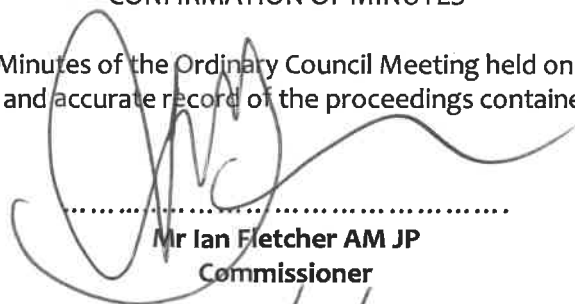




Ordinary Council Meeting  
Minutes  
5 September 2017

CONFIRMATION OF MINUTES

I hereby certify that the Minutes of the Ordinary Council Meeting held on 5 September 2017 are a true and accurate record of the proceedings contained therein.

A large, stylized handwritten signature in black ink, which appears to be 'Ian Fletcher', is written over a dotted line.

Mr Ian Fletcher AM JP  
Commissioner

.....10/10/17.....  
Dated

# INDEX OF MINUTES

<b>1.</b>	<b>DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS</b> .....	<b>3</b>
<b>2.</b>	<b>RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE</b> .....	<b>3</b>
<b>3.</b>	<b>RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE</b> .....	<b>4</b>
<b>4.</b>	<b>PUBLIC QUESTIONS TIME</b> .....	<b>4</b>
<b>5.</b>	<b>DECLARATIONS OF INTEREST</b> .....	<b>5</b>
<b>6.</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE</b> .....	<b>5</b>
<b>7.</b>	<b>CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS</b> .....	<b>5</b>
<b>8.</b>	<b>ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION</b> .....	<b>6</b>
<b>9.</b>	<b>PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS</b> .....	<b>6</b>
<b>10.</b>	<b>MATTERS ARISING FROM COMMITTEES OF COUNCIL</b> .....	<b>7</b>
<b>11.</b>	<b>EXECUTIVE SERVICES</b> .....	<b>8</b>
<b>12</b>	<b>DEVELOPMENT SERVICES</b> .....	<b>9</b>
12.1	ANNUAL CARAVAN PARK AND CAMPING GROUND LICENCE RENEWAL.....	9
12.2	PROPOSED TELECOMMUNICATIONS INFRASTRUCTURE - LOT 232 ON DEPOSITED PLAN 219589 .....	11
<b>13</b>	<b>CORPORATE SERVICES</b> .....	<b>19</b>
<b>14</b>	<b>COMMERCIAL AND COMMUNITY SERVICES</b> .....	<b>20</b>
<b>15.</b>	<b>ITEMS FOR INFORMATION ONLY</b> .....	<b>21</b>
15.1	REGISTER OF DOCUMENTS STAMPED WITH THE SHIRE OF EXMOUTH COMMON SEAL.....	22
15.2	CONCESSIONS ON FEES FOR COUNCIL FACILITIES FOR AUGUST 2017 .....	23
15.3	BUILDING DECISIONS ISSUED UP TO 31 AUGUST 2017 .....	24
15.4	PLANNING DECISIONS ISSUED UP TO 31 AUGUST 2017 .....	25
<b>16.</b>	<b>ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b> .....	<b>27</b>
<b>17.</b>	<b>NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING</b> .....	<b>27</b>
<b>18.</b>	<b>MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS</b> .....	<b>28</b>
18.1	CONTRACT REVIEW – OCEAN REEF PRODUCTION (ORP) .....	28
<b>19.</b>	<b>CLOSURE OF MEETING</b> .....	<b>29</b>

# ORDINARY COUNCIL MEETING MINUTES

## *Our Vision*

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

## *Our Purpose*

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

## *Our Strategic Objectives*

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

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

The Commissioner opened the meeting at 4.29 pm.

He acknowledged the aboriginal people both past and present, as the traditional custodians of the land on which we meet.

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

Mr I Fletcher AM JP	Commissioner
Mr C Woods	Chief Executive Officer
Mr K Woodward	Deputy Chief Executive Officer (Development Services Executive)
Mr M Bird	Executive Manager Commercial and Community
Ms Kathleen Fish	Minute Clerk

#### **GALLERY**

Visitors 3

#### **APOLOGIES**

Mrs S O'Toole Executive Manager Corporate Services

#### **LEAVE OF ABSENCE**

Nil

### 3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

The following questions were taken on notice from the previous Ordinary Council meeting held on the 22 August 2017.

#### Questions received by Phillip Short

*Can we get a playground at town beach?*

The Deputy Chief Executive Officer provided the following response:

- There is no excess playground equipment currently unallocated.
- There is no provision in the 2017/2018 Shire budget for capital works at Town beach (playground).
- The 0% increase in the rate minimised the Shire capital program for 2017/2018.
- The Shire will note the playground request and review this as part of the overall needs for playgrounds in the SOE in future capital works programs.

#### Questions received by Brian Mortiss

*Regarding the intersection of Maley and Reid Street; when is the Shire going to address people cutting this corner?*

The Deputy Chief Executive Officer provided the following response:

- The Shire immediately placed moveable barriers in this location to reduce the ongoing incidences of traffic cutting the corners of the intersection.
- The Shire will be bitumen sealing the corner of Reid Street and Maley Street in November/December 2017. Until this occurs the Shire will maintain the gravel section of Maley Street.

### 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).

In accordance with section 11 of the *Local Government (Administration) Regulations 1996*:

**11 . Minutes, content of (Act s. 5.25(1)(f))**

***The content of minutes of a meeting of a council or a committee is to include —***

- (e) a summary of each question raised by members of the public at the meeting and a summary of the response to the question;***

Question from Babs White (put forward by Ken Downes)

Can the Shire please consider placing a stop sign on the rubbish tip road access where it meets the main road?

The Deputy Chief Executive Officer advised that a stop sign will be erected on the rubbish tip road access where it meets the main road.

## **5. DECLARATIONS OF INTEREST**

Nil

## **6. APPLICATIONS FOR LEAVE OF ABSENCE**

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

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

Nil

## **7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

That the Minutes of the Ordinary Meeting of the Shire of Exmouth held on the 22 August 2017 be confirmed as a true and correct record of proceedings.

---

### **COUNCIL RESOLUTION**

**ITEM 7**

**Res No: 01-0917**

**That the Minutes of the Ordinary Meeting of the Shire of Exmouth held on the 22 August 2017 be confirmed as a true and correct record of proceedings.**

**CARRIED 1/0**

## **8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**

- The Commissioner received the final report on the Ningaloo Visitors Centre by Mr Eddie Watling of Kirkgate Consulting. This was commissioned by the shire to report on whether the shire was receiving value for money for its investment as well as to advise on the Visitor Centre relocating into the Ningaloo Centre. This report will be discussed with the Ningaloo Visitors Centre board and Chief Executive Officer.
- Subsea 7 were in Exmouth on 23 August for discussions with the shire and to make a presentation to the Exmouth Community Strategic Reference Group and members of the Exmouth Chamber of Commerce & Industry. This was followed up with a preliminary meeting in Perth on Tuesday 29 August with senior officers from the WA Planning Department.
- The Minister for Primary Industry and Regional Development, Alannah MacTiernan met with the Commissioner on Tuesday 29 August to discuss the Ningaloo Centre.
- A meeting took place in Perth on 29 August with Senator Linda Reynolds to follow up on the proposed visit to Exmouth (RAAF Learmonth) by the Federal Parliamentary Defence Subcommittee on 19 September. This involved the Commissioner, CEO and Chairman of the Exmouth Chamber of Commerce & Industry, Barry Sullivan.
- Local Government Election on Saturday 21 October 2017. An information session for eligible members of the community was conducted in Exmouth in the evening of 29 August. Eleven people attended and two were apologies. The electoral rolls closed last Friday 1 September. Nominations to be a candidate open on Thursday 7 September and close on the following Thursday, 14 September.

The Commissioner will travel to Exmouth on Sunday 22 October to swear in newly elected members on the evening of Monday 23 October in his role as a Justice of the Peace. The newly elected members will elect from their number a Shire President and Deputy shire President.

- The Chief Executive Officer and Commissioner met with the Minderoo Foundation. The Minderoo organisation has recently acquired the Ningaloo Lighthouse Caravan Park at Vlaming Head.
- The shire is working with an ICT expert, Stephen Alexander, on the development of a smart system for Exmouth in conjunction with Horizon Power and DFES, starting with emergency management which is very relevant for cyclones and bushfires. This work is being scoped at a very high level during this week.

## **9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

Nil

**10. MATTERS ARISING FROM COMMITTEES OF COUNCIL**

Nil

## **11. EXECUTIVE SERVICES**

Nil



## **12 DEVELOPMENT SERVICES**

### **12.1 ANNUAL CARAVAN PARK AND CAMPING GROUND LICENCE RENEWAL**

File Reference:	LE.RE.5
Responsible Officer:	Environmental Health Officer
Date of Report:	25 August 2017
Applicant/Proponent:	Ningaloo Caravan and Holiday Resort
Disclosure of Interest:	Nil
Attachment(s):	1. Caravan Park and Camping Ground Licence Renewals for 2017-2018

---

#### **PURPOSE**

That Council consider approving to renew the annual Caravan Parks and Camping Grounds Licence for 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 30 September each year and as such, renewal notices were recently issued to the four caravan parks in the Shire.

Ningaloo Caravan and Holiday Resort have returned their renewal forms and fees to the Shire in order for the new licences to be generated.

#### **COMMENT**

In the last 12 months the caravan park and its respective overflow area were inspected for compliance with the *Caravan Parks and Camping Grounds Regulations 1997*, the current licence and approved site plan. All were found to be generally compliant.

Overflow conditions have been recommended on all of the licences of the commercially operating caravan parks. The overflow period has been recommended for 29 June 2018 – 28 August 2018.

#### **CONSULTATION**

Nil

#### **STATUTORY ENVIRONMENT**

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

#### **POLICY IMPLICATIONS**

Nil

## FINANCIAL IMPLICATIONS

Nil

## STRATEGIC IMPLICATIONS

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

- Economic:           1    To be a diverse and innovative economy with a range of local employment opportunities.  
                          1.2 *Planned and balanced economic growth.*  
                          1.3 *Diverse tourism opportunities.*
- Social:               3    To be a dynamic, passionate and safe community valuing natural and cultural heritage.  
                          3.2 *Excellent lifestyle, recreational and cultural facilities.*  
                          3.3 *An inclusive, responsible and cohesive community.*  
                          3.7 *Residents and visitors have access to appropriate services and facilities to enhance their health and wellbeing.*
- Civic Leadership:  4    To work together as custodians of now and the future.  
                          4.1 *To be a collaborative community with the capacity to manage the current and future direction of Exmouth.*  
                          4.2 *A local government that is respected, professional, trustworthy and accountable.*

## VOTING REQUIREMENTS

Simple Majority

---

### OFFICER'S RECOMMENDATION

**ITEM 12.1**

That Council approve the issuing of the Caravan Parks and Camping Grounds licences valid until 30 September 2018 as presented in Attachment 1, for signing by the Chief Executive Officer for the following caravan park:

1. Ningaloo Caravan and Holiday Resort.

---

### COUNCIL RECOMMENDATION

**ITEM 12.1**

**Res No:               02-0917**

**That the Commissioner approve the issuing of the Caravan Parks and Camping Grounds licences valid until 30 September 2018 as presented in Attachment 1, for signing by the Chief Executive Officer for the following caravan park:**

- 1. Ningaloo Caravan and Holiday Resort.**

**CARRIED 1/0**

## 12.2 PROPOSED TELECOMMUNICATIONS INFRASTRUCTURE - LOT 232 ON DEPOSITED PLAN 219589

File Reference:	PA127/17
Responsible Officer:	Deputy Chief Executive Officer
Date of Report:	24 August 2017
Applicant/Proponent:	Deighton Pty Ltd
Disclosure of Interest:	Nil
Attachment(s):	1. Site Plan 2. Elevation Plan

### PURPOSE

That Council consider granting development approval for Proposed Telecommunications Infrastructure at Lot 232 on Deposited Plan 219589 (Attachment 1 and 2).

### BACKGROUND

Lot 232 is approximately 8km west of Harold E. Holt base in the middle of a substantial Unallocated Crown Land parcel. An existing telecommunications infrastructure development exists at the property with a 79.7m high guyed wire tower, solar panels, security fencing and equipment and battery room. The proposal is as follows:

- Minor antenna attachments to the tower at various heights.
- Additional solar array within the fenced compound
- Upgrade to existing access track. Not considered to require development approval.
- Signs attached to the tower, guyed wires and fencing.

The project is part of Telstra's black spot program which is being rolled out in conjunction with the state and federal government to address deficient mobile telephone coverage. If such works were conducted by a state or federal authority they would be considered as a public work. However, as a private company is conducting the project full compliance with the *Planning and Development Act 2005* is required.



## COMMENT

### Town Planning Scheme No. 3

The property is classified as a 'Public Open Space Reserve' by the Shire of Exmouth *Town Planning Scheme No. 3* (TPS3). The proposal is considered most consistent with the 'Telecommunications Infrastructure' land use defined by TPS3 as follows:

**telecommunications infrastructure:** *means any part of infrastructure of a telecommunication network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit, or other structure used, or for use, in or in connection with a telecommunications network.*

The existing development has been operating lawfully since prior to the commencement of TPS3 which came into effect in 1999. TPS3 allows for the continuation of land uses operating lawfully prior to its commencement, therefore development consent is in place for the Telecommunications Infrastructure land use. The application is for works under that land use.

TPS3 outlines the following for development applications on local planning scheme reserves:

#### *2.2 MATTERS TO BE CONSIDERED BY THE COUNCIL*

*Where an application for planning approval is made with respect to land within a Reserve, the Council shall have regard to the ultimate purpose intended for the Reserve and the Council shall, in the case of land reserved for the purposes of a public authority, confer with that authority before granting its planning approval.*

The ultimate purpose of the subject reserve is for public open space and recreation. The subject Telecommunication Infrastructure development is not consistent with this purpose as it does not provide either public open space or recreation given it is a closed off compound not accessible by the public. However, the existing compound predates TPS3 meaning it is lawful. The proposal does not increase the area of this compound. Therefore, the proposal does not further undermine the ultimate purpose of the reserve. In addition, the development is for a public purpose which is the predominant intention of development on a local planning scheme reserve. No other applicable site and development requirements are outlined by TPS3 for the proposal.

Based on the considerations above development approval is recommended subject to standard conditions as outlined in the Officer's Recommendation.

### Draft Local Planning Scheme No. 4 (LPS4)

Draft LPS4 classifies the property as an 'Environmental Conservation' Reserve. The objectives of the Reserve are as follows:

#### *2.2.3 The objectives of each local reserve are as follows:*

##### *(b) Environmental Conservation:*

- (i) To identify areas with biodiversity and conservation value, and to protect those areas from development and subdivision.*
- (ii) To identify and protect areas of biodiversity conservation significance within World Heritage Areas, National Parks and State and other conservation reserves.*
- (iii) To set aside land with conservation value within the Cape Range National Park, Jurabi and Bundegi Coastal Parks and Muiron Islands, Exmouth Water Reserve, islands within the Exmouth Gulf, and land abutting the Ningaloo Marine Park and the Exmouth Gulf that reflects the 40 metre setback landward of the high water mark.*

- (iv) *Provide for development consistent with established management plans for National Parks or Conservation Reserves, or development that contributes towards increased safety, security, enhancement or ongoing management of an area, place, land parcel or reserve.*
- (v) *Cater for programs and activities that promote education, research and increased public awareness of minimising environmental impact when visiting a conservation reserve.*
- (vi) *Promote development that enhances public enjoyment of land reserved conservation balanced with the need to protect, mitigate, control and/or manage impacts on the natural environment.*
- (vii) *Accommodate drainage, essential services, mining activities, recreational activities, or general infrastructure that is consistent with other management objectives.*

The proposal is considered consistent with the objectives of the Reserve as it will improve safety and security through improved telecommunications which is an essential service and infrastructure. In addition, the proposal is not considered to further undermine biodiversity and conservation values in the area given the existing development.

#### Policy No. 6.2 - Colour Palette for Developments

The Policy requires compliance with the adopted colour palette for all development within the Scheme area of *Town Planning Scheme No. 3* excluding the Residential zone. This is to achieve positive amenity outcomes and prevent reflective materials impacting on the public realm or public roads. The development is not visible from any road and/or public realm. Therefore, the policy is not considered relevant.

#### State Planning Policy 5.2 Telecommunications Infrastructure

The Western Australian Planning Commission has adopted *State Planning Policy 5.2 Telecommunications Infrastructure* (SPP5.2) to provide further guidance on the subject development given the importance of balancing the need for essential telecommunications and preserving the visual character of a locality for the community. This guidance is in addition to but not inconsistent with the *Telecommunications Act 1997 (Cth)*. The Act is the statutory framework for the development of telecommunications in Australia and its only relevance to the planning system is prescribing approval exemptions for low impact facilities which the subject proposal is not.

Pursuant to deemed provision 67 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, state planning policies are to be given due regard to the extent that they are considered relevant.

The main considerations of SPP5.2 are the visual, environmental, social and cultural impacts of Telecommunications Infrastructure, providing continuous coverage and preventing the unnecessary double up of services which can be co-located to one tower. Most of these considerations are no longer considered relevant given the proposal will have the same impact as the existing development which is not visible from the public realm. However, if the proposal was assessed it is considered consistent with SPP5.2 anyway.

#### State Planning Policy 3.7 Planning in Bushfire Prone Areas

The subject property is located within a bushfire prone area as determined by an order made by the Fire and Emergency Services Commissioner under the *Fire and Emergency Services Act 1998*. For development in a bushfire prone area *State Planning Policy 3.7 Planning in Bushfire Prone Areas*

(SPP3.7) generally requires a Bushfire Attack Level (BAL) Assessment demonstrating a maximum BAL of 29 and a report demonstrating compliance with the Bushfire Protection Criteria contained in the *Guidelines for Planning in Bushfire Prone Areas*.

Recently the Western Australian Planning Commission released *Planning Bulletin 111/2016 Planning in Bushfire Prone Areas* which provides further guidance on when SPP3.7 should be applied. The Bulletin outlines that where developments do not:

- *result in the intensification of development (or land use);*
- *result in an increase of residents or employees;*
- *involve the occupation of employees on site for any considerable amount of time; or*
- *result in an increase to the bushfire threat;*

they may be exempt from the provisions of SPP3.7. The development is not considered to fall within any of the criteria above. The development intensity and occupation by employees is not considered to increase as a result of the proposal. The bushfire threat is not considered to increase given that if the proposal did not proceed the existing development possesses the same level of bushfire threat.

A standard advice note is recommended outlining that the property is in a designated bushfire prone area.

#### State Planning Policy 6.3 Ningaloo Coast (SPP6.3)

The purpose of SPP6.3 is to:

1. Provide clear guidance regarding acceptable and sustainable development on the Ningaloo Coast;
2. Ensure that the community continues to enjoy a remote and natural experience;
3. Preserve and protect the natural environment and enhance and rehabilitate degraded areas within the environment; and
4. Consolidate future residential, commercial, higher-impact tourism and industrial development in the towns of Carnarvon and Exmouth.

The proposal is considered consistent with all the relevant provisions of SPP6.3 given the existing development, the proposals minimal impact, no impact on registered aboriginal heritage places and improvement to the localities infrastructure.

## **CONSULTATION**

Nil.

Access is provided to the site from Yardie Creek Road to the west. Therefore, the development can be carried out without impacting any organisations land except for the Department of Planning, Lands and Heritage who signed the application form as the land owner. However, the applicant is proposing to upgrade an access track to the east which traverses the Department of Defence's land. The access track is not considered to require development approval, therefore it is not part of this application. An advice note is recommended advising the proponent that the consent of the landowner is required to enter upon any land not owned by the proponent.

## STATUTORY ENVIRONMENT

Telecommunications Act 1997 (Cth)

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Town Planning Scheme No. 3

Fire and Emergency Services Act 1998

## POLICY IMPLICATIONS

State Planning Policy 3.7 Planning in Bushfire Prone Areas

State Planning Policy 5.2 Telecommunications Infrastructure

State Planning Policy 6.3 Ningaloo Coast

Draft Local Planning Scheme No. 4

## FINANCIAL IMPLICATIONS

Nil

## STRATEGIC IMPLICATIONS

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

- Economic:           1    To be a diverse and innovative economy with a range of local employment opportunities.
- 1.1    *To increase the number of local businesses, industries and services that will provide a range of employment opportunities for the people of Exmouth.*
- 1.2    *Planned and balanced economic growth.*
- 1.3    *Diverse tourism opportunities.*
- 1.4    *Maintain and increase the defence presence.*
- Environment:       2    To have a balanced respect for our environment and heritage, both natural and built.
- 2.1    *To maintain and improve access and connectivity to our natural assets.*
- 2.2    *Our pristine natural environment and biodiversity will be understood, maintained and protected.*
- 2.3    *To have a town and community that takes pride in its world heritage status.*
- 2.4    *To be a leader in eco-friendly initiatives and innovations.*
- 2.5    *To make Exmouth an attractive town that is a comfortable and welcoming place to live and visit, and reflects the lifestyle values and unique natural environment.*
- 2.6    *Incorporate Climate Change impacts onto current and future planning and policy of Land Developments.*
- Social:               3    To be a dynamic, passionate and safe community valuing natural and cultural heritage.
- 3.1    *Retain a safe community environment.*
- 3.2    *Excellent lifestyle, recreational and cultural facilities.*
- 3.3    *An inclusive, responsible and cohesive community.*
- 3.4    *A community that is well informed and educated about our natural, cultural and built environment.*
- 3.7    *Residents and visitors have access to appropriate services and facilities to enhance their health and wellbeing.*
- Civic Leadership:  4    To work together as custodians of now and the future.

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

## **VOTING REQUIREMENTS**

Simple Majority

---

### **OFFICER'S RECOMMENDATION**

### **ITEM 12.2**

That Council grant development approval for proposed Telecommunications Infrastructure at Lot 232 on Deposited Plan 219589 subject to the following conditions:

1. The development shall be carried out in accordance with the stamped approved plans (PA127/17) and any annotations detailed thereon by Council Officers;
2. All water draining from roofs, driveways, communal streets and other surfaces as a result of the development the subject of this approval shall be managed on site and/or discharged into the local drainage system;
3. If the development the subject of this approval is not substantially commenced within a period of 2 years from the date of the determination, the approval will lapse and be of no further effect.

#### Advice

- i. A building permit approval from the Shire of Exmouth is required to be obtained. For further information please contact the Shire's Building Surveyor by telephone on 9949 3000.
- ii. The approval granted is not to be construed as approval granted under the Building Act 2011, Building Regulations 2012 or any other relevant statutory approval.
- iii. For access to any land not owned by the proponent consent is required from the relevant owner, such as the Federal Department of Defence to the east of the site.
- iv. The property is located within a Bushfire Prone Area as designated by an Order made by the Fire and Emergency Services Commissioner under the Fire and Emergency Services Act 1998. Development in the future may be subject to the requirement for a Bushfire Attack Level Assessment and corresponding additional building standards.
- v. Any additional development or substantial variation from the stamped approved plans, will require separate development approval from the Shire.
- vi. This approval is not an authority to ignore any constraint or additional requirement to development on the land, which may exist through contract or on title, such as an easement, encumbrance, restrictive covenant or any other limitation. It is the responsibility of the



applicant and not the Shire to investigate any such constraints before commencing development.

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

---

**COUNCIL RECOMMENDATION****ITEM 12.2****Res No: 03-0917**

**That the Commissioner grant development approval for proposed Telecommunications Infrastructure at Lot 232 on Deposited Plan 219589 subject to the following conditions:**

- 1. The development shall be carried out in accordance with the stamped approved plans (PA127/17) and any annotations detailed thereon by Council Officers;**
- 2. All water draining from roofs, driveways, communal streets and other surfaces as a result of the development the subject of this approval shall be managed on site and/or discharged into the local drainage system;**
- 3. If the development the subject of this approval is not substantially commenced within a period of 2 years from the date of the determination, the approval will lapse and be of no further effect.**

**Advice**

- i. A building permit approval from the Shire of Exmouth is required to be obtained. For further information please contact the Shire's Building Surveyor by telephone on 9949 3000.**
- ii. The approval granted is not to be construed as approval granted under the Building Act 2011, Building Regulations 2012 or any other relevant statutory approval.**
- iii. For access to any land not owned by the proponent consent is required from the relevant owner, such as the Federal Department of Defence to the east of the site.**
- iv. The property is located within a Bushfire Prone Area as designated by an Order made by the Fire and Emergency Services Commissioner under the Fire and Emergency Services Act 1998. Development in the future may be subject to the requirement for a Bushfire Attack Level Assessment and corresponding additional building standards.**
- v. Any additional development or substantial variation from the stamped approved plans, will require separate development approval from the Shire.**

- vi. This approval is not an authority to ignore any constraint or additional requirement to development on the land, which may exist through contract or on title, such as an easement, encumbrance, restrictive covenant or any other limitation. It is the responsibility of the applicant and not the Shire to investigate any such constraints before commencing development.**
  
- vii. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.**

**CARRIED 1/0**

## **13 CORPORATE SERVICES**

Nil

## **14 COMMERCIAL AND COMMUNITY SERVICES**

Nil

## 15. ITEMS FOR INFORMATION ONLY

Responsible Officer: Chief Executive Officer

Disclosure of Interest: Nil

---

### PURPOSE

To advise Council of the information items for August 2017.

### VOTING REQUIREMENTS

Simple Majority

---

### OFFICER'S RECOMMENDATION

**ITEM 15**

That Council note the following information items:

- 15.1 Register of Documents Stamped with the Shire of Exmouth Common Seal
  - 15.2 Concessions on Fees for Council Facilities for August 2017
  - 15.3 Building Decisions Issued up to 31 August 2017
  - 15.4 Planning Decisions Issued up to 301August 2017
- 

### COUNCIL RECOMMENDATION

**ITEM 15**

Res No: 04-0917

That Council note the following information items:

- **15.1 Register of Documents Stamped with the Shire of Exmouth Common Seal**
- **15.2 Concessions on Fees for Council Facilities for August 2017**
- **15.3 Building Decisions Issued up to 31 August 2017**
- **15.4 Planning Decisions Issued up to 301August 2017**

**CARRIED 1/0**

## **15.1 REGISTER OF DOCUMENTS STAMPED WITH THE SHIRE OF EXMOUTH COMMON SEAL**

Responsible Officer: Chief Executive Officer

Disclosure of Interest: Nil

---

### **PURPOSE**

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

DATE	DOCUMENT
Nil	

## 15.2 CONCESSIONS ON FEES FOR COUNCIL FACILITIES FOR AUGUST 2017

File Reference: CP.US.0

Responsible Officer: Executive Manager Community Engagement

Date of Report: 28 August 2017

Disclosure of Interest: Nil

### PURPOSE

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

NAME	REASON	AMOUNT
Exmouth Cultural Arts Centre	Hire of Hall for Art Quest exhibition from 23/7/17 to 6/8/17	\$630.00
Ningalens Outdoor Film Event	Temporary Public Building Application Fee 2/8/17 Non-profit event	\$88.00
Ningalens Outdoor Film Event	Function Permit for event in Kennedy St Mall 2/8/17 Non-profit event	\$113.50
Ningalens Outdoor Film Events	Temporary Public Building Application Fee 28/8/17 Non-profit event	\$88.00
Ningalens Outdoor Film Events	Function Permit for event in Kennedy St Mall 28/8/17 Non-profit event, application fee and Banner	\$165.50
Exmouth Squash Club	Hire of 8 x trestle tables & 50 x chairs for North West Junior Squash Championships	\$157.00
Exmouth Volunteer Fire & Rescue	Hire of Rec Centre to hold Annual AFL raffle	\$42.00

### 15.3 BUILDING DECISIONS ISSUED UP TO 31 AUGUST 2017

File Reference: DB.BD.0

Responsible Officer: Deputy Chief Executive Officer

Date of Report: 28 August 2017

Disclosure of Interest: Nil

#### PURPOSE

To provide Council with the building licence and building certificate applications and approvals made under Delegation pursuant to the *Building Act 2011* up to 30 June 2017.

App #	Date Received	Lot	Property Address	Description	Decision	Decision Date
17/70	11/08/17	371	14 Corella Court	Construction of New Residence	Pending	
17/71	14/08/17	35	6 Searaven Crescent	Shed	Pending	
17/72	17/08/17	9	108 Madaffari Drive	Enclosing of Carport	Pending	
17/73	17/08/17	1372	74 Preston Street	Turning existing shed into a house	Pending	
17/74	17/08/17	73	43 Kennedy Street	Bathroom Extension	Pending	
17/75	22/08/17	23	44 Mortiss Street	Shed	Pending	



## 15.4 PLANNING DECISIONS ISSUED UP TO 31 AUGUST 2017

File Reference: LP.PL.0

Responsible Officer: Deputy Chief Executive Officer

Date of Report: 28 August 2017

Disclosure of Interest: Nil

### PURPOSE

To advise Council of the following planning decisions issued under delegation for the above period.

App #	Date Received	Lot	Property Address	Description	Decision	Decision Date
PA70/16	13/06/16	2	Yardie Creek Road	Additional Camping Sites	ON HOLD - Pending information from Applicant	
PA107/16	15/08/16	50	Murat Road	Barge Loading Facility	ON HOLD - Pending information from Applicant	
PA112/16	25/08/16	1586 & 1587	164 Lyndon Location	Nature Based Park - Exmouth Gulf Pastoral Station	ON HOLD - Pending information from Applicant	
PA152/16	24/11/16	2 & 1	40 Pelias Street & 1 Carter Road	Change of Use	ON HOLD - At request of Applicant	
PA44/17	28/02/17	831	7 Pelias Street	Storage Unit	ON HOLD - Pending information from Applicant	
PA45/17	28/02/17	141	7 Dugong Close	Dwelling	Processing	
PA100/17	14/06/17	789	5 Jones Place	Front Upper Floor Balcony Addition	Processing	
<b>PA120/17</b>	<b>17/07/17</b>	<b>371</b>	<b>14 Corella Court</b>	<b>Two Storey Dwelling</b>	<b>Approved</b>	<b>10/08/17</b>
<b>PA123/17</b>	<b>28/07/17</b>	<b>734</b>	<b>32 Carr Way</b>	<b>Carport Addition</b>	<b>Approved</b>	<b>14/08/17</b>
<b>PA124/17</b>	<b>07/08/17</b>	<b>9</b>	<b>108 Madaffari Drive</b>	<b>Modify Carport into Garage</b>	<b>Approved</b>	<b>10/08/17</b>
PA126/17	7/08/17	21	5 Kennedy Street	Change of Use to Tavern	Pending	
<b>PA127/17</b>	<b>16/08/17</b>		<b>Willersdorf Road</b>	<b>Telecommunications Infrastructure</b>	<b>Sept OCM</b>	
PA128/17	17/08/17	112	54 Bluefin Cove	New Dwelling	Pending	
PA129/17	21/08/17	1148	39 Welch Street	Deck	Pending	

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

<b>App</b>	<b>Date Received</b>	<b>Description</b>	<b>Date Issued</b>
PA110/17	03/07/17	Portable Sign	Processing
PA125/17	07/08/17	Cinema, Markets and Banner Sign	25/08/17
PA130/17	22/08/17	State Maritime Environmental Emergency Exercise	Processing
PA131/17	22/08/17	Mobile Butcher Shop	Processing

- 16. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
  
- 17. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**

## 18. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS

---

**COUNCIL RESOLUTION****ITEM 18.1****Res No: 05-0917**

**That Council move Behind Closed Doors at 4.46pm in accordance with the Local Government Act 1995 section 5.23 (2) (A) (C) and (D).**

- **Legal Issue**

**CARRIED 1/0**

### 18.1 CONTRACT REVIEW – OCEAN REEF PRODUCTION (ORP)

---

**COUNCIL RESOLUTION****ITEM 18.1****Res No: 06-0917**

**That the Commissioner endorse the Chief Executive Officer to enter into a cost agreement with Lavan Legal for \$5500 (Inc. of GST) to review AS 4906 2002 Minor Works Contract with Ocean Reef Production, in relation to executing aquarium works, including the review and advice drafted by NS Projects setting out a proposed commercial settlement between the Shire of Exmouth (SoE) and Ocean Reef Production (ORP).**

**CARRIED 1/0**

---

**COUNCIL RESOLUTION****ITEM 18.1****Res No: 07-0917**

**That Council return from Behind Closed Doors at 4.49pm.**

## **19. CLOSURE OF MEETING**

The Commissioner declared the meeting closed at 4.51pm.