravan Park - bush land and road side from Pace Access to Tantabiddi Boat Ramp;
- Exmouth Golf Club – The land between Willersdorf Road in the north, eastern boundary of the Golf Club, Truscott Crescent then north behind the EVC, Recreation reserve and overflow Caravan facility; and
- Raytheon – Murat Road from H.E Holt Naval Communication Station to VLF.

Many local businesses have provided sponsorship for the event pledging donations of water, ice, sausages, bread, ice cream etc for the post Clean Up get together at the Paltridge Memorial Swimming Pool at 11am (prior to the Pool Open Day).

#### **Cash for Containers Scheme**

The above scheme is WALGA's advocacy campaign to encourage the State Government to implement a State based Cash for Containers Scheme which aims to increase Western Australia's recycling rate from the current rate of 32% , one of the lowest in the country. South Australia has had Container Deposit Legislation (CDL) in place since 1977 and at present has a return rate of 80% for CDL containers with only 4% of beverage containers subject to CDL becoming litter. For further information a WALGA Info Page and Fact Sheet regarding Cash for Containers is provided (refer to ***Attachment 1***).

In addition to the incentive to return the containers for recycling thus significantly reducing the litter problem, for Exmouth CDL will also help make recycling more financially viable, especially for plastic and glass containers.

In response to the call for support for the scheme by WALGA, Council officers have written to the following persons in the State Government:-

1. Honourable Colin Barnett MLA - Premier : Minister For State Development
2. Honourable Bill Marmion MLA - Minister For Environment : Water
3. Honourable John Castrilli MLA - Minister For Local Government, Heritage and Citizenship
4. Honourable Simon O'Brien MLC - Minister For Finance, Commerce and Small Business
5. Mr Vincent Catania MLA – North West
6. Honourable Brendan Grylls MLA - Minister For Regional Development
7. Honourable Dr Kim Hames MLA - Minister For Health and Tourism

A copy of the above letter is provided at ***Attachment 2***.

### Tip Fire

The general waste tip face caught on fire before mid-day Saturday 25 August 2012, the cause of the fire is unknown. The fire was first reported to the Shire's Bush Fire Control Officer around 12:20pm and within 40 minutes the 2,000L Bush Fire Fighting Unit, a 15,000L water tanker and 6 crew were deployed to the site. After dumping approximately 70,000L of water on to the affected area between 13:00 and 17:00 all visible flames were extinguished. However the fire flared up again overnight and from Sunday morning 08:30 to noon another 60,000L was dumped on the affected area.

By Monday morning it was apparent that the fire had moved underground and it would be a challenge to extinguish. During Monday and Tuesday two Bush fire units and the water tanker continued to drench the areas. From the start of the fire (25/08/12) to Tuesday afternoon (28/08/12) approximately 250,000L had been applied to the area but the fire had burnt back behind the tip face and continued to burn underground out of reach of the water being applied.

As at 6 September 2012, the fire continues to smoulder underground. As no naked flames are being emitted the risk of the fire spreading off site is considered minimal. There does not appear to be much more that can be done to extinguish the subsurface fire so officers will continue to monitor the situation.

As the subsurface fire could continue for a number of weeks (possibly months) access to areas within 30m north of the previous tip face is considered too dangerous. Appropriate measures are being taken on site to manage public access and to establish a longer term general tipping face.

### Occupational Safety & Health

The Executive Management team and a number of mid-level managers attended OSH training at the Exmouth TAFE on the 10<sup>th</sup> & 11<sup>th</sup> of September and a number of staff also attended the five day OSH workplace representative training.

### Sentinel Chickens & Mosquito Borne Diseases

The University of Western Australia's Sentinel Chicken Bleeding Program is continuing with fortnightly bleeding of chicken flocks. There are no new positives blood tests to report of Murray Valley Encephalitis, Kunjin Virus or other flaviviruses from the Exmouth flock.

### Paltridge Memorial Swimming Pool

#### Free Open Day – 16<sup>th</sup> September 2012

The commencement of the new pool season was promoted with a free open day on Sunday the 16<sup>th</sup> of September from 1pm until 5pm. The open day attracted many families and frequent pool users to the various activities that were on offer such as:-

- Aqua run;
- Bouncy Castle
- Fun competitions & games;
- Swimming Club registrations;
- Learn to swim registrations.

#### Aqua Run Changes

In August this year the Code of Practice for public swimming pools (Aquatic Facilities) introduced new guidelines for giant inflatables. Two aspects of these new guidelines affect our pool in relation to where we can place and use the Aqua Run in the pool. That being the minimum depth of water and a clear fall distance around the Aqua Run.

According to the new guidelines a minimum depth of 1.5m and a fall distance of 2m are required. This leaves the only one suitable place in the pool to place the Aqua Run being at the deep end directly in front of starting block number 2 (see photo below). This will provide a depth of 1.6m and a fall distance of 2m from the pool edge and diving board.





With the current Aqua Run coming to the end of its life, the Swimming Pool Manager is now looking into options for lower profile giant inflatable's that would better suit the shallow end of the Paltridge Memorial Swimming Pool. The shallow end is the preferred end for the Aqua Run as this is the shaded section of the pool and also is better for parents/guardians of young children using the Aqua Run that may want to be ready nearby in the water to assist the child as they leave the Aqua Run. Also having the Aqua Run at the deep end means the diving board cannot be used at the same time as the Aqua Run.

**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

Health (Aquatic Facilities) Regulations 2007

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Environment

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

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

Social

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

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

**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 September 2012.*

**COUNCIL DECISION – 14-0912 – 10.5.1**

Moved Councillor Fitzgerald, Seconded Councillor Winzer.

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

**CARRIED 6/0**

**10. REPORTS OF OFFICERS****10.5 Executive Manager Health & Building****10.5.2 Annual Renewal of Caravan Park and Camping Ground Licenses**

Location: Shire of Exmouth  
 Applicant: Various  
 File Reference: LE.RE.5  
 Disclosure of Interest: Nil  
 Date: 12 September 2012  
 Author: Executive Manager Health & Building, R M Manning

Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

**SUMMARY**

This report recommends that the Council of the Shire of Exmouth renew the annual Caravan Parks and Camping Grounds Licences for MG Kailis Pty Ltd, Exmouth Cape Holiday Park, Ningaloo Lighthouse Caravan Park, Yardie Homestead Caravan Park and Ningaloo Caravan and Holiday Resort.

**BACKGROUND**

Caravan Parks and Camping Grounds within Western Australia are required to renew their annual Caravan Parks and Camping Grounds Licence with the relevant local government authority. All Caravan Parks and Camping Grounds licences within the Shire of Exmouth expire on the 30<sup>th</sup> September each year and as such, renewal notices were recently issued to the five caravan parks in the Shire.

MG Kailis Fisheries, Ningaloo Lighthouse Caravan Park, Yardie Homestead Caravan Park and Exmouth Cape Holiday Park have returned their renewal forms and fees to the Shire in order for the new licences to be generated.

**COMMENT**

Earlier this year, all of the caravan parks and their respective overflow areas were inspected for compliance with the Caravan Parks and Camping Grounds Regulations 1997 and the current licences and approved site plans. All Caravan Parks and Camping Grounds were found to be generally well compliant.

With regard to Yardie Homestead Caravan Park (YHCP), in recent years Council officers have been very flexible with respect to the facilities provided to accommodate the overflow sites (i.e. technically they have been operating the overflow without the full complement of additional sanitary facilities). This flexibility was granted in order for the owners to gauge the demand for overflow sites with the view of constructing additional permanent ablution facilities to cater for the overflow area and an ongoing deficiency in the number of female showers and hand basins. In August 2011 correspondence was sent to Mr Roscic by Council's Environmental Health Officer (EHO) highlighting the above deficiencies and giving notice that "*it is now time for a more permanent and compliant solution*".

The owner of YHCP, Mr James Roscic has provided written confirmation that there is no intention in the short term to construct an additional ablution block for the overflow area or to make up for the deficiencies in female sanitary facilities. In a meeting with the EMHB Mr Roscic advised that whilst 3-4 years ago there appeared to be demand to expand the caravan park and cater for additional overflow sites, in the last 2 years this demand has diminished. However, with the wide open spaces available within the YHCP overflow area, the area is suitable for and popular with, guests travelling with/in very large caravans or mobile homes. As most of the above vehicles are equipped with on board sanitary facilities (i.e. toilet, shower and vanity basin), Mr Roscic has requested that the licence being renewed to 30 September 2013 include 20 overflow sites specifically for caravans and mobile homes fully equipped with on board sanitary facilities.

Whilst the above may be a manageable solution for the overflow sites (that will require monitoring to ensure compliance), it does not resolve the ongoing deficiencies in relation to showers and hand basins for female guests occupying the short stay sites.

Owing to the above, the licence for YHCP will need to be reduced from 103 short stay caravan sites (including 3 cabins without ensuites) down to 95. Mr Roscic has advised the EMHB that he may be able to provide an additional female shower in the northern ablution block. If the additional female shower was built the limiting sanitary facility would then become hand basins, the number of which would be sufficient to increase the licensed short stay sites back to 103.

Council's EHO will be meeting with Mr Roscic at YHCP early in the week commencing 17<sup>th</sup> September 2012 and should there be any updated information to bring before the Council in relation to the above, this information will be tabled at the Council meeting for consideration.

Overflow conditions have again been recommended on all of the licences of the commercially operating caravan parks. The overflow period has been recommended for a similar period that was approved for this year being, 24th June 2013– 26th August 2013 and additional conditions relating to the types of caravans/motor homes (i.e. on-board sanitary facilities) using the YHCP overflow sites have been recommended for the licence of that facility.

Copies of the licenses for renewal to 30 September 2013 prepared for each of the caravan parks and camping grounds are provided at **Attachment 3**.

### **CONSULTATION**

Mr James Roscic in relation to sanitary facilities at YHCP.

Mr Frank Cross to confirm the number of long stay sites and re-instatement of the required number of fire extinguishers for the sites proposed to be licensed at the MG Kailis Caravan Park and Camping Ground.

### **STATUTORY ENVIRONMENT**

Caravan Parks and Camping Grounds Act 1995

Caravan Parks and Camping Grounds Regulations 1997

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

Economic

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

- Outcome 1.2 - Planned and balanced economic growth.

Social

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

- Outcome 3.2: Excellent lifestyle, recreational and cultural facilities.

Civic Leadership

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

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

### **VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION – 10.5.2**

*That the Council of the Shire of Exmouth approve the issuing of the Caravan Parks and Camping Grounds licences valid until 30 September 2013 as presented in Attachment 3, for signing by the Chief Executive Officer for the following caravan parks: –*

1. *Ningaloo Lighthouse Caravan Park;*
2. *Exmouth Cape Holiday Park;*
3. *Ningaloo Caravan and Holiday Resort;*
4. *MG Kailis Fisheries Caravan Park; and*
5. *Yardie Homestead Caravan Park.*

**COUNCIL DECISION – 15-0912 – 10.5.2**

Moved Councillor Fitzgerald, Seconded Councillor Warren.

*That the Council of the Shire of Exmouth approve the issuing of the Caravan Parks and Camping Grounds licences valid until 30 September 2013 as presented in Attachment 3, for signing by the Chief Executive Officer for the following caravan parks: –*

1. *Ningaloo Lighthouse Caravan Park;*
2. *Exmouth Cape Holiday Park;*
3. *Ningaloo Caravan and Holiday Resort;*
4. *MG Kailis Fisheries Caravan Park; and*
5. *Yardie Homestead Caravan Park.*

**CARRIED 6/0**

**Councillor Hood and Councillor Fitzgerald disclosed an impartiality interest in the following report and made the following declaration:**

*'With regard to the Selection of Preferred Plan for the Paltridge Memorial Swimming Pool Redevelopment/Upgrades and the Location of Proposed Water Spray Park, the matter in item 10.5.3, I disclose that I am a member of the Exmouth Swimming Club Committee. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.'*

**10. REPORTS OF OFFICERS**

**10.5 Executive Manager Health & Building**

**10.5.3 Selection of Preferred Plan for the Paltridge Memorial Swimming Pool Redevelopment/Upgrades and the Location of Proposed Water Spray Park**

Location:	Exmouth
Applicant:	NA
File Reference:	CP.MA.1
Disclosure of Interest:	Nil
Date:	13 September 2012
Author:	Executive Manager Health & Building, R M Manning

Signature of Author:



Senior Officer:

Chief Executive Officer, Bill Price

**SUMMARY**

This report recommends that the Council for the Shire of Exmouth adopts Option C of the draft concept plans to redevelop the Paltridge Memorial Swimming Pool and nominate the preferred location for the Water Spray Park as being within Federation Park opposite the Toy Library.

**BACKGROUND**

At the August 2012 OCM Councillors were provided copies of the four options for the redevelopment/upgrades to the Paltridge Memorial Swimming Pool as well as the estimated cost to construct each option and the proposed Water Spray Park (refer to *Attachment 4*). The above options were drafted by Mr Francis Robinson of South Coast Designs following consultation with Council officers and the main user groups of the Paltridge Memorial Swimming Pool.

All of the options involve the following:-

- Converting the sides of the main pool to a wetdeck draining arrangement to facilitate the required flow rates to achieve the water turnover rates of the current standards. This finish is also regarded as more user friendly, visually and aesthetically pleasing, and better visual surveillance of the pool;
- Filling the current toddlers pools and developing a new toddlers facility elsewhere on the site. The current toddlers pools are both linked to the main pool and this is not permitted under the current legislation. The current toddlers pools were regarded as being too small to try and enhance;
- Retain the existing Swimming Club clubrooms – with some options showing some potential for minor expansion; and
- Development of new office, 1<sup>st</sup> aid room, entry, pool and external user storage areas, kiosk/Café and ablution/change room facilities. The ablution facilities have been designed so that they can be open to access from the Federation Park side (but secured from pool side) so that they can be conveniently accessed for festivals and gatherings in Federation Park.

The key features of each option for the redevelopment of the pool are provided in summary below:-

Option A

- New toddlers pool and a 25m x 4 lane disabled ramp entry pool both located on the eastern side of the main pool;

- Existing children's playground to remain; and
- New entry/office located centrally along the north side of the facility facing the redeveloped car parking area.

#### Option B

- The main pool features an addition to the western side of the northern (shallow) end to create an 'L' shape. This option seeks to consolidate the additional 25m pool shown in other options into the one water body with the aim of achieving significant savings in not only construction and plant costs, but also with ongoing maintenance, chemicals, staffing requirements etc;
- The expansion of the main pool would also mean the retention of a lot of the activities within the main pool. Therefore, Option B provides for a larger toddlers pool. The toddlers pool in Option B features an expanded section by comparison to the other options with a depth of 900mm suitable for beginners-intermediate learn to swim and also to relieve some demand from the main pool; and
- A new children's playground to be established on the eastern side of the main pool.
- New entry/office at the northwestern corner facing towards Federation Park.

#### Option C

- New entry/office at the northwestern corner facing towards Federation Park;
- New 25m x 4 lane disabled ramp entry pool located on the eastern side of the main pool;
- Existing children's playground to remain; and
- New toddlers pool located to the north of the existing playground.

#### Option D

- Similar to Option A with regard to office entry and pool designs; and
- Retains the existing disabled sanitary facilities and store room as well as retain the external structure of the existing ablution block and convert the same to storage space.

### COMMENT

#### Paltridge Memorial Swimming Pool Redevelopment

On Thursday 20<sup>th</sup> September at 2:15pm prior to the Ordinary Council Meeting, Mr Robinson will provide a brief presentation to the Council and will be available to answer any questions regarding the Options presented.

The Council's Swimming Pool Manager, Mr Josh Koontz recently attended the Leisure Institute of WA Aquatic Conference where he had the opportunity to discuss the various redevelopment options with his industry peers. In addition to the above, Mr Koontz has had several discussions with staff within the Council's Health & Building Department during the development of and after the finalisation of the various options. Mr Koontz has considered the pros and cons of each option and prepared comments and a rating out of 10 for each design (refer to **Attachment 5**).

The scores out of 10 for each design as provided by Mr Koontz are as follows:-

Option A: 4;  
Option B: 7;  
Option C: 8; and  
Option D: 3.

Mr Koontz has advised that the low scores allocated to Options A & D is primarily due to the distance that the toddlers pool is from the office/entry area and that visual supervision from the office entry area is not as good as Options B & C. Safety is always a primary concern for Mr Koontz.

Options A & D were not favoured as the designs do not offer the high degree supervision from the office entry area that Options B & C provide. This may necessitate additional staffing by a lifeguard.

Mr Koontz has strongly recommended that the planned redevelopment incorporate water heating of both pools in Option B or at least the two new pools in Option C, as well as consideration for the facility to be open all year. These are comments that staff at the pool and the Shire's administration often receive from locals and tourists.

Swimming WA's Mr Steven Rose was also consulted with respect to Options B & C, in particular whether Option B would be detrimental to the facility hosting major regional swimming competitions. Mr Rose's comments are provided below:-

*.....having the learn to swim pool attached to the main pool (L shape) would mean the pool would be considered undesirable to run high level meets, such as the Pilbara Championships. There is no technical reason, purely that when it comes to the clubs discussing the next location for an event such as this, the shape of the pool would be taken into consideration and not be very favourable.*

*This set up makes it very difficult for officials to judge stroke and turns for swimmers. Geraldton for example now only host a short course event and use the indoor pool rather than the outdoor long course pool due to a similar set up.*

*Temporary drop in catwalks are a solution but not considered very safe. Many of our officials would physically not be able to walk on, nor feel comfortable on these.*

*I only raise the issue of heating as Learn to Swim needs to be run at a reasonably high temperature which is not conducive for swimming (training and competing).*

Whilst Option B provides for significant construction and ongoing running costs, Option C is considered the best option for the long term planning of the facility and to safe guard the current high regard of the facility as a favoured location in the region to host major swimming competitions.

#### Water Spray Park

There is only one design of the above presented as the consultant was provided a brief and examples of what was desired to be featured in this facility. The design presented has been tabled informally at several Council briefings and has generally been accepted as a very fitting design for Exmouth (refer to **Attachment 6**). The estimated cost of the proposed Water Spray Park is around \$900,000.

During the course of this project there has been some consideration as to the location of the Water Spray Park. That is, whether it should be outside but adjacent to the pool grounds; or as a separate entity within Federation Park opposite the Toy Library building.

Locating the Water Spray Park adjacent to the pool grounds (refer to **Attachment 7**) provides for a rationalisation of buildings and sanitary facilities as the plant room and toilets for the Water Spray Park can be accommodated in the swimming pool buildings. This also facilitates better access for the pool staff to supervise and carry out maintenance on the Water Spray Park. The only negative aspect of the development of the Water Play Park in this location would be that it would have to be postponed to coincide with the Swimming Pool redevelopment.

The above location could also significantly increase the commercial viability of the swimming pool kiosk/café.

Locating the Water Spray Park within Federation Park (refer to **Attachment 8**) will provide better exposure of the facility to the town centre shopping precinct and being independent of the swimming pool means that it can be developed separately and possibly much sooner. Development of the Water Spray Park sooner rather than later could see this facility established as part of the imminent Town Centre Revitalisation works. However, additional stand-alone sanitary facilities and a plant room would be required which will be at an additional cost of approximately \$150,000. Additional demands will also be placed on limited Council staff resources to clean and maintain the facility by comparison to the poolside location.

With the estimated \$5M-\$6M price tag for the swimming pool redevelopment, it would be at least two years before the Council could raise the funds to commence works. Given the above and that the Council already has at least one third of the funds for the Water Spray Park, it may be considered desirable to partner the Water Spray Park with the Town Centre Revitalisation works rather than the swimming pool redevelopment.

#### CONSULTATION

The development of the plans for the Water Spray Park and the various options for the redevelopment of Paltridge Memorial Swimming Pool has involved extensive consultation with the community and major user groups of the pool.



**STATUTORY ENVIRONMENT**

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

The Council does not have the funds to proceed with either the Water Spray Park or the redevelopment of the Paltridge Memorial Swimming Pool during this financial year.

There will be additional annual running costs associated with the pool redevelopment and the establishment of a Water Spray Park.

**STRATEGIC IMPLICATIONS**

Economic

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

- Outcome 1.2 - Planned and balanced economic growth.

Social

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

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

Civic Leadership

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

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

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION – 10.5.3**

*That the Council for the Shire of Exmouth:-*

- 1. Adopt Option C of the concept plans for the future redevelopment of the Paltridge Memorial Swimming Pool (refer to Attachment 4); and*
- 2. Nominate the preferred location for the Water Spray Park to be within Federation Park opposite the Toy Library (refer to Attachment 8).*

**COUNCIL DECISION – 16-0912 – 10.5.3**

Moved Councillor Fitzgerald, Seconded Councillor Winzer.

*That the Council for the Shire of Exmouth:-*

- 1. Adopt Option C of the concept plans for the future redevelopment of the Paltridge Memorial Swimming Pool (refer to Attachment 4); and*

2. *Nominate the preferred location for the Water Spray Park to be within Federation Park opposite the Toy Library (refer to Attachment 8).*

**CARRIED 6/0**

The Shire President thanked Rob for his efforts with this project.

**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: 12 September 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.

Applic No	Lodgement Date	Lot	Property Address	Description	Decision	Date Determined
PA62/12	06/07/2012	238	20 Carpenter Street	Holiday Accommodation - Renewal	September OCM	
PA63/12	09/07/2012	14	30 Dugong Close	Holiday Accommodation	Approved	14/08/2012
PA65/12	12/07/2012	665	15 Stewart Street	Holiday Accommodation - Renewal	September OCM	
PA67/12	13/07/2012	219	25 Carpenter Street	Oversized Outbuilding	September OCM	
PA68/12	16/07/2012	75	4 Grey Street	Holiday Accommodation - Renewal	September OCM	
PA69/12	16/07/2012	362	3 Kestrel Place	Holiday Accommodation - Renewal	September OCM	
PA70/12	06/07/2012	389	21 Corella Court	Holiday Accommodation - Renewal	September OCM	
PA71/12	17/07/2012	404	22 Madaffari Drive	Swimming Pool	Approved	22/08/2012
PA72/12	18/07/2012	330	2 Kestrel Place	Holiday Accommodation - Renewal	Approved	20/09/2012
PA73/12	18/07/2012	1208	19 Skipjack Circle	Holiday Accommodation - Renewal	September OCM	
PA74/12	18/07/2012	1148	39 Welch Street	Caretakers Dwelling	Approved	20/08/2012
PA75/12	18/07/2012	340	22 Kestrel Place	Holiday Accommodation - Renewal	September OCM	
PA76/12	18/07/2012	194	13 Grenadier Street	Holiday Accommodation - Renewal	September OCM	
PA77/12	19/07/2012	367	6 Corella Court	Holiday Accommodation - Renewal	September OCM	
PA78/12	19/07/2012	172	Cobia Close	Holiday Accommodation - New	September OCM	
PA81/12	25/07/2012	12	Unit 2 Christie Street	Single Dwelling	Approved	13/08/2012
PA83/12	30/07/2012	406	26 Madaffari Drive	Single Dwelling	Approved	22/08/2012
PA85/12	31/07/2012	900	Madaffari Drive	Grouped Dwelling (DAPS)	Processing	12/09/2012
PA87/12	03/08/2012	932	4 Keillor Place	Oversized Outbuilding	Approved	05/09/2012
PA88/12	09/08/2012	28	2 Crevalle Way	Oversized Outbuilding	Approved	05/09/2012
PA89/12	10/08/2012	977	10 Schmidt Way	Additions	Processing	13/08/2012
PA90/12	13/08/2012	399	21 Krait Street	Holiday Accommodation	September OCM	
PA91/12	21/08/2012	120	Bluefin Cove	Gazebo and planter boxes	Approved	04/09/2012

PA92/12	21/08/2012	115	13 Tautog Street	Holiday Accommodation - Renewal	Neighbour consultation closes 25/09/12
<b>PA93/12</b>	<b>22/08/2012</b>	<b>183</b>	<b>Cobia Close</b>	<b>Single Dwelling</b>	<b>Approved</b> <b>31/08/2012</b>
PA94/12	28/08/2012	139	53 Snapper Loop	Oversized Outbuilding	Neighbour Consultation closes 13/09/12
PA95/12	30/08/2012	122	12 Grenadier St	Oversized Outbuilding	Neighbour Consultation closes 03/10/12
PA97/12	04/09/2012	3	Unit 3 12 Christie St	Holiday Accommodation Renewal	Awaiting Info From Applicant 12/09/12
PA98/12	05/09/2012	35	5 Learmonth Street	Holiday Accommodation Renewal	Neighbour Consultation closes 21/09/12
PA99/12	05/09/2012	195	15 Grenadier Street	Holiday Accommodation Renewal	Neighbour Consultation closes 21/09/12
PA100/12	05/09/2012	99	10 Tautog Street	Holiday Accommodation Renewal	Neighbour Consultation closes 21/09/12
PA101/12	05/09/2012	86	4 Page Street	Holiday Accommodation Renewal	Neighbour Consultation closes 21/09/12
PA102/12	05/09/2012	183	10 Ningaloo Street	Holiday Accommodation Renewal	Neighbour Consultation closes 21/09/12
PA103/12	05/09/2012	478	(1/1) Euryale Street	Holiday Accommodation Renewal	Neighbour Consultation closes 21/09/12
PA104/12	05/09/2012	1271	4 Grayling Street	Holiday Accommodation Renewal	Neighbour Consultation closes 21/09/12
PA105/12	05/09/2012	92	5 Page Street	Holiday Accommodation Renewal	Neighbour Consultation closes 21/09/12
PA106/12	05/09/2012	505	3 Sargent Street	Holiday Accommodation Renewal	Neighbour Consultation closes 21/09/12
PA107/12	05/09/2012	478	2/1b Euryale Street	Holiday Accommodation Renewal	Awaiting information from applicant
PA108/12	10/09/2012	143	Hunt Street	Linen Exchange	Processing

### **COMMENT**

Below is a summary of planning applications and approvals up to 12<sup>th</sup> September 2012.

### **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. A total of 103 submissions were received. Council officers are currently assessing the submissions and the results will be presented to Council during the November Ordinary Council Meeting.

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

The amendment was presented to Council during the July Ordinary Council meeting for initiation. The proposed amendment was referred to the Environmental Protection Authority (EPA) for advice on whether environmental assessment would be required. The EPA advised that the proposed amendment does not require formal assessment under Part IV of the *Environmental Protection Act*. The EPA provided advice and recommendations on the following issues: noise, contamination, vegetation and fauna. A copy of the notice from the EPA is attached. (refer to *Attachment 1*). The scheme amendment will be advertised for 42 days.

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

The amendment was presented to Council during the July Ordinary Council meeting for final adoption. The amendment has been forwarded to WAPC for the Minister's approval.

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

Council on the 6 July 2012 received an order from the Hon John Day MLA, Minister for Planning, ordering Council to initiate the scheme amendment. The order was received by Council during the July Ordinary Council meeting and the amendment was submitted to EPA on the 30<sup>th</sup> July 2012 for advice on whether environmental assessment would be required. The EPA advised that the referral was insufficient to enable the EPA to comply with section 48a of the Environmental Protection Act 1986. (refer to *Attachment 2*).

### **Exmouth South Structure Plan**

The Exmouth South Structure Plan preparation is progressing well. The draft plan will be presented to Council at the October Ordinary Council meeting.

### **Endorsement of the Nimitz street subdivision**

The Western Australian Planning Commission has resolved to endorse the Nimitz Street Stage 1 and 2 subdivision (refer to *Attachment 3*).

**Northern Funding Grant Application**

Council's expression of interest for the preparation of the Exmouth Local Planning Strategy and Scheme was considered by the Northern Planning Program Inter-Agency Working Group (Working Group). The Working Group assessed all applications against the Royalties for Regions and Northern Planning Program objectives and selected the project for funding. Council officers have been busy preparing a comprehensive business case to support this project. The business case was submitted on 14<sup>th</sup> September 2012.

**Lot 701 Falls Street Freehold Subdivision, Exmouth**

Council is notified that the Western Australian Planning Commission has approved the freehold subdivision on the above lot. The subdivision will yield 1 lot with the remainder being retained as a recreational park. (refer to *Attachment 4*).

**Ranger Services**

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

	<b>Dogs</b>	<b>Camping</b>	<b>Parking</b>	<b>Litter</b>	<b>Fire</b>	<b>Off road</b>	<b>Other</b>
Warning/caution	0	0	0	2	0	0	3
Infringement	0	7	1	0	0	0	0
Court	0	0	0	0	0	0	0
<b>August Total</b>	<b>0</b>	<b>7</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>3</b>
July Total	2	38	6	1	0	1	1
<b>2012-2013 Totals</b>	<b>2</b>	<b>45</b>	<b>7</b>	<b>3</b>	<b>0</b>	<b>1</b>	<b>4</b>

**Emergency Overflow Camping Ground**

The Emergency Overflow Camping Ground at Koobooroo Oval was closed during the month of August as the camp host was unable to continue the role. As a result, the golf club was opened, with a total of 15 users during the month.

**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.

- Outcome 1.2 - Planned and balanced economic growth.

Environment

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

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

Social

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

- Outcome 3.2: 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 September 2012.*

**COUNCIL DECISION – 17-0912 – 10.6.1**

Moved Councillor Fitzgerald, Seconded Councillor Warren.

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

**CARRIED 6/0**

**10. REPORTS OF OFFICERS****10.6 Executive Manager Town Planning****10.6.2 Adoption of the Bush Fire Brigade Local Law**

Location: Shire of Exmouth  
 Applicant: N/A  
 File Reference: LE.LO.10  
 Disclosure of Interest: Nil  
 Date: 8 September 2012  
 Disclosure of Interest: Nil  
 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 adopt the Shire of Exmouth Bush Fire Brigades Local Law (refer to *Attachment 5*).

**BACKGROUND**

On 21 April 2011, Council decision 2053 – 10.5.2 approved the establishment and registration of the Exmouth Volunteer Bush Fire Brigade. During the June 2012 Ordinary Council Meeting, the Council of the Shire of Exmouth decided to:

1. *Adopt the proposed Shire of Exmouth Bush Fire Brigades Local Law for advertising.*
2. *Give State-wide and local public notice stating that the Shire of Exmouth propose to make a Bush Fire Brigades Local Law, for which the purpose is to make provisions about the organisation, establishment, maintenance and equipment of bush fire brigades and the effect of which is to align existing local laws with changes in the law and operational practice.*
3. *Advertise the proposed Shire of Exmouth Bush Fire Brigades Local Law. This is to include notifying public authorities as the Council nominates, within an area determined by the Council as likely to be affected by the Local law, and inviting nominated public authority to make a submission to the Council within than 6 weeks after the notice is given; and*
4. *The period of advertising is to be not less than six (6) weeks from the date of the publishing of notices and newspaper advertisements, and shall be in the form of:-*
  - a. *Placing an electronic copy of the draft document on (Council's website) the internet;*
  - b. *Making a copy of the draft document available for public viewing and comment at Council's Offices;*
  - c. *Publishing a notice in the 'Northern Guardian' newspaper; and*
  - d. *Placing a notice on Council's notice board for a period of not less than t than 6 weeks after the notice is given.*

Public submissions regarding the Local Law were requested to be submitted by 4pm 16<sup>th</sup> August 2012.

**COMMENT**

The preparation of local laws is guided by the local government act 1995 and the Bush Fires Act 1954. The Local Government Act 1995 clause 3.12 outline the procedure for making local laws. Below are steps involved in making local laws.

### 3.12 Procedure for making local laws

(2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.

(3) The local government is to –

(a) give Statewide public notice stating that –

(i) the local government proposed to make a local law the purpose and effect of which is summarised in the notice;

(ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and

(iii) submissions about the proposed local law 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;

(b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and

(c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.

(3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.

(4) After the last day for submissions, the local government is to consider any submissions made and may make the local law\* as proposed or make a local law\* that is not significantly different from what was proposed.

\*Absolute majority required.

(5) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.

(6) After the local law has been published in the Gazette the local government is to give local public notice –

(a) stating the title of the local law;

(b) summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and

(c) advising that copies of the local law may be inspected or obtained from the local government's office.

(7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.

### 3.14 Commencement of local laws

(1) Unless it is made under section 3.17, a local law comes into operation on the 14th day after the day on which it is published in the Gazette or on such later day as may be specified in the local law.

(2) A local law made under section 3.17 comes into operation on the day on which it is published in the Gazette or on such later day as may be specified in the local law.

[Section 3.14 amended by No. 1 of 1998 s. 9.]

It is recommended that Council adopt the local law as there are no adverse comments that were received during the consultation period.

### **CONSULTATION**

In accordance with legislative requirements, the proposed amendment Local Law was advertised state wide and locally in the West Australian and the Northern Guardian on 21 July 2012 and 4 July 2012 respectively, as well as on the Shire's website and notice boards at the Administration Building and Library. A submission was received from the Department of Local Government (refer to **Attachment 6**).

### **STATUTORY ENVIRONMENT**

Bush Fires Act 1954

Local Government Act 1995



## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

Nil

## **STRATEGIC IMPLICATIONS**

Economic

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

- Outcome 1.2 - Planned and balanced economic growth.

Environment

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

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.

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**

Absolute Majority

### **OFFICER'S RECOMMENDATION – 10.6.2**

*That Council of the Shire of Exmouth:*

- 1) *Under the provisions of Section 3.12 of the Local Government Act 1995:*
  - a. *adopt the Shire of Exmouth Bush Fire Brigades Local Law 2012 as attached*
  - b. *publish the Shire of Exmouth Bush Fire Brigades Local Law 2012 in the Government Gazette and provide local public notice of the Local Law.*
- 2) *Forward copies of the gazetted Shire of Exmouth Bush Fire Brigades Local Law 2012 to the Minister for Emergency Services and the Minister for Local Government, and provide documentation supporting the Local Law to the Joint Standing Committee on Delegated Legislation.*

### **COUNCIL DECISION – 18-0912 – 10.6.2**

Moved Councillor Winzer, Seconded Councillor Fitzgerald.

*That Council of the Shire of Exmouth:*

- 1) *Under the provisions of Section 3.12 of the Local Government Act 1995:*
  - a. *adopt the Shire of Exmouth Bush Fire Brigades Local Law 2012 as attached*
  - b. *publish the Shire of Exmouth Bush Fire Brigades Local Law 2012 in the Government Gazette and provide local public notice of the Local Law.*
- 2) *Forward copies of the gazetted Shire of Exmouth Bush Fire Brigades Local Law 2012 to the Minister for Emergency Services and the Minister for Local Government, and provide documentation supporting the Local Law to the Joint Standing Committee on Delegated Legislation.*

**CARRIED by ABSOLUTE MAJORITY 6/0**

**10. REPORTS OF OFFICERS****10.6 Executive Manager Town Planning****10.6.3 Holiday Accommodation upon Lot 367 (6) Corella Court, Exmouth**

Location: Lot 367 (6) Corella Court, Exmouth  
 Applicant: Ray White Exmouth  
 File Reference: A1499  
 Disclosure of Interest: Nil  
 Date: 01 August 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 use of holiday accommodation upon Lot 367 (6) Corella Court, Exmouth (refer to **Attachment 7**).

**BACKGROUND**

The subject property is within the Marina Zone under the Shire of Exmouth Town Planning Scheme No. 3 (Scheme). The applicant seeks Council's planning approval for the use of holiday accommodation upon the subject land.

Proposal summary:

- Maximum number of occupants: twelve (12) persons. This includes no more than eight (8) people over the age of 10.
- Maximum number of vehicles: 2 vehicles and 2 trailers (inc. boats on trailers).
- Property to be managed by Ray White Exmouth.
- Tenant Code of Conduct and Management Statement for occupants.
- Fire Escape plan for occupants.

**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 within the Marina zone.

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 clearly outlines: minimal noise after 10pm, no fish cleaning, no pets, 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:

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

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

#### **Schedule 1: Allowable Occupants: Lot 367 (6) Corella Court, Exmouth**

Guest Room: Total floor space: 15.2m<sup>2</sup>, Approximate Air Space: 40m<sup>3</sup>  
Allowable occupants: 2 adults **OR** 5 children **OR** 1 adult and 3 children **OR** 2 adults and 1 child

Bedroom 1: Total floor space: 16.3m<sup>2</sup>, Approximate Air Space: 43m<sup>3</sup>  
Allowable occupants: 3 adults **OR** 5 children **OR** 1 adult and 3 children **OR** 2 adults and 1 child

Bedroom 2: Total floor space: 14.6m<sup>2</sup>, Approximate Air Space: 39m<sup>3</sup>  
Allowable occupants: 2 adults **OR** 4 children **OR** 1 adult and 3 children **OR** 2 adults and 1 child

Bedroom 3: Total floor space: 12.5m<sup>2</sup>, Approximate Air Space: 33m<sup>3</sup>  
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 is calculated with a 2.675m ceiling height.

#### Occupancy Levels

The application states the maximum number of overnight occupants to be eight (8) persons, with no more than four (4) people over the age of 10.

The Shire's Holiday Accommodation Policy (6.27) allows up to 12 persons to be considered in a holiday home, which complies with the ventilation/overcrowding requirements of the *Health Act 1911*. Alternative combinations of adults and children can be accommodated as per Schedule 1 above.

In consideration of the above Schedule, the maximum number of overnight occupants is twelve (12) persons, with no more than eight (8) people over the age of 10.

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

#### Number of Vehicles

The property can accommodate a **maximum** of two (2) cars and two (2) boats (including trailers) on site. The Holiday Accommodation Policy (6.27) states that car parking shall be calculated on the basis of four persons per vehicle. Given the availability of parking at the front of the property, the number of vehicles and trailers (including boats on trailers) shall be restricted to 2 to 2 respectively.

Access

Legal access is provided by one sealed crossover off Corella Court and a double garage at the front of the property. 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:-

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

Management Statement and Code of Conduct

The 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 the proposal, with the consultation period closing Thursday 9 August 2012. No comments were received from neighbours. A list of notified properties is tabled below:

Property	Response	Officers comments
Lot 366 (2) Corella Court		The proposed change of use is compatible within the precinct.  A condition shall be applied to state that Council may vary or rescind its approval if there are any adverse effects on the local amenity, including the enjoyment of neighbouring properties in the vicinity, in accordance with Council Policy.
Lot 368 (8) Corella Court		
Lot 396 (7) Corella Court		
Lot 397 (5) Corella Court		

Council officers recommend Council grant planning approval for the use of holiday accommodation subject to conditions.

**CONSULTATION**

The application was referred to adjoining landowners and tenants for comment as per Clause 8.3.3 of Town Planning Scheme No. 3.

**STATUTORY ENVIRONMENT**

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

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Economic

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

- Outcome 1.2 - Planned and balanced economic growth.

Environment

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

## 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 – 10.6.3**

*That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 367 (6) Corella Court, Exmouth subject to the following conditions:-*

1. *Development to accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA77/12) 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 twelve (12) 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 two (2) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;*
4. *The property shall provide at least three (3) 240 litre rubbish bins prior to the use commencing;*
5. *The Tenants Code of Conduct shall be clearly displayed in the premises in accordance with Council Policy;*
6. *An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:
 
  - *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
  - *no fires are to be lit outside with the exception of a gas barbeque.**
7. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
8. *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;*
9. *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*
10. *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 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 367 (6) Corella Court, Exmouth**

Guest Room: Total floor space: 15.2m<sup>2</sup>, Approximate Air Space: 40m<sup>3</sup>  
Allowable occupants: 2 adults **OR** 5 children **OR** 1 adult and 3 children **OR** 2 adults and 1 child

Bedroom 1: Total floor space: 16.3m<sup>2</sup>, Approximate Air Space: 43m<sup>3</sup>  
Allowable occupants: 3 adults **OR** 5 children **OR** 1 adult and 3 children **OR** 2 adults and 1 child

Bedroom 2: Total floor space: 14.6m<sup>2</sup>, Approximate Air Space: 39m<sup>3</sup>  
Allowable occupants: 2 adults **OR** 4 children **OR** 1 adult and 3 children **OR** 2 adults and 1 child

Bedroom 3: Total floor space: 12.5m<sup>2</sup>, Approximate Air Space: 33m<sup>3</sup>  
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 is calculated with a 2.675m 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 – 19-0912 – 10.6.3**

Moved Councillor Fitzgerald, Seconded Councillor Warren.

**That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 367 (6) Corella Court, Exmouth subject to the following conditions:-**

1. **Development to accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA77/12) 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 twelve (12) 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 two (2) respectively. The property does not include the Council road verge or adjoining/nearby vacant land. Potential occupants shall be advised of this prior to booking;**
4. **The property shall provide at least three (3) 240 litre rubbish bins prior to the use commencing;**
5. **The Tenants Code of Conduct shall be clearly displayed in the premises in accordance with Council Policy;**
6. **An emergency response plan (i.e. fire escape route maps etc) is required to be clearly displayed in a conspicuous location within the dwelling, plus:**

- a. *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
  - b. *no fires are to be lit outside with the exception of a gas barbeque.*
7. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
  8. *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;*
  9. *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*
  10. *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 eight (8) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.*

<b>Schedule 1: Allowable Occupants: Lot 367 (6) Corella Court, Exmouth</b>	
Guest Room: Total floor space: 15.2m <sup>2</sup> , Approximate Air Space: 40m <sup>3</sup>	Allowable occupants: 2 adults <b>OR</b> 5 children <b>OR</b> 1 adult and 3 children <b>OR</b> 2 adults and 1 child
Bedroom 1: Total floor space: 16.3m <sup>2</sup> , Approximate Air Space: 43m <sup>3</sup>	Allowable occupants: 3 adults <b>OR</b> 5 children <b>OR</b> 1 adult and 3 children <b>OR</b> 2 adults and 1 child
Bedroom 2: Total floor space: 14.6m <sup>2</sup> , Approximate Air Space: 39m <sup>3</sup>	Allowable occupants: 2 adults <b>OR</b> 4 children <b>OR</b> 1 adult and 3 children <b>OR</b> 2 adults and 1 child
Bedroom 3: Total floor space: 12.5m <sup>2</sup> , Approximate Air Space: 33m <sup>3</sup>	Allowable occupants: 2 adults <b>OR</b> 4 children <b>OR</b> 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 with a 2.675m 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 5/1**  
Councillor Winzer voted against

**10. REPORTS OF OFFICERS****10.6 Executive Manager Town Planning****10.6.4 Holiday Accommodation upon Lot 172 (5) Cobia Close, Exmouth**

Location: Lot 172 (5) Cobia Close, Exmouth  
 Applicant: Ray White Exmouth  
 File Reference: A1887  
 Disclosure of Interest: Nil  
 Date: 10 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 grant conditional planning approval for the use of holiday accommodation upon Lot 172 (5) Cobia Close, Exmouth (subject land) (refer to **Attachment 8**).

**BACKGROUND**

The subject property is within the Marina Zone under the Shire of Exmouth Town Planning Scheme No. 3 (Scheme). The applicant seeks Council's planning approval for the use of holiday accommodation upon the subject land.

Proposal summary:

- Maximum number of occupants: eight (8) persons. This includes no more than four (4) people over the age of 10.
- Maximum number of vehicles: 1 vehicles and 1 trailers (inc. boats on trailers)
- Property to be managed by Ray White Exmouth
- Tenant Code of Conduct and Management Statement for occupants
- Fire Escape plan for occupants

**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 within the Marina zone.

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 clearly outlines: minimal noise after 10pm, no fish cleaning, no pets, 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 as follows (Schedule 1):

#### **Schedule 1: Allowable Occupants: Lot 172 (5) Cobia Close, Exmouth**

Bedroom 1: Total floor space: 20.87m<sup>2</sup>, Approximate Air Space: 50m<sup>3</sup>

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

Bedroom 2: Total floor space: 13.58m<sup>2</sup>, Approximate Air Space: 32m<sup>3</sup>

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

Bedroom 3: Total floor space: 12.63m<sup>2</sup>, Approximate Air Space: 30m<sup>3</sup>

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

Bedroom 4: Total floor space: 12.30m<sup>2</sup>, Approximate Air Space: 29m<sup>3</sup>

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

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

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

### Occupancy Levels

The application states the maximum number of overnight occupants to be eight (8) persons, with no more than four (4) people over the age of 10.

The Shire's Holiday Accommodation Policy (6.27) allows up to 12 persons to be considered in a holiday home, which complies with the ventilation/overcrowding requirements of the *Health Act 1911*. Alternative combinations of adults and children can be accommodated as per Schedule 1 above.

In consideration of the above Schedule, the maximum number of overnight occupants is twelve (12) persons, with no more than eight (8) people over the age of 10.

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

### Number of Vehicles

The property can accommodate a **maximum** of one (1) car and one (1) boat (including trailers) on site. The Holiday Accommodation Policy (6.27) states that car parking shall be calculated on the basis of four persons

per vehicle. Given the availability of parking at the front of the property, the number of vehicles and trailers (including boats on trailers) shall be restricted to 1 to 1 respectively.

#### Access

Legal access is provided by one sealed crossover off Cobia Close and a double carport at the front of the property. 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:-

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

#### Management Statement and Code of Conduct

The 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 the proposal, with the consultation period closing Thursday 9 August 2012. No comments were received from neighbours. A list of notified properties is tabled below:

Property	Response	Officers comments
Lot 171 (1) Cobia Close		The proposed change of use is compatible within the precinct.  A condition shall be applied to state that Council may vary or rescind its approval if there are any adverse effects on the local amenity, including the enjoyment of neighbouring properties in the vicinity, in accordance with Council Policy.
Lot 173 (7) Cobia Close		

Council officers recommend Council grant planning approval for the use of holiday accommodation subject to conditions.

#### **CONSULTATION**

The application was referred to adjoining landowners and tenants for comment as per Clause 8.3.3 of Town Planning Scheme No. 3.

#### **STATUTORY ENVIRONMENT**

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

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

Nil

#### **STRATEGIC IMPLICATIONS**

Economic

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

- Outcome 1.2 - Planned and balanced economic growth.

#### Environment

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

#### 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**

*That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 172 (5) Cobia Close, Exmouth subject to the following conditions:-*

- 1. Development to accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA78/12) 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 twelve (12) 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 one (1) 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 three (3) 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. 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.**
- 7. The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
- 8. 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;*
- 9. 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*
- 10. 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 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 172 (5) Cobia Close, Exmouth**

Bedroom 1: Total floor space: 20.87m<sup>2</sup>, Approximate Air Space: 50m<sup>3</sup>  
 Allowable occupants: 3 adults **OR** 2 adults and 2 children **OR** 1 adult and 4 children **OR** 6 children

Bedroom 2: Total floor space: 13.58m<sup>2</sup>, Approximate Air Space: 32m<sup>3</sup>  
 Allowable occupants: 2 adults **OR** 1 adult and 2 children **OR** 4 children

Bedroom 3: Total floor space: 12.63m<sup>2</sup>, Approximate Air Space: 30m<sup>3</sup>  
 Allowable occupants: 2 adults **OR** 1 adult and 2 children **OR** 3 children

Bedroom 4: Total floor space: 12.30m<sup>2</sup>, Approximate Air Space: 29m<sup>3</sup>  
 Allowable occupants: 2 adults **OR** 1 adult and 1 child **OR** 3 children

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

*\*\*The air space is calculated with a 2.4m 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 – 20-0912 – 10.6.4**

Moved Councillor Fitzgerald, Seconded Councillor Warren.

***That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 172 (5) Cobia Close, Exmouth subject to the following conditions:-***

- 1. Development to accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA78/12) 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 twelve (12) 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 one (1) 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 three (3) 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. *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.*
7. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
8. *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;*
9. *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*
10. *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 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 172 (5) Cobia Close, Exmouth**

Bedroom 1: Total floor space: 20.87m<sup>2</sup>, Approximate Air Space: 50m<sup>3</sup>  
Allowable occupants: 3 adults **OR** 2 adults and 2 children **OR** 1 adult and 4 children **OR** 6 children

Bedroom 2: Total floor space: 13.58m<sup>2</sup>, Approximate Air Space: 32m<sup>3</sup>  
Allowable occupants: 2 adults **OR** 1 adult and 2 children **OR** 4 children

Bedroom 3: Total floor space: 12.63m<sup>2</sup>, Approximate Air Space: 30m<sup>3</sup>  
Allowable occupants: 2 adults **OR** 1 adult and 2 children **OR** 3 children

Bedroom 4: Total floor space: 12.30m<sup>2</sup>, Approximate Air Space: 29m<sup>3</sup>  
Allowable occupants: 2 adults **OR** 1 adult and 1 child **OR** 3 children

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

\*\*The air space is calculated with a 2.4m 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 5/1**  
Councillor Winzer voted against

## 10. REPORTS OF OFFICERS

### 10.6 Executive Manager Town Planning

#### 10.6.5 Multiple Holiday Accommodation Renewals

Location:	Lot 238 (20) Carpenter Street, Lot 664 (13) Stewart Street, Lot 75 (4) Grey Street, Lot 362 (3) Kestrel Place, Lot 389 (21) Corella Court, Lot 330 (2) Kestrel Place, Lot 1208 (19) Skipjack Circle, Lot 340 (22) Kestrel Place, Lot 194 (13) Grenadier, Exmouth
Disclosure of Interest:	Nil
Date:	20 August 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 238 (20) Carpenter Street, Lot 664 (13) Stewart Street, Lot 75 (4) Grey Street, Lot 362 (3) Kestrel Place, Lot 389 (21) Corella Court, Lot 330 (2) Kestrel Place, Lot 1208 (19) Skipjack Circle, Lot 340 (22) Kestrel Place, Lot 194 (13) Grenadier, 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

#### **COMMENTS**

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:

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

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

#### Occupancy Levels

The 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:-

- *the proportion of parking spaces to be roofed or covered;*
- *the location of the parking spaces on-site and its effect on the amenity of adjoining properties; and*
- *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. Comments were received from the adjoining neighbours of Lot 1207 (21) Skipjack Circle. Summary of comments listed below:

Property	Response	Officers comments
Lot 1207 (21) Skipjack Circle	Loud noise from talking, fishing preparation, children and foul language between	A condition shall be applied to state that Council may vary or rescind its approval if there are any adverse effects on the local amenity, including the enjoyment of neighbouring properties in the



	<p>11:30pm and 6:30am.</p> <p>Loud music during the day.</p> <p>None of the tenants abided by the tenant code of conduct.</p>	<p>vicinity, in accordance with Council Policy.</p>
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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.

### **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.

- Outcome 1.2 - Planned and balanced economic growth.

Environment

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

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

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**

Simple majority

**RENEWAL OF HOLIDAY ACCOMMODATION CONDITIONS****OFFICER'S RECOMMENDATION- 10.6.5 - PA 62/12 - Lot 238 (20) Carpenter Street, Exmouth**

*That the Council of the Shire of Exmouth grant planning approval for renewed holiday accommodation upon Lot 238 (20) Carpenter Street, Exmouth subject to the following conditions:-*

1. *Development to accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA62/12) 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 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 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 six (6) persons over the age of ten at any one time;*
  - *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.*
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 ten (10) 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 238 (20) Carpenter Street, Exmouth**

Bedroom 1: Total floor space: 9.6m<sup>2</sup>, Approximate Air Space: 26m<sup>3</sup>  
Allowable occupants: 1 adult **OR** 1 adult and 1 child **OR** 3 children

Bedroom 2: Total floor space: 16m<sup>2</sup>, Approximate Air Space: 43m<sup>3</sup>  
Allowable occupants: 3 adults **OR** 2 adults and 1 child **OR** 5 children **OR** 1 adult and 3 children

Bedroom 3: Total floor space: 10.95m<sup>2</sup>, Approximate Air Space: 30m<sup>3</sup>  
Allowable occupants: 2 adults **OR** 1 adult and 2 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) 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 – 21-0912 – 10.6.5 - PA 62/12 - Lot 238 (20) Carpenter Street, Exmouth**

Moved Councillor Fitzgerald, Seconded Councillor Warren.

**That the Council of the Shire of Exmouth grant planning approval for renewed holiday accommodation upon Lot 238 (20) Carpenter Street, Exmouth subject to the following conditions:-**

1. **Development to accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA62/12) 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 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 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 six (6) persons over the age of ten at any one time;*
    - *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.*
  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 ten (10) 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 238 (20) Carpenter Street, Exmouth**

Bedroom 1: Total floor space: 9.6m<sup>2</sup>, Approximate Air Space: 26m<sup>3</sup>  
Allowable occupants: 1 adult **OR** 1 adult and 1 child **OR** 3 children

Bedroom 2: Total floor space: 16m<sup>2</sup>, Approximate Air Space: 43m<sup>3</sup>  
Allowable occupants: 3 adults **OR** 2 adults and 1 child **OR** 5 children **OR** 1 adult and 3 children

Bedroom 3: Total floor space: 10.95m<sup>2</sup>, Approximate Air Space: 30m<sup>3</sup>  
Allowable occupants: 2 adults **OR** 1 adult and 2 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) 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 6/0**

**OFFICER'S RECOMMENDATION -10.6.5 – PA 65/12 – Lot 664 (13) Stewart Street, Exmouth**

*That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 664 (13) Stewart Street, Exmouth subject to the following conditions:-*

1. *Development to accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA65/12) 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 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. *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.**
7. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
8. *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;*
9. *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*
10. *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 664 (13) Stewart Street, Exmouth**

Bedroom 1: Total floor space: 14.74m<sup>2</sup>, Approximate Air Space: 39m<sup>3</sup>  
Allowable occupants: 2 adults **OR** 4 children **OR** 1 adult and 3 children

Bedroom 2: Total floor space: 9.8m<sup>2</sup>, Approximate Air Space: 26m<sup>3</sup>  
Allowable occupants: 1 adult **OR** 3 children **OR** 1 adult and 1 child

Bedroom 3: Total floor space: 11.9m<sup>2</sup>, Approximate Air Space: 32m<sup>3</sup>  
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 is calculated with a 2.67m 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 – 22-0912 – 10.6.5 – PA 65/12 – Lot 664 (13) Stewart Street, Exmouth**

Moved Councillor Fitzgerald, Seconded Councillor Warren.

***That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 664 (13) Stewart Street, Exmouth subject to the following conditions:-***

1. ***Development to accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA65/12) 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 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. ***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. ***a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and***
  - b. ***no fires are to be lit outside with the exception of a gas barbeque.***
7. ***The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;***
8. ***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;*

- 9. 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*
- 10. 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><b>Schedule 1: Allowable Occupants: Lot 664 (13) Stewart Street, Exmouth</b></p> <p>Bedroom 1: Total floor space: 14.74m<sup>2</sup>, Approximate Air Space: 39m<sup>3</sup> Allowable occupants: 2 adults <b>OR</b> 4 children <b>OR</b> 1 adult and 3 children</p> <p>Bedroom 2: Total floor space: 9.8m<sup>2</sup>, Approximate Air Space: 26m<sup>3</sup> Allowable occupants: 1 adult <b>OR</b> 3 children <b>OR</b> 1 adult and 1 child</p> <p>Bedroom 3: Total floor space: 11.9m<sup>2</sup>, Approximate Air Space: 32m<sup>3</sup> Allowable occupants: 2 adults <b>OR</b> 4 children <b>OR</b> 1 adult and 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 2.67m 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 6/0**



<b>OFFICER'S RECOMMENDATION -10.6.5 – PA 68/12 – Lot 75 (4) Grey Street, Exmouth</b>
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*That the Council of the Shire of Exmouth grant planning approval for renewed holiday accommodation upon Lot 75 (4) Grey Street, Exmouth subject to the following conditions:-*

1. *Development to accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA68/12) 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 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. *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 four (4) persons over the age of ten at any one time; and*
  - *no pets are permitted on the property without prior permission given by owner.*
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 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 75 (4) Grey Street, Exmouth**

Bedroom 1: Total floor space: 16m<sup>2</sup>, Approximate Air Space: 40m<sup>3</sup>  
Allowable occupants: 2 adults **OR** 5 children **OR** 1 adult and 3 children

Bedroom 2: Total floor space: 11m<sup>2</sup>, Approximate Air Space: 28m<sup>3</sup>  
Allowable occupants: 2 adults **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 with a 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 – 23-0912 – 10.6.5 – PA 68/12 – Lot 75 (4) Grey Street, Exmouth**

Moved Councillor Fitzgerald, Seconded Councillor Warren.

*That the Council of the Shire of Exmouth grant planning approval for renewed holiday accommodation upon Lot 75 (4) Grey Street, Exmouth subject to the following conditions:-*

1. *Development to accord with the Shire of Exmouth Town Planning Scheme No.3, approved plans (PA68/12) 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 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. *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:*
  - a. *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*
  - b. *no pets are permitted on the property without prior permission given by owner.*
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. *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
  - b. *no fires are to be lit outside with the exception of a gas 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 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 75 (4) Grey Street, Exmouth**

Bedroom 1: Total floor space: 16m<sup>2</sup>, Approximate Air Space: 40m<sup>3</sup>  
Allowable occupants: 2 adults **OR** 5 children **OR** 1 adult and 3 children

Bedroom 2: Total floor space: 11m<sup>2</sup>, Approximate Air Space: 28m<sup>3</sup>  
Allowable occupants: 2 adults **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 with a 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 6/0**

**OFFICER'S RECOMMENDATION -10.6.5 – PA 69/12 – Lot 362 (3) Kestrel Place, Exmouth**

*That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 362 (3) Kestrel Place, 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 (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 twelve (12) persons. This includes no more than twelve (12) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and 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 (3) 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. *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;*
7. *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;*
8. *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.**
9. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
10. *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;*
11. *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*
12. *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 362 (3) Kestrel Place, Exmouth**

Bedroom 1: Total floor space: 18.64m<sup>2</sup>, Approximate Air Space: 50m<sup>3</sup>  
Allowable occupants: 3 adults **OR** 6 children **OR** 1 adult and 4 children **OR** 2 adults and 2 children **OR** 3 adults and 1 child

Bedroom 2: Total floor space: 15.06m<sup>2</sup>, Approximate Air Space: 40m<sup>3</sup>  
Allowable occupants: 2 adults **OR** 5 children **OR** 1 adult and 3 children **OR** 2 adults and 1 child

Bedroom 3: Total floor space: 11.1m<sup>2</sup>, Approximate Air Space: 30m<sup>3</sup>  
Allowable occupants: 2 adults **OR** 3 children **OR** 1 adult and 2 children

Loft: Total floor space: 43.18m<sup>2</sup>, Approximate Air Space: 123m<sup>3</sup>  
Allowable occupants: 8 adults **OR** 15 children **OR** 2 adults and 11 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 2.67m 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 – 24-0912 – 10.6.5 – PA 69/12 – Lot 362 (3) Kestrel Place, Exmouth**

Moved Councillor Fitzgerald, Seconded Councillor Warren.

***That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 362 (3) Kestrel Place, 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 (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 twelve (12) persons. This includes no more than twelve (12) persons over the age of ten at any one time. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and 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 (3) 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. 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;***
- 7. 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;*

8. *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. *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
  - b. *no fires are to be lit outside with the exception of a gas barbeque.**
9. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
10. *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;*
11. *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*
12. *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:
 
  - a. *For every person over the age of 10 years, there is to be a minimum of 14 cubic metres of air space per person; and*
  - b. *For every person between the ages of 1 & 10 years, there is to be a minimum of 8 cubic metres of air space per person.**

*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 362 (3) Kestrel Place, Exmouth
Bedroom 1: Total floor space: 18.64m <sup>2</sup> , Approximate Air Space: 50m <sup>3</sup> Allowable occupants: 3 adults <b>OR</b> 6 children <b>OR</b> 1 adult and 4 children <b>OR</b> 2 adults and 2 children <b>OR</b> 3 adults and 1 child
Bedroom 2: Total floor space: 15.06m <sup>2</sup> , Approximate Air Space: 40m <sup>3</sup> Allowable occupants: 2 adults <b>OR</b> 5 children <b>OR</b> 1 adult and 3 children <b>OR</b> 2 adults and 1 child
Bedroom 3: Total floor space: 11.1m <sup>2</sup> , Approximate Air Space: 30m <sup>3</sup> Allowable occupants: 2 adults <b>OR</b> 3 children <b>OR</b> 1 adult and 2 children
Loft: Total floor space: 43.18m <sup>2</sup> , Approximate Air Space: 123m <sup>3</sup> Allowable occupants: 8 adults <b>OR</b> 15 children <b>OR</b> 2 adults and 11 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 2.67m 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 6/0**



**OFFICER'S RECOMMENDATION -10.6.5 – PA 70/12 – Lot 389 (21) Corella Court, Exmouth**

*That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 389 (21) Corella Court, 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 (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 ten (10) 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 (3) 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. *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;*
7. *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;*
8. *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.**
9. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
10. *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;*
11. *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*
12. *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 ten (10) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.*

<b>Schedule 1: Allowable Occupants: Lot 389 (21) Corella Court, Exmouth</b>
Bedroom 1: Total floor space: 18.21m <sup>2</sup> , Approximate Air Space: 58m <sup>3</sup> Allowable occupants: 4 adults <b>OR</b> 7 children <b>OR</b> 1 adult and 5 children <b>OR</b> 2 adults and 3 children <b>OR</b> 3 adults and 2 children
Bedroom 2: Total floor space: 16.82m <sup>2</sup> , Approximate Air Space: 54m <sup>3</sup> Allowable occupants: 3 adults and 1 child <b>OR</b> 6 children <b>OR</b> 1 adult and 5 children <b>OR</b> 2 adults and 3 children
Bedroom 3: Total floor space: 18.13m <sup>2</sup> , Approximate Air Space: 50m <sup>3</sup> Allowable occupants: 3 adults <b>OR</b> 6 children <b>OR</b> 1 adult and 4 children <b>OR</b> 2 adults and 2 children
Bedroom 4: Total floor space: 16.82m <sup>2</sup> , Approximate Air Space: 46m <sup>3</sup> Allowable occupants: 3 adults <b>OR</b> 5 children <b>OR</b> 1 adult and 4 children <b>OR</b> 2 adults and 2 children
Bedroom 5: Total floor space: 21.64m <sup>2</sup> , Approximate Air Space: 60m <sup>3</sup> Allowable occupants: 4 adults <b>OR</b> 7 children <b>OR</b> 1 adult and 5 children <b>OR</b> 2 adults and 3 children <b>OR</b> 3 adults 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 bedroom 1 and 2 is calculated on a 3.25m ceiling height and bedroom 3 to 5 on a 2.79m 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 – 25-0912 – 10.6.5 – PA 70/12 – Lot 389 (21) Corella Court, Exmouth**

Moved Councillor Fitzgerald, Seconded Councillor Warren.

***That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 389 (21) Corella Court, 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 (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 ten (10) 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 (3) 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. 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;***
- 7. 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;*

8. *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. *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
  - b. *no fires are to be lit outside with the exception of a gas barbeque.**
9. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
10. *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;*
11. *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*
12. *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 ten (10) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.*

#### **Schedule 1: Allowable Occupants: Lot 389 (21) Corella Court, Exmouth**

Bedroom 1: Total floor space: 18.21m<sup>2</sup>, Approximate Air Space: 58m<sup>3</sup>  
 Allowable occupants: 4 adults **OR** 7 children **OR** 1 adult and 5 children **OR** 2 adults and 3 children **OR** 3 adults and 2 children

Bedroom 2: Total floor space: 16.82m<sup>2</sup>, Approximate Air Space: 54m<sup>3</sup>  
 Allowable occupants: 3 adults and 1 child **OR** 6 children **OR** 1 adult and 5 children **OR** 2 adults and 3 children

Bedroom 3: Total floor space: 18.13m<sup>2</sup>, Approximate Air Space: 50m<sup>3</sup>  
 Allowable occupants: 3 adults **OR** 6 children **OR** 1 adult and 4 children **OR** 2 adults and 2 children

Bedroom 4: Total floor space: 16.82m<sup>2</sup>, Approximate Air Space: 46m<sup>3</sup>  
 Allowable occupants: 3 adults **OR** 5 children **OR** 1 adult and 4 children **OR** 2 adults and 2 children

Bedroom 5: Total floor space: 21.64m<sup>2</sup>, Approximate Air Space: 60m<sup>3</sup>  
 Allowable occupants: 4 adults **OR** 7 children **OR** 1 adult and 5 children **OR** 2 adults and 3 children **OR** 3 adults 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 bedroom 1 and 2 is calculated on a 3.25m ceiling height and bedroom 3 to 5 on a 2.79m 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 6/0**

**OFFICER'S RECOMMENDATION - 10.6.5 – PA 72/12 – Lot 330 (2) Kestrel Place, Exmouth**

*That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 330 (2) Kestrel Place, 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 (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 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 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. *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;*
7. *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;*
8. *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. *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
  - b. *no fires are to be lit outside with the exception of a gas barbeque.**
9. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
10. *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;*
11. *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*
12. *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 nine (9) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.*

<p><b>Schedule 1: Allowable Occupants: Lot 330 (2) Kestrel Place, Exmouth</b></p> <p>Bedroom 1: Total floor space: 13.8m<sup>2</sup>, Approximate Air Space: 38.1m<sup>3</sup> Allowable occupants: 2 adults <b>OR</b> 4 children <b>OR</b> 2 adults and 1 child <b>OR</b> 1 adult and 3 children</p> <p>Bedroom 2: Total floor space: 10.1m<sup>2</sup>, Approximate Air Space: 27.8m<sup>3</sup> Allowable occupants: 1 adult <b>OR</b> 3 children <b>OR</b> 1 adult and 1 child</p> <p>Bedroom 3: Total floor space: 13.8m<sup>2</sup>, Approximate Air Space: 38.1m<sup>3</sup> Allowable occupants: 2 adults <b>OR</b> 4 children <b>OR</b> 2 adults and 1 child <b>OR</b> 1 adult and 3 children</p> <p>Bedroom 4 (Studio): Total floor space: 12.5m<sup>2</sup>, Approximate Air Space: 33m<sup>3</sup> Allowable occupants: 2 adults <b>OR</b> 4 children <b>OR</b> 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 is calculated with a 2.76 ceiling height for bedrooms 1-3 and a 2.613m ceiling height for bedroom 4.</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.*

**COUNCIL DECISION – 26-0912 – 10.6.5 – PA 72/12 – Lot 330 (2) Kestrel Place, Exmouth**

Moved Councillor Fitzgerald, Seconded Councillor Warren.

***That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 330 (2) Kestrel Place, 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 (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 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 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. 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;***
- 7. 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;***

8. **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. **a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and**
  - b. **no fires are to be lit outside with the exception of a gas barbeque.**
9. **The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;**
10. **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;**
11. **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**
12. **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 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 330 (2) Kestrel Place, Exmouth**

Bedroom 1: Total floor space: 13.8m<sup>2</sup>, Approximate Air Space: 38.1m<sup>3</sup>  
 Allowable occupants: 2 adults **OR** 4 children **OR** 2 adults and 1 child **OR** 1 adult and 3 children

Bedroom 2: Total floor space: 10.1m<sup>2</sup>, Approximate Air Space: 27.8m<sup>3</sup>  
 Allowable occupants: 1 adult **OR** 3 children **OR** 1 adult and 1 child

Bedroom 3: Total floor space: 13.8m<sup>2</sup>, Approximate Air Space: 38.1m<sup>3</sup>  
 Allowable occupants: 2 adults **OR** 4 children **OR** 2 adults and 1 child **OR** 1 adult and 3 children

Bedroom 4 (Studio): Total floor space: 12.5m<sup>2</sup>, Approximate Air Space: 33m<sup>3</sup>  
 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 is calculated with a 2.76 ceiling height for bedrooms 1-3 and a 2.613m ceiling height for bedroom 4.

- 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 6/0**

**OFFICER'S RECOMMENDATION -10.6.5 – PA 73/12 – Lot 1208 (19) Skipjack Circle, Exmouth**

*That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 1208 (19) Skipjack Circle, 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 (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 ten (10) 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 (3) 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. *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;*
7. *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;*
8. *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. *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
  - b. *no fires are to be lit outside with the exception of a gas barbeque.**
9. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
10. *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;*
11. *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*
12. *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 ten (10) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.*

**Schedule 1: Allowable Occupants: Lot 1208 (19) Skipjack Circle, Exmouth**

Bedroom 1: Total floor space: 18m<sup>2</sup>, Approximate Air Space: 49m<sup>3</sup>  
Allowable occupants: 3 adults **OR** 6 children **OR** 1 adult and 4 children **OR** 2 adults and 2 children

Bedroom 2: Total floor space: 12m<sup>2</sup>, Approximate Air Space: 33m<sup>3</sup>  
Allowable occupants: 2 adults **OR** 4 children **OR** 1 adult and 2 children

Bedroom 3: Total floor space: 11m<sup>2</sup>, Approximate Air Space: 32m<sup>3</sup>  
Allowable occupants: 2 adults **OR** 4 children **OR** 1 adult and 2 children

Bedroom 4: Total floor space: 13m<sup>2</sup>, Approximate Air Space: 37m<sup>3</sup>  
Allowable occupants: 2 adults **OR** 4 children **OR** 1 adult and 2 children **OR** 2 adults and 1 child

Bedroom 5 (Office): Total floor space: 14m<sup>2</sup>, Approximate Air Space: 38m<sup>3</sup>  
Allowable occupants: 2 adults **OR** 4 children **OR** 1 adult and 3 children **OR** 2 adults 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 for bedroom 1 and 2 is calculated on a 3.25m ceiling height and bedroom 3 to 5 on a 2.79m 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 – 27-0912 – 10.6.5 – PA 73/12 – Lot 1208 (19) Skipjack Circle, Exmouth**

Moved Councillor Fitzgerald, Seconded Councillor Warren.

***That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 1208 (19) Skipjack Circle, 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 (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 ten (10) 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 (3) 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. 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;***

7. *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;*
8. *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. *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
  - b. *no fires are to be lit outside with the exception of a gas barbeque.**
9. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
10. *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;*
11. *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*
12. *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 ten (10) persons over the age of 10 at any one time. This Schedule shall be appropriately displayed in the house.*

#### **Schedule 1: Allowable Occupants: Lot 1208 (19) Skipjack Circle, Exmouth**

Bedroom 1: Total floor space: 18m<sup>2</sup>, Approximate Air Space: 49m<sup>3</sup>  
 Allowable occupants: 3 adults **OR** 6 children **OR** 1 adult and 4 children **OR** 2 adults and 2 children

Bedroom 2: Total floor space: 12m<sup>2</sup>, Approximate Air Space: 33m<sup>3</sup>  
 Allowable occupants: 2 adults **OR** 4 children **OR** 1 adult and 2 children

Bedroom 3: Total floor space: 11m<sup>2</sup>, Approximate Air Space: 32m<sup>3</sup>  
 Allowable occupants: 2 adults **OR** 4 children **OR** 1 adult and 2 children

Bedroom 4: Total floor space: 13m<sup>2</sup>, Approximate Air Space: 37m<sup>3</sup>  
 Allowable occupants: 2 adults **OR** 4 children **OR** 1 adult and 2 children **OR** 2 adults and 1 child

Bedroom 5 (Office): Total floor space: 14m<sup>2</sup>, Approximate Air Space: 38m<sup>3</sup>  
 Allowable occupants: 2 adults **OR** 4 children **OR** 1 adult and 3 children **OR** 2 adults 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 for bedroom 1 and 2 is calculated on a 3.25m ceiling height and bedroom 3 to 5 on a 2.79m 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 6/0**

**OFFICER'S RECOMMENDATION – 10.6.5 – PA 75/12 – Lot 340 (22) Kestrel Place, Exmouth**

*That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 340 (22) Kestrel Place, 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 (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 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. *The property shall provide at least three (3) 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. *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;*
7. *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;*
8. *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. *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
  - b. *no fires are to be lit outside with the exception of a gas barbeque.**
9. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
10. *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;*
11. *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*
12. *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 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 340 (22) Kestrel Place, Exmouth**

Bedroom 1: Approximate Air Space: 42m<sup>3</sup>  
Allowable occupants: 3 adults **OR** 5 children **OR** 2 adults and 1 child **OR** 1 adult and 3 children

Bedroom 2: Approximate Air Space: 32m<sup>3</sup>  
Allowable occupants: 2 adults **OR** 4 children **OR** 1 adult and 2 children

Bedroom 3 (Dorm): Approximate Air Space: 58m<sup>3</sup>  
Allowable occupants: 4 adults **OR** 7 children **OR** 1 adult and 5 children **OR** 2 adults and 3 children **OR** 3 adults 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 with a cathedral ceiling – heights as indicated in previous application.

- 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 – 28-0912 – 10.6.5 – PA 75/12 – Lot 340 (22) Kestrel Place, Exmouth**

Moved Councillor Fitzgerald, Seconded Councillor Warren.

*That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 340 (22) Kestrel Place, 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 (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 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. *The property shall provide at least three (3) 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. *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;*
7. *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;*
8. *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. *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
    - b. *no fires are to be lit outside with the exception of a gas barbeque.**
  9. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
  10. *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;*
  11. *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*
  12. *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 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 340 (22) Kestrel Place, Exmouth
Bedroom 1: Approximate Air Space: 42m <sup>3</sup> Allowable occupants: 3 adults <b>OR</b> 5 children <b>OR</b> 2 adults and 1 child <b>OR</b> 1 adult and 3 children
Bedroom 2: Approximate Air Space: 32m <sup>3</sup> Allowable occupants: 2 adults <b>OR</b> 4 children <b>OR</b> 1 adult and 2 children
Bedroom 3 (Dorm): Approximate Air Space: 58m <sup>3</sup> Allowable occupants: 4 adults <b>OR</b> 7 children <b>OR</b> 1 adult and 5 children <b>OR</b> 2 adults and 3 children <b>OR</b> 3 adults 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 with a cathedral ceiling – heights as indicated in previous application.

- 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 6/0**

**OFFICER'S RECOMMENDATION -10.6.5 – PA 76/12 – Lot 194 (13) Grenadier Street, Exmouth**

*That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 194 (13) Grenadier 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 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. *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. *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;*
7. *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;*
8. *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. *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
  - b. *no fires are to be lit outside with the exception of a gas barbeque.**
9. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
10. *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;*
11. *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*
12. *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 194 (13) Grenadier Street, Exmouth**

Bedroom 1: Total Floor Space: 13.35m<sup>2</sup>, Approximate Air Space: 33.4m<sup>3</sup>  
Allowable occupants: 2 adults **OR** 4 children **OR** 1 adult and 2 children

Bedroom 2: Total Floor Space: 12.26m<sup>2</sup>, Approximate Air Space: 30.65m<sup>3</sup>  
Allowable occupants: 2 adults **OR** 3 children **OR** 1 adult & 2 children

Bedroom 3: Total Floor Space: 10.2m<sup>2</sup>, Approximate Air Space: 25m<sup>3</sup>  
Allowable occupants: 1 adult **OR** 3 children **OR** 1 adult and 1 child

Bedroom 4: Total Floor Space: 9.6m<sup>2</sup>, Approximate Air Space: 24m<sup>3</sup>  
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 2.5m 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 – 29-0912 – 10.6.5 – PA 76/12 – Lot 194 (13) Grenadier Street, Exmouth**

Moved Councillor Fitzgerald, Seconded Councillor Warren.

***That the Council of the Shire of Exmouth grant planning approval for holiday accommodation upon Lot 194 (13) Grenadier 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 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. 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. 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;***
- 7. 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;***



8. *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. *a fire extinguisher, in a clearly visible location (and marked on the emergency response plan), is to be maintained in proper working order; and*
  - b. *no fires are to be lit outside with the exception of a gas barbeque.*
9. *The property is to be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;*
10. *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;*
11. *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*
12. *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 194 (13) Grenadier Street, Exmouth**

Bedroom 1: Total Floor Space: 13.35m<sup>2</sup>, Approximate Air Space: 33.4m<sup>3</sup>  
Allowable occupants: 2 adults **OR** 4 children **OR** 1 adult and 2 children

Bedroom 2: Total Floor Space: 12.26m<sup>2</sup>, Approximate Air Space: 30.65m<sup>3</sup>  
Allowable occupants: 2 adults **OR** 3 children **OR** 1 adult & 2 children

Bedroom 3: Total Floor Space: 10.2m<sup>2</sup>, Approximate Air Space: 25m<sup>3</sup>  
Allowable occupants: 1 adult **OR** 3 children **OR** 1 adult and 1 child

Bedroom 4: Total Floor Space: 9.6m<sup>2</sup>, Approximate Air Space: 24m<sup>3</sup>  
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 2.5m 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 6/0**

## 10. REPORTS OF OFFICERS

### 10.6 Executive Manager Town Planning

#### 10.6.6 Over Height Outbuilding and Reduced Setbacks upon Lot 219 (25) Carpenter Street, Exmouth

Location:	Location: Lot 219 (25) Carpenter Street, Exmouth
Applicant:	Macca's Building
File Reference:	219(25)
Disclosure of Interest:	Nil
Date:	17 July 2012
Author:	Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer:

Chief Executive Officer, Bill Price

### SUMMARY

This report recommends that Council grant conditional approval for an over height and oversized outbuilding with reduced setback upon Lot 219(25) Carpenter Street, Exmouth (subject land). (refer **Attachment 9**).

### PROPOSAL

The proponent seeks Council's planning approval for an oversized outbuilding and reduced side and rear setbacks upon Lot 219(25) Carpenter Street, Exmouth. Currently an existing shed is situated upon the south east portion of the subject land and is approximately 54m<sup>2</sup>. There is minor vegetation on site and boundary fencing is erected around the perimeter.

Proposal summary includes:

- 10m x 6.5m enclosed shed with gable roof design;
- total floor area: approximately 65m<sup>2</sup>;
- 8m x 4.5m lean-to;
- total floor area: approximately 36m<sup>2</sup>; and
- wall height of approximately 3.6m.

Setbacks:

- Front: 26.77m (behind existing dwelling )
- Side: 0.45m
- Rear: 0.45m

A variation from the Residential Design Codes of Western Australia (R-Codes) is as follows:

- A total area of approximately 65m<sup>2</sup> in lieu of 60m<sup>2</sup>;
- 3.6m height in lieu of 2.4m; and
- 0.45m setback in lieu of 1.5m.

Due to the existing outbuilding, a variation to Council's Outbuilding Policy is also proposed, as the total area of the two outbuildings will exceed 90m<sup>2</sup>. **Attachment 10** is the letter from the applicant requesting the variation.

### COMMENT

The proposal can be assessed under the Shire of Exmouth Town Planning Scheme No. 3 (Scheme), the Western Australian Residential Design Codes (R-Codes) and the Council's Local Planning Policy 6.7 - Outbuildings (Policy).

### **Shire of Exmouth Town Planning Scheme No. 3 (Scheme)**

Under the Shire of Exmouth Town Planning Scheme No. 3 (Scheme), the subject site is zoned Residential. The objectives of the residential zone are to:

- a) *provide for the predominant form of residential development to be single houses whilst providing for diversity with some higher density close to the town centre;*
- b) *provide for diversity of lifestyle choice with a range of densities;*
- c) *achieve a high standard of residential development having regard to the economic importance of tourism to the town; and*
- d) *allow for the establishment of non-residential uses which are compatible with the predominant residential use and which will not adversely affect local amenities.*

It is considered that the proposed oversized outbuilding subject to this planning application is not inconsistent with the zone objectives.

Clause 4.1 of the Scheme outlines that the Residential Design Codes of Western Australia (R-Codes) are the provisions that must be adhered to for development of land within the Residential zone.

It is considered that the proposed Outbuilding subject to PA67/12 is generally consistent with the standards identified in the Scheme.

### **Residential Design Codes of Western Australia (R-Codes)**

Section 6.3 outlines the objectives of boundary set-back requirements, which is *to ensure adequate provision of direct and sun and ventilation for buildings and to ameliorate the impacts of building bulk, interference with privacy, and overshadowing on adjoining properties.*

Section 6.10 discusses incidental building requirements and the acceptable development provisions for Outbuildings is outlined in Section 6.10.1. Outbuildings should not detract from the streetscape or the visual amenity of residents or neighbouring properties.

The following acceptable development is prescribed for Outbuildings:

- collectively do not exceed 60m<sup>2</sup> in area or 10% in aggregate of the site area, whichever is the lesser;
- do not exceed a wall height of 2.4m;
- do not exceed ridge height of 4.2m;
- are not within the primary setback area; and
- do not reduce the amount of open space required, being minimum total of 50% off site and 36m<sup>2</sup> of outdoor living area.

The proposed oversized outbuilding requests a variation to the above standards as it exceeds 60m<sup>2</sup> in area and is approximately 3.6m in wall height. The side setback on the northern boundary is also approximately 450mm, which is a variation to 1.5m (Table 2a of the R-Codes).

It is considered that the variation can be approved as it conforms to some of the existing wall height and sizes of a number of outbuildings within this locality and no objection from adjoining residents were raised during the consultation period.

The increase in height is considered negligible and does not conflict with the intent of the provision which is to not detract from the streetscape or the visual amenity of residents or neighbouring properties.

### **Local Planning Policy 6.7 - Outbuildings**

Council's Local Planning Policy 6.7 - Outbuildings (Policy) defines an 'outbuilding' as:

*"An enclosed non-habitable structure that is ancillary to and detached from a dwelling, used for domestic purposes associated with the enjoyment of that dwelling, and may include the garaging of motor vehicles."*

In addition, an ‘oversized outbuilding’ is defined under the Policy as:

*“An outbuilding that exceeds 60m<sup>2</sup> in area and/or has a wall height exceeding 2.4m and/or a ridge height that exceeds 4.2m”.*

In accordance with Section 4.1 of the Policy, this planning application is made pursuant to the R-Codes, for a Single House/Outbuilding Codes Variation.

Whilst requesting a variation for the above size and height, the proposed oversized outbuilding is setback over 25m from the street in accordance with Section 2.3 of the Policy.

In accordance with Section 5 of the Policy, a reduced setback can be considered so long as affected neighbours have been consulted and do not object. As outlined below under the consultation section, the proposed oversized outbuilding has been notified to affected properties and no objections were raised.

It is noted that the proposed oversized outbuilding is inconsistent with the Outbuildings Policy, as the total floor space of the existing and proposed outbuildings exceeds 90m<sup>2</sup>. Council officers conducted a site visit on 15 August 2012, to inspect the existing outbuilding and the site for the proposed outbuilding. It was noted that the existing outbuilding is attached to the verandah of the existing dwelling by extended flooring and a roof enclosure. It was also evident that the existing outbuilding acts more as a garage with the housing of two vehicles. The proposed outbuilding is located on the other side of the dwelling and is setback over 25m behind a boundary fence. As a result, it is considered the impact on the streetscape will be minor.

Despite the large floor area of outbuildings on the site, the property still retains over 50% of open space on site, in accordance with the R-Codes.

It is considered that the oversized outbuilding is consistent with the orderly and proper planning of the locality and does not have any adverse effect upon the locality due to the setbacks provided and the existing fencing. It is recommended that the proposed outbuilding be approved.

### **CONSULTATION**

Adjacent properties were invited to comment on the proposed variation prior to **Friday 3 August 2012**. Comments were received, a summary is tabled below:

Property	Received	Comment
Lot 218 (23) Carpenter Street	No comment	
Lot 220 (27) Carpenter Street	No objection	
Lot 227 (44) Kennedy Street	No comment	
Lot 228 (46) Kennedy Street	No comment	

A condition regarding the appropriate management of stormwater will be recommended for any approval granted.

### **STATUTORY ENVIRONMENT**

Planning and Development Act 2005

Shire of Exmouth Town Planning Scheme No. 3

### **POLICY IMPLICATIONS**

Local Planning Policy 6.2: Colour Palette for Developments

Local Planning Policy 6.7: Outbuildings

### **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**

**NOTE: During the meeting the Executive Manager Town Planning identified the need to change condition 3 from 0.45m to nil northern and western side setbacks as amended below.**

*That the Council of the Shire of Exmouth grant conditional planning approval for the oversized outbuilding with a reduced side setback upon Lot 219 (25) Carpenter Street, Exmouth subject to the following conditions:-*

- 1. The development being carried out generally in accordance with the Shire of Exmouth Town Planning Scheme No. 3 and the amended approved plans (PA67/12) to the satisfaction of Council Officers;*
- 2. The external cladding of the outbuilding to be consistent with the Council Policy 6.2 - Colour Palette for Developments;*
- 3. A maximum wall height of 3.6m (plans to be amended) and nil northern and western side setback;*
- 4. The outbuilding should not be used for habitable purposes;*
- 5. Stormwater being managed on site and/or discharged into the Shire's road drainage system in accordance with the Building Code of Australia;*
- 6. Concrete footings on the boundaries shall not encroach beyond the limits of the site; and*
- 7. The approval granted is valid up to two years of the date of this approval. Should the use approved not substantially commence within this time, the approval will lapse.*

#### Advice

- i) Prior to any construction, the applicant being required to obtain a building permit approval from the Shire of Exmouth.*
- ii) 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.*
- 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 – 30-0912 – 10.6.6**

Moved Councillor Fitzgerald, Seconded Councillor Winzer.

***That the Council of the Shire of Exmouth grant conditional planning approval for the oversized outbuilding with a reduced side setback upon Lot 219 (25) Carpenter Street, Exmouth subject to the following conditions:-***

- 1. The development being carried out generally in accordance with the Shire of Exmouth Town Planning Scheme No. 3 and the amended approved plans (PA67/12) to the satisfaction of Council Officers;***

2. *The external cladding of the outbuilding to be consistent with the Council Policy 6.2 - Colour Palette for Developments;*
3. *A maximum wall height of 3.6m (plans to be amended) and nil northern and western side setback;*
4. *The outbuilding should not be used for habitable purposes;*
5. *Stormwater being managed on site and/or discharged into the Shire's road drainage system in accordance with the Building Code of Australia;*
6. *Concrete footings on the boundaries shall not encroach beyond the limits of the site; and*
7. *The approval granted is valid up to two years of the date of this approval. Should the use approved not substantially commence within this time, the approval will lapse.*

Advice

- i) *Prior to any construction, the applicant being required to obtain a building permit approval from the Shire of Exmouth.*
- ii) *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.*
- 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 6/0**

## 10. REPORTS OF OFFICERS

### 10.6 Executive Manager Town Planning

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#### 10.6.7 Proposed Residential Subdivision- Lot 5000 Learmonth Street, Exmouth

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Location: Lot 5000 Learmonth Street, Exmouth  
Applicant: RPS on behalf of Landcorp  
File Reference: LP.PL.0  
Disclosure of Interest: Nil  
Date: 10 September 2012  
Author: Executive Manager Town Planning, Rhassel Mhasho

Signature of Author:



Senior Officer: Chief Executive Officer, Bill Price

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#### **SUMMARY**

This report recommends that the Council of the Shire of Exmouth support the subdivision application with appropriate conditions for freehold subdivision upon Lot 5000 Learmonth Street, Exmouth. (Refer *Attachment 11*).

#### **BACKGROUND**

Council is in receipt of a subdivision application from the Western Australian Planning Commission regarding the proposed freehold subdivision upon Lot 5000 Learmonth Street, Exmouth. The Commission request Council to provide comments regarding the subdivision.

The application proposes the creation of 23 residential lots suitable for single houses and 1 grouped housing site. No outline development plan is required for the subdivision. However, RPS prepared a short report to support the subdivision which is attached.

#### **COMMENT**

This subdivision application has been prepared in accordance with the principle contained in the Liveable Neighbourhoods and the proposed lots sizes and design are consistent to the lot sizes and designs of the surrounding lots. The WAPC requires Local Government, should it support the subdivision, to provide any recommendations or conditions pertinent to the application.

Council officers have provided conditions to regulate the uses in the area, engineering conditions and dust management. It is recommended that the proposed subdivision be supported with appropriate conditions and advice notes.

#### **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.

- Outcome 1.2 - Planned and balanced economic growth.

#### Environment

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

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

#### Social

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

- Outcome 3.2: 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

<b>OFFICER'S RECOMMENDATION – 10.6.7</b>
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*That the Council of the Shire of Exmouth advise the Western Australian Planning Commission that it supports the application for Subdivision No146591 for Proposed Residential subdivision- Lot 5000 Learmonth Street, Exmouth subject to the following conditions and advice being applied:*

- 1. Those lots not fronting an existing road being provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) being constructed and drained at the applicant/owner's cost;*
- 2. All roads, kerbing, footpaths and earthworks being designed and constructed to the satisfaction of the local government;*
- 3. The developer will formulate a landscaping plan to the satisfaction of the local government;*
- 4. The finished ground levels at the boundaries of the lot(s) the subject of this approval are to match or otherwise co-ordinate with the existing and/or proposed finished ground levels of the land abutting;*
- 5. The applicant/owner is to provide a geotechnical report certifying that the land is physically capable of development prior to the commencement of subdivision works;*
- 6. An urban water management plan is to be prepared prior to the commencement of subdivision works, consistent with the local water management strategy/drainage and water management plan. The approved urban water management plan being implemented by the applicant/owner, including construction of identified wastewater, stormwater and groundwater management systems;*
- 7. Street lighting to be installed on all new subdivisional roads to the satisfaction of the local government;*
- 8. Street corners within the subdivision are to be truncated to the standard truncation of 8.5 metres or more;*
- 9. The land is to be provided with an adequate outlet drainage system at the applicant/owner's cost;*
- 10. The area marked ' POS' on the approved plan of subdivision is to be shown on the Deposited Plan as such and is to be vested in the Crown under section 152 of the Planning and Development Act, such land to be ceded free of cost and without any payment of compensation by the Crown;*
- 11. The land being graded and stabilised at the subdivider's cost, to the satisfaction of the Shire of Exmouth;*



12. *The applicant providing a geotechnical report and evidence certifying that any necessary compaction including filling or backfilling has been adequately achieved;*
13. *Storm water management is to include the establishment of an ongoing monitoring program to the satisfaction of the Local Government in accordance with the Local Water Management Strategy;*
14. *The design and construction of stormwater treatments and infrastructure in accordance with the Local Water Management Strategy endorsed by WAPC and the Local Government; and*
15. *Prior to the commencement of subdivision works a dust and noise management plan for area is to be prepared and implemented to the satisfaction of Council.*

Footnote

- i) *The applicant is advised to refer to the Institute of Public Works Engineering Australia Local Government Guidelines for Subdivisional Development. The guidelines set out the minimum requirements recommended to be accepted by a local authority in granting clearance of engineering conditions imposed. The guidelines prescribe the use of best practice to set minimum standards applicable to the design and construction of roads, drainage, pathways, earthworks and public open space and do not restrict or prevent innovative solutions.*
- ii) *The applicant/owner is advised that the Department of Environment and Conservation has available a "Preparation of dust management plans for development sites" document. Further information on the guidelines can be obtained from the Department of Environment and Conservation.*
- iii) *With regard to condition 2, Road network shall be asphalt sealed and footpaths shall be constructed on every road within the subdivision. The footpath network shall conform to the West Australian Department of Transport Cycling Infrastructure Standards.*
- iv) *With regards to condition 9, the Street lighting is to be highly energy efficient, economically attractive, and environmentally friendly and Utility approved LED street lights.*
- v) *All road works and drainage are to be designed and supervised by a qualified and experienced Civil Engineer and no work is to start on site until the drawings and specifications have been approved by the Executive Manager Engineering Services.*
- vi) *The WAPC's approval to subdivision should not be construed as approval to development on any of the lot(s) proposed.*

<b>COUNCIL DECISION – 31-0912 – 10.6.7</b>
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Moved Councillor Fitzgerald, Seconded Councillor Hood.

***That the Council of the Shire of Exmouth advise the Western Australian Planning Commission that it supports the application for Subdivision No146591 for Proposed Residential subdivision- Lot 5000 Learmonth Street, Exmouth subject to the following conditions and advice being applied:***

1. ***Those lots not fronting an existing road being provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) being constructed and drained at the applicant/owner's cost;***
2. ***All roads, kerbing, footpaths and earthworks being designed and constructed to the satisfaction of the local government;***
3. ***The developer will formulate a landscaping plan to the satisfaction of the local government;***
4. ***The finished ground levels at the boundaries of the lot(s) the subject of this approval are to match or otherwise co-ordinate with the existing and/or proposed finished ground levels of the land abutting;***

5. *The applicant/owner is to provide a geotechnical report certifying that the land is physically capable of development prior to the commencement of subdivision works;*
6. *An urban water management plan is to be prepared prior to the commencement of subdivision works, consistent with the local water management strategy/drainage and water management plan. The approved urban water management plan being implemented by the applicant/owner, including construction of identified wastewater, stormwater and groundwater management systems;*
7. *Street lighting to be installed on all new subdivisional roads to the satisfaction of the local government;*
8. *Street corners within the subdivision are to be truncated to the standard truncation of 8.5 metres or more;*
9. *The land is to be provided with an adequate outlet drainage system at the applicant/owner's cost;*
10. *The area marked ' POS" on the approved plan of subdivision is to be shown on the Deposited Plan as such and is to be vested in the Crown under section 152 of the Planning and Development Act, such land to be ceded free of cost and without any payment of compensation by the Crown;*
11. *The land being graded and stabilised at the subdivider's cost, to the satisfaction of the Shire of Exmouth;*
12. *The applicant providing a geotechnical report and evidence certifying that any necessary compaction including filling or backfilling has been adequately achieved;*
13. *Storm water management is to include the establishment of an ongoing monitoring program to the satisfaction of the Local Government in accordance with the Local Water Management Strategy;*
14. *The design and construction of stormwater treatments and infrastructure in accordance with the Local Water Management Strategy endorsed by WAPC and the Local Government; and*
15. *Prior to the commencement of subdivision works a dust and noise management plan for area is to be prepared and implemented to the satisfaction of Council.*

**Footnote**

- i) *The applicant is advised to refer to the Institute of Public Works Engineering Australia Local Government Guidelines for Subdivisional Development. The guidelines set out the minimum requirements recommended to be accepted by a local authority in granting clearance of engineering conditions imposed. The guidelines prescribe the use of best practice to set minimum standards applicable to the design and construction of roads, drainage, pathways, earthworks and public open space and do not restrict or prevent innovative solutions.*
- ii) *The applicant/owner is advised that the Department of Environment and Conservation has available a "Preparation of dust management plans for development sites" document. Further information on the guidelines can be obtained from the Department of Environment and Conservation.*
- iii) *With regard to condition 2, Road network shall be asphalt sealed and footpaths shall be constructed on every road within the subdivision. The footpath network shall conform to the West Australian Department of Transport Cycling Infrastructure Standards.*
- iv) *With regards to condition 9, the Street lighting is to be highly energy efficient, economically attractive, and environmentally friendly and Utility approved LED street lights.*

- v) *All road works and drainage are to be designed and supervised by a qualified and experienced Civil Engineer and no work is to start on site until the drawings and specifications have been approved by the Executive Manager Engineering Services.*
- vi) *The WAPC's approval to subdivision should not be construed as approval to development on any of the lot(s) proposed.*

**CARRIED 6/0**

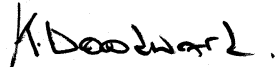
**10. REPORTS OF OFFICERS****10.7 Executive Manager Engineering Services**

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**10.7.1 General Report**

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



Senior Officer: Chief Executive Officer, Bill Price

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**SUMMARY**

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

**BACKGROUND****Shire Houses Snapper Loop**

Lot 116 and Lot 115 Snapper Loop have now been occupied. An inspection has been arranged for Tuesday 18<sup>th</sup> September after lunch for all Councillors and Executive Managers. Landscaping has been designed by council Parks & Garden crew and all materials are now on hand. Works will commence over the coming week. A waterwise low maintenance concept has been adopted with synthetic lawn a component of the landscaping.

**Airport Apron Extension**

The asphalt has now been completed with minor clean-up works being undertaken by council Engineering crew. A debrief will occur over the coming weeks with senior staff and further details will be provided after this.

**COMMENT**

Nil

**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

As per Shire Budget

**STRATEGIC IMPLICATIONS****Economic**

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

- Outcome 1.5: Maintain & Improve Shire Infrastructure

**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 September 2012.*

**COUNCIL DECISION – 32-0912 – 10.7.1**

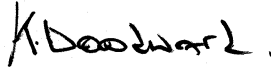
Moved Councillor Fitzgerald, Seconded Councillor Warren.

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

**CARRIED 6/0**

**10. REPORTS OF OFFICERS****10.7 Executive Manager Engineering Services****10.7.2 Tender 08/2012 Trades Services**

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



Senior Officer: Chief Executive Officer, Bill Price

**SUMMARY**

This report recommends that the Council of the Shire of Exmouth award tender 08/2012 for the supply of "Trade Services" for the period 1<sup>st</sup> July 2012 to 30<sup>th</sup> June 2014 with a 2 year option to:

1. Jackson Plumbing
2. Jetspark

**BACKGROUND**

Tender 08/2012 for Trades Services is a continuation of the previous 12 month contract arrangements that proved to be successful in both customer service and price comparison. Due to the success of these contracts the term has been extended from 1 year to 2 years with a 2 year option. This extension enables Council to secure competitive hourly rates and ensures Council services remain as a priority.

**COMMENT**

The Shire of Exmouth advertised Tender 08/2012 in the West Australian News Paper on the 4<sup>th</sup> August 2012 and the Northern Guardian on the 8<sup>th</sup> August 2012. Local notices were displayed in the Town Centre, Shire Office Notice Board and Library Notice Board on the 3<sup>rd</sup> August 2012.

Tender 08/2012 was emailed to the following Exmouth contractors.

<b>ELECTRICAL</b>	<b>PLUMBING</b>
ERA Electrical	Jackson Plumbing
Jetspark	G Henderson Plumbing & Gas
Northwest Construction & Electrical	Century Plumbing & Gas
	GJ Channing Pty Ltd

The tenders were assessed by the evaluation panel made up of the Chief Executive Officer, Works Coordinator and Works Projects & Planning Officer. All tenders were assessed against the compliance criteria and then ranked according to an assessment of how each tender addressed the qualitative criteria. The panel then adopted a best value for money approach.

The evaluation report, confidential document will be tabled to Councillors at the meeting and provides details of the tender process and evaluation of the tenders.

**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Expenditure linked to the annual Shire maintenance budget.

**STRATEGIC IMPLICATIONS**

Civic Leadership

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

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

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER'S RECOMMENDATION – 10.7.2**

*That the Council of the Shire of Exmouth award tender 08/2012 for the supply of Trade Services for the period 1<sup>st</sup> July 2012 to 30<sup>th</sup> June 2014 with a 2 year option to:*

1. *Jackson Plumbing*
2. *Jetspark*

**COUNCIL DECISION – 33-0912 – 10.7.2**

Moved Councillor Fitzgerald, Seconded Councillor Thompson.

*That the Council of the Shire of Exmouth award tender 08/2012 for the supply of Trade Services for the period 1<sup>st</sup> July 2012 to 30<sup>th</sup> June 2014 with a 2 year option to:*

1. *Jackson Plumbing*
2. *Jetspark*

**CARRIED by ABSOLUTE MAJORITY 6/0**

**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 – 34-0912 – ITEM 12**

Moved Councillor Fitzgerald, Seconded Councillor Warren.

*That the Council of the Shire of Exmouth accept the New Business of an Urgent Nature 12.1– Tourism project Exmouth - Rio Tinto.*

**CARRIED 6/0**

**12.1 Tourism project Exmouth - Rio Tinto**

Location:	Exmouth
Applicant:	R Kempe
File Reference:	GS.PR.1
Disclosure of Interest:	Nil
Date:	19 September 2012
Author:	Executive Manager Community Engagement, Rogé Kempe
Signature of Author:	
Senior Officer:	Chief Executive Officer, Bill Price

**SUMMARY**

This report recommends for Council to make a financial contribution towards consultancy services for the development of a proposal to Rio Tinto in offering special tour packages for their staff with leisure options to be spent in Exmouth.

**BACKGROUND**

The proposed Rio Tinto ‘Day Tripping’ operations from Exmouth come with additional opportunities for the Exmouth tourism industry. The planes which will fly the Exmouth based workers to the mine sites cannot remain at those sites and must return to Learmonth before going back to collect the workers again. At the same time, workers on the mine sites get one RDO each week and these returning flights provide an opportunity for them to spend their day off in Exmouth.

**COMMENT**

Moved Councillor Fitzgerald, Seconded Councillor Warren.

Visitor Centre Marketing Committee (EVCMC) have identified this opportunity. In partnership they aim to present a proposal to Rio Tinto to offer special tour packages that provide Rio Tinto staff with leisure options in Exmouth for their rostered day off. This could include fully organised day tours like fishing, diving, snorkelling and safari tours.

Officers identify strong benefits for the Exmouth tourism industry and the Exmouth Visitor Centre if an agreement with Rio Tinto on these day tours can be established.

Council is advised that both Exmouth CCI and EVCMC have agreed to work in partnership with the Shire and have committed to contribute towards the expected costs of \$8,400 (+ GST).

Officers recommend for the Shire to work with CCI and EVCMC in the development of a proposal to Rio Tinto and pay 1/3 of the expected costs of the consultancy services required.

**CONSULTATION**

Discussion has taken place with Exmouth Chamber of Commerce & Industry and the Exmouth Visitor Centre Marketing Committee.



**STATUTORY ENVIRONMENT**

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Council has budgeted \$5,000 for “consultancy” within its “Exmouth Visitors Centre” budget, which is specifically for this type of initiatives.

**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.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER’S RECOMMENDATION – 12.1**

*That the Council of the Shire of Exmouth makes a financial contribution towards consultancy services for the development of a proposal to Rio Tinto in offering special tour packages for their staff with leisure options to be spent in Exmouth.*

**COUNCIL DECISION – 35-0912 – 12.1**

Moved Councillor Fitzgerald, Seconded Councillor Hood.

*That the Council of the Shire of Exmouth makes a financial contribution towards consultancy services for the development of a proposal to Rio Tinto in offering special tour packages for their staff with leisure options to be spent in Exmouth.*

**CARRIED 5/1**

Councillor Thompson voted against

**13. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS**

Nil

**14. CLOSURE OF MEETING**

The Shire president informed Council that the Variety Bash Car 308 run by Mark Hourn and Andy Sutton raised \$38,000 this year. The directors of the Variety Bash paid a visit to Council Chambers due to the efforts of the Exmouth car and informed Council that they will be starting the 2013 Variety Bash from Exmouth. It will be the event's 50<sup>th</sup> Anniversary and they have a number of fantastic community initiatives planned.

The Shire President declared the meeting closed at 4.34pm.