

Shire of Exmouth

ORDINARY COUNCIL MEETING

AGENDA



27 May 2021

NOTICE OF MEETING

Notice is hereby given that the

Shire of Exmouth
Ordinary Council Meeting
will be held on

27 May 2021

Commencing at 4.00pm

In the Mandu Mandu Function Room, Ningaloo Centre,
2Truscott Crescent, Exmouth

Matthew Bird
Acting Chief Executive Officer

Disclaimer

The advice and information contained herein is given by and to the Council without liability or responsibility 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.

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

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

Shire of Exmouth

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Disclosure of Interest Form

(Elected Members/Committee Members/Employees/Contractors)

Local Government Act 1995 (Section 5.65, 5.70 & 5.71)

To: Chief Executive Officer

- Ordinary Council Meeting held on _____
- Special Council Meeting held on _____
- Committee Meeting held on _____
- Other _____

Report No _____

Report Title _____

Name _____

- Elected Member
- Committee
- Employee
- Contractor

Type of Interest (*see overleaf for further information)

- Proximity
- Financial
- Impartiality

Nature of Interest

Extent of Interest (if intending to seek Council approval to be involved with debate and/or vote)

Name: _____ Signed: _____ Date: _____

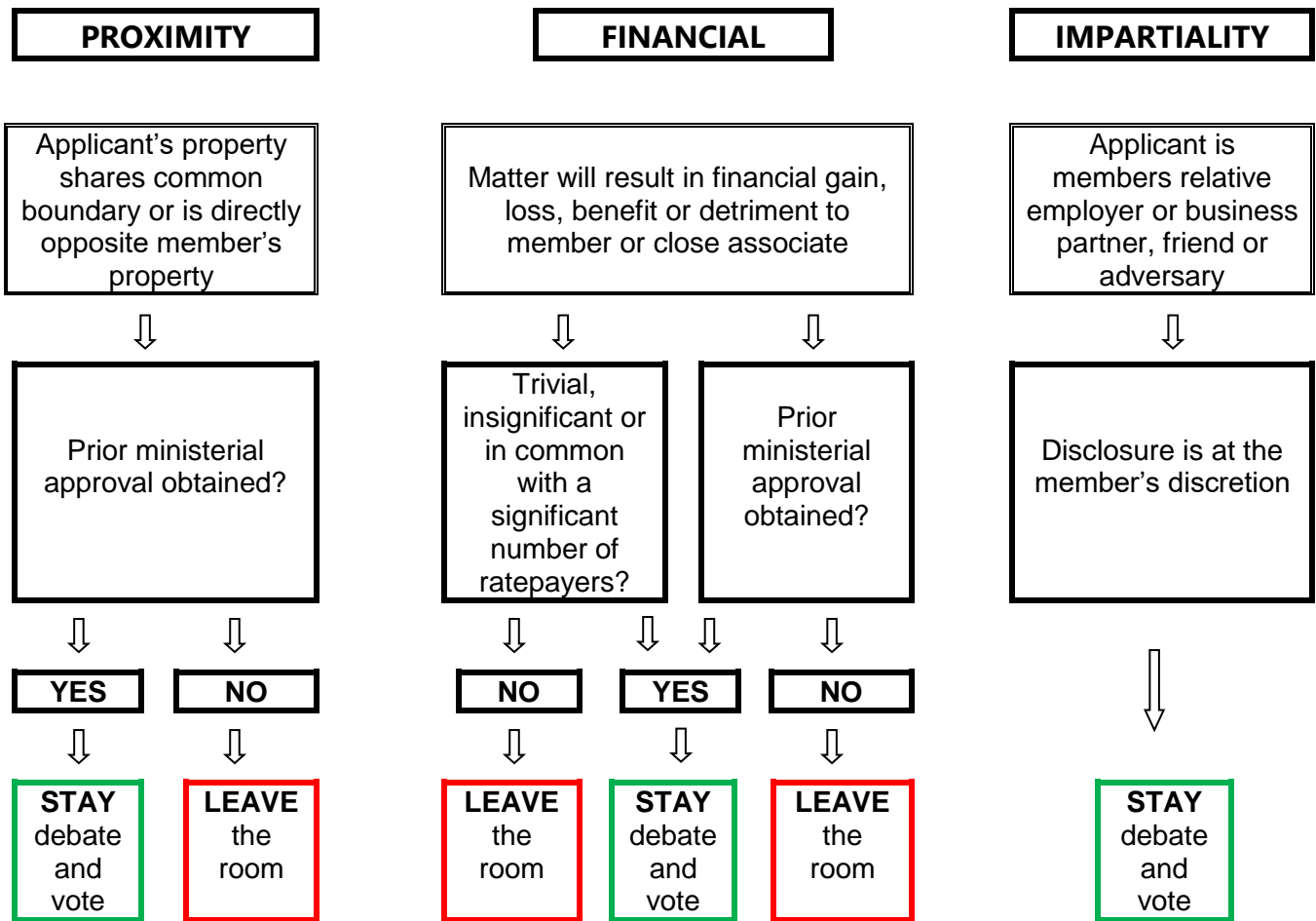
Note 1: For Ordinary meetings of Council, elected members and employees are requested to submit this completed form to the Chief Executive Officer prior to the meeting. Where this is not practicable, disclosure(s) must be given to the Chief Executive Officer prior to the matter being discussed.

Note 2: Employees or Contractors disclosing an interest in any matter apart from at meetings, where there is a conflict of interest including disclosures required by s5.71 are required to submit this form to the CEO as soon as practicable.

OFFICE USE ONLY

CEO: _____ Signed: _____ Date: _____

*** Declaring an Interest**



Local Government Act 1995 - Extract

5.65 - Members' interests in matters to be discussed at meetings to be disclosed.

- (1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest:
 - (a) in a written notice given to the CEO before the meeting; or (b) at the meeting immediately before the matter is discussed. (Penalties apply).
- (2) It is a defence to a prosecution under this section if the member proves that he or she did not know:
 - (a) that he or she had an interest in the matter; or (b) that the matter in which he or she had an interest would be discussed at the meeting.
- (3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

5.70 - Employees to disclose interests relating to advice or reports.

- (1) In this section: 'employee' includes a person who, under a contract for services with the local government, provides advice or a report on a matter.
- (2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.
- (3) An employee who discloses an interest under this section must, if required to do so by the council or committee, as the case may be, disclose the extent of the interest. (Penalties apply).

5.71 - Employees to disclose interests relating to delegated functions.

- If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and:
- (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter. (Penalties apply)

'Local Government (Administration) Regulations 1996 – Extract

In this clause and in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996:

"Interest" means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

INDEX OF AGENDA

1.	DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS	6
2.	RECORD OF ATTENDANCE, APOLOGIES AND APPROVED LEAVE OF ABSENCE.....	6
3.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	7
4.	PUBLIC QUESTIONS TIME	8
5.	DECLARATIONS OF INTEREST	8
6.	APPLICATIONS FOR LEAVE OF ABSENCE.....	8
7.	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS.....	8
8.	ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS.....	8
9.	ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION.....	8
10.	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS	8
11.	MATTERS ARISING FROM COMMITTEES OF COUNCIL.....	9
12.	REPORTS OF OFFICERS	10
12.1.1	AMENDMENTS TO LOCAL PLANNING POLICY 6.2 – COLOUR PALETTE FOR DEVELOPMENTS.....	10
12.1.2	AMENDMENTS TO LOCAL PLANNING POLICY 6.8 – ADVERTISING SIGNS, TOWN CENTRE PUBLIC SPACE & OUTDOOR EATING PERMITS.....	14
12.2.1	COUNCIL RELINQUISH RESERVE 40519 AND ADVISE THE DEPARTMENT OF PLANNING LANDS & HERITAGE TO REVEST THE RESERVE TO THE CROWN.....	19
12.4.1	FINANCIAL STATEMENT FOR PERIOD ENDING 30 APRIL 2021.....	23
12.4.2	LIST OF ACCOUNTS FOR PERIOD ENDING 30 APRIL 2021	25
12.4.3	AWARD OF TENDER: RFT 03/2021 - HOUSING BUILDING PACKAGE LOT 501 INGLETON STREET EXMOUTH.....	27
12.5.1	ITEMS FOR INFORMATION ONLY	30
13.	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	33
14.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING.....	33
15.	MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS.....	33
16.	CLOSURE OF MEETING	33

AGENDA

Our Vision To be a prosperous and sustainable community living in harmony with our natural environment.

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

Our Strategic Objectives

- Diversify and grow our economy in a manner that provides year round employment opportunities
- To protect and value our unique natural and built environment as we grow our economy.
- To be a vibrant, passionate and safe community valuing our natural environment and unique heritage
- To provide open transparent, accountable leadership working in collaboration with our community.

1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at XX

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

The Shire President advised the gallery in adhering to both the *Local Government Act 1995*, and the Shire of Exmouth Meeting Procedures Local Law 2015, it is an offense to record the proceedings of this meeting and asked the gallery to switch off any recording devices, including phones.

He advised the gallery the meeting will be recorded by the Executive Secretary for the purpose of compiling an accurate record of the minutes only; and the recording will be erased once they are confirmed.

2. RECORD OF ATTENDANCE, APOLOGIES AND APPROVED LEAVE OF ABSENCE

Councillor M (Matthew) Niikkula	Shire President
Councillor B (Ben) Dixon	Deputy Shire President
Councillor G (Gary) Mounsey	
Councillor H (Heather) Lake	
Councillor A (Anne) McCarrol	
Mr M Bird	Acting Chief Executive Officer
Mr M Richardson	Executive Manager Development Services
Mr R McGrath	Acting Executive Manager Commercial and Community
Mr G Coetzee	Executive Manager Corporate Services

Ms Head

Minute Clerk

GALLERY

APOLOGIES

LEAVE OF ABSENCE

Councillor M (Mark) Lucas

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

The following questions received from Samuel Tutanota were taken on notice from the April Ordinary Council meeting:

1. *How much money did the Shire spend for the development of Shire of Exmouth Local Planning Strategy, Exmouth South Structure Plan and Local Planning Scheme No.4 spend? This would show the community how much money was spent unnecessarily if the Shire does not follow them anyways / if they can be amended at any time.*

Shire response:

The development of these documents is a statutory requirement under the Planning and Development Act 2005. Over the 9 year time frame, since 2012, the Shire expended approximately \$46,000 annually, to appropriately qualified consultants on the development and review of these documents.

2. *Why has the Shire advertised so many positions over the last 2 years?*

Shire response:

The current head count for the Shire of Exmouth is 85 staff members. The Shire has adopted a number of new business units over the last 2 years including the Visitors Centre and Aquarium attraction. Business units such as the airport also require significant staffing. Exmouth is a transient community; turnover rate is not anything out of the ordinary when bench marked against other local government authorities.

3. *How many new positions have been created over the last 2 years?*

Shire response:

The increase over the past years reflects increased business unit activity, including but not limited to the Ningaloo Visitors Centre, Aquarium and Airport, which corresponds to the increase in revenue.

It is noted two additional questions relating to Gascoyne Gateway Limited (GGL) were received at the last Ordinary Council meeting from Robert Chapman and Martin Gregory. These questions were forwarded onto GGL, who have provided a response directly to the Robert and Martin.

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).

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.

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

That the Minutes and associated attachments of the Ordinary Meeting of the Shire of Exmouth held on the 22 April 2021 be confirmed as a true and correct record of proceedings.

8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS

9. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

10. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

The Acting Chief Executive Officer received the following deputation request:

- Ningaloo Coast World Heritage Committee, presented by Tegan Gourley

11. MATTERS ARISING FROM COMMITTEES OF COUNCIL

Nil

12. REPORTS OF OFFICERS

EXECUTIVE SERVICES

12.1.1 AMENDMENTS TO LOCAL PLANNING POLICY 6.2 – COLOUR PALETTE FOR DEVELOPMENTS

File Reference:	CM.PO.9
Reporting Officer:	Senior Planning Officer
Responsible Officer:	Executive Manager Development Services
Date of Report:	13 May 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none">1. Local Planning Policy 6.2 – Colour Palette for Developments.2. Amended Local Planning Policy 6.2 – Colour Palette for Developments.

PURPOSE

1. That Council consider amendments to Local Planning Policy 6.2 – Colour Palette for Developments (the Policy) and approve to proceed with the amended Policy (Attachment 2) pursuant to Schedule 2, Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

BACKGROUND

2. At the 16 August 2001 Ordinary Council Meeting, Council adopted Planning Policy relating to a Colour Palette for Application to Council Developments, Commercial Development, Special Rural Areas and the Wilderness Estate.

MOVED: Cr Cooper

SECONDED: Cr Corish

That council finally adopt the Planning Policy relating to a Colour Palette for Application to Council Developments, Commercial Developments and Special Rural Areas and the Wilderness Estate.

Carried 7/0

3. The Policy has been subject to a number of minor amendments since its adoption.
4. A copy of the current Policy is included in Attachment 1.

5. The purpose of the Policy is to:
 - Create a consistent colour palette applicable to development using colours from the existing natural environment;
 - Strengthen the identity of the town;
 - Provide guidance to council and private landowners and developers when the question of appropriate external colours for new development is being considered;
 - Attain a high-quality visual streetscape; and
 - Preserve, enhance and complement the existing natural environment.
6. The Townscape Enhancement Plans & Design / Development Guidelines were adopted in April 2001 and are strategic documents aimed at a staged upgrading of the physical environment of Exmouth, and address heritage and character, land use and activities, access to movement, and environment and amenity.
7. As part of the Townscape Enhancement Plans & Design / Development Guidelines a colour palette was adopted to guide the Shire in assessing new development, including public streets and buildings.
8. The colours were considered appropriate to the Exmouth environment.

COMMENT

9. A general review of the Policy has been undertaken and the amendments proposed are for the purposes of aligning the selected external colour palette with similar colours that are currently available by suppliers as well as minor text changes (Attachment 2).
10. A number of the names and codes of the paint colours listed in the current colour palette have either been phased out or renamed. The adapted colour palette includes colours that are currently available by suppliers. The table below outlines the current and revised paint colour names.

Adopted Colour Palette	Amended Colour Palette
Lichen Dew	Linchen
Daintree Palm	Willow
Pinewood Green	Green Grey
Simpson Dust	Jamaican Shore
Kingfisher Blue	Mamala Bay
Frisco Bay	Seabrook
Earth Tone	Earth Tone
Athena	Athena
Zercon	Zirkon
High Pine	High Pine
Mavan Gold	Sunbound
Blue Goose	Sea Note
Signal Red	Signal Red
Mountain Green	Classical Calm

Roof Colours (Colorbond)	
Wilderness	Mangrove
Pale Eucalypt	Pale Eucalypt
Sandbank	Classic Cream
Dune	Dune
Paperbark	Paperbark
Headland	Manor Red
Surfmist	Surfmist

CONSULTATION

11. The proposed amendments were considered ‘minor’ pursuant to Schedule 2, Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Accordingly, no public consultation was undertaken or considered necessary.

STATUTORY ENVIRONMENT

12. Shire of Exmouth Local Planning Scheme No. 4.
13. Planning and Development (Local Planning Schemes) Regulations 2015.
14. Division 2 – Local planning policies of the *Planning and Development (Local Planning Scheme) Regulations 2015* set out the requirements for local planning policies (LPP), including procedures for amending a LPP.

POLICY IMPLICATIONS

15. That Council consider, approve and proceed with the amended Policy.

FINANCIAL IMPLICATIONS

16. Nil.

RISK MANAGEMENT

17. The risk identified and categorisation rely on the Shire’s Policy 2.13 – Risk Management Policy.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational – may result in inconsistency in development outcomes and development that does not complement the existing natural environment.	Unlikely	Minor	Low	This Policy is a framework that guides the assessment of new development so that a consistent colour palette is applied to all zones within the Shire, excluding the Residential zone.

ALTERNATE OPTIONS

18. Council has the following alternative options in relation to this item, which are:
- To resolve to proceed with the amended Policy with further minor modifications; or
 - To resolve to advertise the amendments of the Policy; or
 - To resolve to not proceed with the amended Policy.

STRATEGIC ALIGNMENT

19. This item is relevant to the Councils approved Strategic Community Plan 2030 and Corporate Business Plan 2018-2022.

Leadership: To provide open transparent, accountable leadership working in collaboration with our community.

4.1 To provide proactive, collaborative and transparent leadership

4.2 A local government that is respected and accountable.

VOTING REQUIREMENTS

20. Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.1.1

That Council, in accordance with Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to APPROVE and proceed with the amended Local Planning Policy 6.2 Colour Palette for Developments, as set out in Attachment 2 of this item.

12.1.2 AMENDMENTS TO LOCAL PLANNING POLICY 6.8 – ADVERTISING SIGNS, TOWN CENTRE PUBLIC SPACE & OUTDOOR EATING PERMITS

File Reference:	CM.PO.9
Reporting Officer:	Senior Planner
Responsible Officer:	Acting Chief Executive Officer
Date of Report:	13 May 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Amended Local Planning Policy 6.8 – Advertising Signs, Town Centre Public Space & Outdoor Eating Permits 2. Amended Town Centre Public Space Permit Guidelines

PURPOSE

1. That Council consider amendments to Local Planning Policy 6.8 – Advertising Signs, Town Centre Public Space & Outdoor Eating Permits (the Policy) and Town Centre Public Space Permit Guidelines (The Guidelines), and approve and proceed with the amended Policy and Guidelines (Attachments 1 and 2) pursuant to Schedule 2, Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

BACKGROUND

2. At the 28 May 2020 Ordinary Council Meeting, Council initially adopted Local Planning Policy 6.8 Advertising Signage, Town Centre Public Space Permit, and Outdoor Eating Permit, replacing Local Planning Policy 6.8 Signs.

Res No: 08-520

MOVED: Cr Niikkula

SECONDED: Cr Dixon

1. **RESCIND** the current Signage policy 6.8, and
2. **ADOPT** the new “Advertising Signage, Town Centre Public Space Permit, and Outdoor Eating Permit” policy and guidelines as detailed in Attachments 1-5 to this report with the following amendments to provide greater clarity;
 - a) **ADD** the following sentence to Attachment 2 – Advertising Signage Guidelines – Product Display Sign section; • “Multiple business vehicles displaying business name and parking within the boundaries of the lot where the business is approved to operate are permitted”.
 - b) **AMEND** Attachment 5 – Temporary Banner Display Guidelines the percentage of sponsor name/logo from 25% to 50% as follows; • “Sponsor

advertising including the name and/or logo must not exceed 50% of the total area of the banner”

- c) AMEND Town Centre Public Space Permit Guidelines to increase public liability insurance cover to \$20,000,000;***
- d) AMEND Outdoor Eating Permit Guidelines to increase public liability insurance cover to \$20,000,000”.***

Carried 6/0

3. The purpose of Local Planning Policy 6.8 – Advertising Signs, Town Centre Public Space & Outdoor Eating Permits (the Policy) is to encourage local businesses to partner with the Shire in continually improving the presentation of Exmouth as the State’s premier tourism town.
4. In addition to Shire efforts to enhance the visual amenity of the town, the Policy actively invites local businesses to create improved retail and hospitality vibrancy through this business-friendly advertising signage and trading permits policy.
5. The Policy sets out the matters the local government will consider when assessing applications for advertising signs, town centre public space, and outdoor eating space permits. The Policy details what is permitted in various locations and approvals required for each application. It has been prepared to support and be read in conjunction with Clause 4.31 of the Shire of Exmouth Local Planning Scheme No.4 (LPS 4). The Scheme requires the submission of an application for Development Approval only for non-exempt advertisements.
6. Local businesses are required to submit applications for the Town Centre Public Space and Outdoor Eating permits.
7. The Policy is supported and should be read in conjunction with the individual guidelines for;
 - Advertising Signage Guidelines
 - Town Centre Public Space Permit Guidelines
 - Outdoor Eating Guidelines
 - Booking Temporary Banner Display Guidelines
8. The Policy objectives are:
 - a. To assist local businesses, create vibrancy, enhance amenity and maximize business opportunities whilst reinforce the positioning of Exmouth as a unique visitor destination.
 - b. To ensure that the display of advertising signs on properties complements the surrounding area without impacting on public safety and access.
 - c. To encourage local food businesses to create and manage quality outdoor dining areas without impacting on public safety or access.
 - d. To ensure consistent policy and clearly set out the requirements of the Shire of Exmouth for applicants making an application for advertising signage, use of town centre public space and outdoor eating areas.
 - e. To guide the design, materials and siting of advertising structures and signs in the local government area.
 - f. To provide improved opportunities and clear guidelines for local community and sporting groups to advertise events and activities.
 - g. To decrease bureaucratic procedures, restrictions and constraints, as well as legal and jargonistic guidelines.

COMMENT

9. The Policy addresses three core areas of advertising signage, use of town centre public space and outdoor eating permits and have been combined to provide local Exmouth businesses with a simpler approach to promoting business opportunities and achieving greater commercial vibrancy.
10. The Policy and Guidelines allows commercial operators within the town centre to apply to use the public space immediately in front of their tenancy for advertising, merchandising or seating, extending out to distance of no greater than 1200mm across the length of the tenancy frontage.
11. The amendments to the Guidelines have been undertaken to provide clearer guidance and ensure consistency surrounding designated Public Space areas within the town centre (Attachment 2).
12. Further, amendments have been proposed to ensure consistency across the subject Guidelines and the Outdoor Eating Permit Guidelines. This includes the need for a minimum 1.8m clear area for pedestrian circulation in thoroughfares and guidance on when a permit may be cancelled if conditions are not adhered to.
13. The proposed amendments to the Guidelines seek to allow the Shire to consider alternate public space options in cases which demonstrate exceptional circumstances for trading in public spaces, such as the location of existing structures and different levels in front some tenancies.
14. Additionally, minor amendments to the Policy have been undertaken to provide more clarity and consistency in relation to applicants requiring and maintaining Public Liability Insurance (Attachment 1). This was referenced in the associated Guidelines, but not specifically in policy provision 4.2 *Town Centre Public Space*.
15. A number of the amendments to the documents also include minor text and grammatical changes.
16. No amendments have been made to the Advertising Signage Guidelines, Outdoor Eating Guidelines, and Booking Temporary Banner Display Guidelines.

CONSULTATION

17. The proposed amendments do not materially alter the purpose and intent of the documents, and were considered minor pursuant to Schedule 2, Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Accordingly, no public consultation was undertaken or considered necessary.

STATUTORY ENVIRONMENT

18. Land Administration Act 1997
19. Activities on Thoroughfares and Trading in Thoroughfares and Public Local Law
20. Local Government Act 1995
21. Shire of Exmouth Local Planning Scheme No.5
22. Planning and Development (Local Planning Schemes) Regulations 2015.

23. Division 2 – Local planning policies of the Planning and Development (Local Planning Scheme) Regulations 2015 set out the requirements for local planning policies (LPP), including procedures for amending a LPP.

POLICY IMPLICATIONS

24. That Council consider, approve and proceed with the amended Policy and Guidelines.

FINANCIAL IMPLICATIONS

25. Nil.

RISK MANAGEMENT

26. The risk identified and categorisation rely on the Shire’s Policy 2.13 – Risk Management Policy.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational – may have an implication on business operations	Unlikely	Minor	Low	This Policy is a framework to allow businesses to have additional retail area for the sale of goods.

ALTERNATE OPTIONS

27. Council has the following alternative options in relation to this item, which are:

- To resolve to proceed with the amended Policy with further minor modifications; or
- To resolve to advertise the amendments of the Policy; or
- To resolve to not proceed with the amended Policy.

STRATEGIC ALIGNMENT

28. This item is relevant to the Councils approved Strategic Community Plan 2030 and Corporate Business Plan 2018-2022.

Economic:	<p><u>Diversify and grow our economy in a manner that provides year round employment opportunities</u></p> <p>1.1 A diverse and environmentally aware local economy that can attract business investment and provide employment opportunities.</p> <p>1.2 Facilitate the strengthening and growth of our visitor experience.</p>
Social:	<p><u>To be a vibrant, passionate and safe community valuing our natural environment and unique heritage</u></p> <p>3.1 Explore opportunities to deliver services and facilities that attract and retain people living in the Shire.</p> <p>3.2 Promote facilities/services that enhance public health and safety.</p>
Leadership:	<p><u>To provide open transparent, accountable leadership working in collaboration with our community.</u></p> <p>4.1 To provide proactive, collaborative and transparent leadership.</p> <p>4.2 A local government that is respected and accountable.</p>

VOTING REQUIREMENTS

29. Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.1.2

That Council, in accordance with Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to APPROVE and proceed with the amended Local Planning Policy 6.8 Advertising Signs, Town Centre Public Space, and Outdoor Eating Permit and amended Town Centre Public Space Permit Guidelines, as set out in Attachments 1 and 2.

DEVELOPMENT SERVICES

12.2.1 COUNCIL RELINQUISH RESERVE 40519 AND ADVISE THE DEPARTMENT OF PLANNING LANDS & HERITAGE TO REVEST THE RESERVE TO THE CROWN

File Reference:	R40519
Reporting Officer:	Senior Planning Officer
Responsible Officer:	Acting Chief Executive Officer
Date of Report:	14 May 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Written Request

PURPOSE

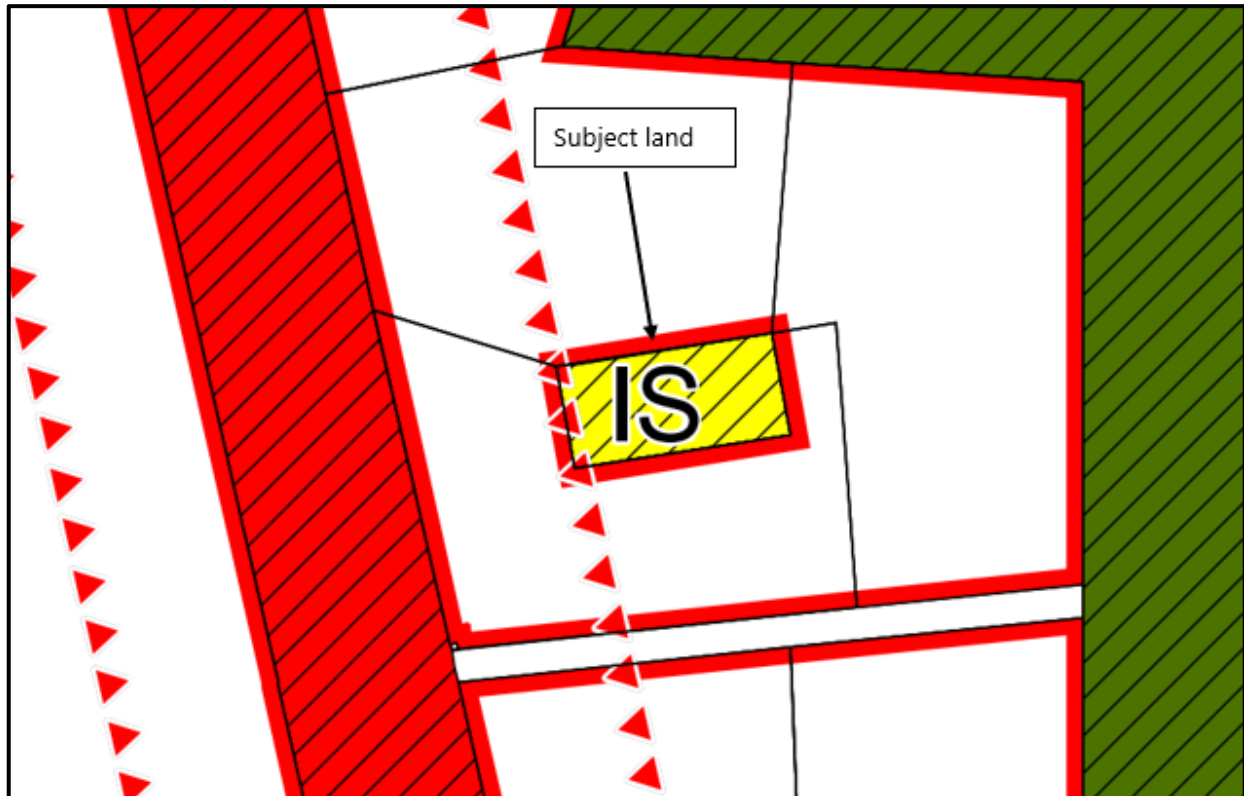
1. That Council resolve to formally agree to relinquish Reserve 40519, being Lot 116 on Deposited Plan 183751, Exmouth, and advise the Department of Planning Lands & Heritage (DPLH) to re-vest the reserve to the Crown.

BACKGROUND

2. The Shire has received a request (refer attachment 1) on behalf of the owners of Lot 310 Minilya-Exmouth Road, Exmouth in acquiring Reserve 40519 and amalgamating it into Lot 310.
3. Reserve 40519 (the subject land) is shown below and is currently set aside for the purposes of *Aerial Landing Ground Support Facility*, with a management order to the Shire of Exmouth.



4. The subject land is located approximately 12.5km south of the Exmouth Townsite, and according to the Shire's records is 7,735m² in area.
5. The subject land is Reserved for *Public Purposes: Infrastructure Services* under the Shires Local Planning Scheme No.4 (LPS 4). The zoning surrounding the site is Special Use - Area 9 (Cape Wilderness Estate). The figure below shows the zoning and reserve classification surrounding the subject land, and the location of the 100m Minilya-Exmouth Road – Special Control Area – 6 under LPS 4.



COMMENT

6. The *Land Administration Act 1997* provides the statutory environment for the care, control and management of Reserves. The Minister for Lands may, by order, reserve crown land for one or more purposes in the public interest. The Minister may then, by order, place one or more persons in the care, control and management of the Reserve through a 'Management Order'.
7. The subject land is currently vacant. Council officers have investigated the land and were unable to find any signs of past or planned future uses associated with an *Aerial Landing Ground Support Facility*. Council officers have further discussed the site with a previous long-time user connected with the Aerodrome, who advised that it is likely to have been a navigation beacon site for now discontinued aircrafts and is no longer required.
8. Accordingly, Council officers consider that the Reserve is no longer needed, and that the current most practicable and sensible use of the land would be to include it within the surrounding Special Use – Area 9 zoning and estate. Should this be supported by the DPLH, and the land disposed of, it would need to be subsequently rezoned under the Shire's LPS 4.

9. Vehicular access to the property relies on a right of carriageway easement over a portion of Lot 310. The lot size is also less than the minimum 1-hectare requirement under LPS 4, as such it is recommended that the land be amalgamated with adjoining properties.
10. Council officers support the relinquishment of the Reserve and for the subject land to be re-vested with the Crown. It is recommended that DPLH also consult with the adjoining owners of Lot 309 who may also be interested in purchasing a portion of the subject land.

CONSULTATION

11. Nil

STATUTORY ENVIRONMENT

12. Land Administration Act 1997

POLICY IMPLICATIONS

13. Nil

FINANCIAL IMPLICATIONS

14. Nil

RISK MANAGEMENT

15. The risk identification and categorisation rely on the Shire's Policy 2.13 – *Risk Management Policy*.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance and Reputational – Loss of the Reserve for an <i>Aerial Landing Ground Support Facility</i> .	Unlikely	Minor	Low	Shire officers have found no evidence as to why the Reserve is required.

ALTERNATE OPTIONS

16. Council has the alternate option of choosing to not relinquish Reserve 40519.

STRATEGIC ALIGNMENT

17. This item is relevant to the Councils approved Strategic Community Plan 2030 and Corporate Business Plan 2018-2022.

Environment: To protect and value our unique natural and built environment as we grow our economy.

2.2 Strive to achieve a balance between the preservation of our unique environment and the delivery of sustainable economic growth.

Social: To be a vibrant, passionate and safe community valuing our natural environment and unique heritage

3.1 Explore opportunities to deliver services and facilities that attract and retain people living in the Shire.

Leadership: To provide open transparent, accountable leadership working in collaboration with our community.

4.2 A local government that is respected and accountable.

VOTING REQUIREMENTS

18. Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.2.1

That Council agree and APPROVE to relinquish Reserve 40519 being Lot 116 on Deposited Plan 183751, Exmouth, and advise the Department of Planning Lands & Heritage to re-vest the reserve to the Crown and recommend they consult with adjoining properties.

CORPORATE SERVICES

12.4.1 FINANCIAL STATEMENT FOR PERIOD ENDING 30 APRIL 2021

File Reference:	FM.FI.0
Reporting Officer:	Manager Finance
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	17 May 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Monthly Financial Report as at 30 April 2021

PURPOSE

1. That Council accepts the financial report for the financial period ending 30 April 2021.

BACKGROUND

2. The provisions of the Local Government Act 1995 and *Local Government (Financial Management) Regulations 1996* Regulation 34 requires a statement of financial activity be presented at ordinary meeting of council within 2 months of the period end date (Attachment 1).

COMMENT

3. As at 30 April, operating revenue is above target by \$205,655 (1.84%) due to an increase of visitors to Exmouth. The Ningaloo Visitor Centre merchandise sales and exhibition admissions were above target. The waste site and swimming pool revenue, as well as the amount of town planning and building applications increased. The aviation revenue decreased due to tourist seasonality and is expected to increase over the next 2 months.
4. Operating expenditure is under budget by \$945,015 (7.25%). Variances are mainly due to material and contracts and other expenditures being under budget due to the timing of maintenance programmes. Applications for stimulus packages have been received and are yet to be assessed. Employee costs are also under budget due to employee vacancies and timing of training and relocation costs.
5. Capital projects are under budget by \$575,014 due to timing of projects. A total of \$3,342,636 has been spent to date. This includes the installation of goal posts at Talanjee and Koobooroo ovals and the purchase of staff housing and Lot 1416 Learmonth Street. The Ningaloo Centre solar panels and plant replacement programmes have commenced and the Aquarium protein skimmers, Airport vending machines, Water dispensers have been purchased. Roadworks programme has commenced and new footpaths on Murat Road and Payne Street, as well as the installation of ablutions at the overflow caravan park have been completed.

6. Rate notices were issued on 30 July 2020. Rates collected as at 30 April were 92% compared to 87.7% for the same period last year.
7. General Debtors is \$1,610,396 with \$656,137 being for airport operations.

CONSULTATION

8. Nil

STATUTORY ENVIRONMENT

9. Section 6.4 of the *Local Government Act 1995* provides for the preparation of financial reports.
10. In accordance with *Local Government (Financial Management) Regulations 1996* Regulation 34 (5), a report must be compiled on variances greater than the materiality threshold adopted by Council of \$25,000 or 10% whichever is greater. As this report is composed at a program level, variance commentary considers the most significant items that comprise the variance.

POLICY IMPLICATIONS

11. Nil

FINANCIAL IMPLICATIONS

12. Nil

RISK MANAGEMENT

13. Risks implications

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational – That Council does not receive the financial activity statements as required by S6.4 of the LG Act 1995.	Rare	Insignificant	Low	That Council receives the financial activity statements as required by legislation.

ALTERNATE OPTIONS

14. Nil

STRATEGIC ALIGNMENT

15. This item is relevant to the Councils approved Strategic Community Plan 2030 and Corporate Business Plan 2018-2022

Leadership: To provide open transparent, accountable leadership working in collaboration with our community.

- 4.1 To provide proactive, collaborative and transparent leadership
- 4.2 A local government that is respected and accountable.

VOTING REQUIREMENTS

16. Simple Majority

OFFICER’S RECOMMENDATION

ITEM 12.4.1

That Council RECEIVES the Financial Report for the financial period ending 30 April 2021.

12.4.2 LIST OF ACCOUNTS FOR PERIOD ENDING 30 APRIL 2021

File Reference:	FM.FI.0
Reporting Officer:	Manager Finance
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	17 May 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. List of Accounts for period ending 30 April 2021

PURPOSE

1. That Council receives payments made since the previous Ordinary Council Meeting.

BACKGROUND

2. *Local Government (Financial Management) Regulations 1996*, Regulation 13 (3) requires a list of payments is to be presented at the next ordinary meeting of council.
3. It has been customary practice that whilst being a leader in the community, we meet our terms of credit as established between suppliers and aspire to obtain discounts where practicable. Payments have been approved by authorised officers in accordance with agreed delegations and policy frameworks.

COMMENT

4. Council has given delegated authority that allows the Chief Executive Officer to approve payments from Council's bank accounts either via cheque or through electronic lodgement. (refer Attachment 12.4.2).
5. April Payments

Municipal Fund	totalling \$1,153,332.20 Incorporating cheques, direct debits, electronic payments and credit cards.
Trust Fund	totalling \$8,032.01 Incorporating electronic payments
Total Payments:	\$1,161,364.21

CONSULTATION

6. Nil

STATUTORY ENVIRONMENT

7. Payments are to be made in accordance with Part 6, Division 4 of the *Local Government Act 1995* and as per the *Local Government (Financial Management) Regulations 1996*. Payments are to be made through the municipal fund, trust fund or reserve funds. Payments are to be in accordance with approved systems as authorised by the Chief Executive Officer.

POLICY IMPLICATIONS

8. Staff are required to ensure that they comply under Council Policy 2.7 – Procurement and 2.12 – Regional Price Preference Policy (where applicable) and that budget provision is available for any expenditure commitments

FINANCIAL IMPLICATIONS

9. Payments are made under delegated authority and are within defined and approved budgets. Payment is made within agreed trade terms and in a timely manner.

RISK MANAGEMENT

10. Risk implications

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational – That Council does not receive the list of payments.	Rare	Insignificant	Low	That Council receives the list of payments as required by legislation.

ALTERNATE OPTIONS

11. Nil

STRATEGIC ALIGNMENT

12. This item is relevant to the Councils approved Strategic Community Plan 2030 and Corporate Business Plan 2018-2022

- Leadership: To provide open transparent, accountable leadership working in collaboration with our community.
- 4.1 To provide proactive, collaborative and transparent leadership
 - 4.2 A local government that is respected and accountable.

VOTING REQUIREMENTS

13. Simple Majority

OFFICER’S RECOMMENDATION

ITEM 12.4.2

That Council RECEIVES the report of payments made from the Municipal and Trust bank accounts during the month of April 2021 (*totalling \$1,161,364.12*).

12.4.3 AWARD OF TENDER: RFT 03/2021 - HOUSING BUILDING PACKAGE LOT 501 INGLETON STREET EXMOUTH

File Reference:	CM.TE. 03. 2021.
Reporting Officer:	Building Surveyor
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	7 May 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. CONFIDENTIAL Tender Evaluation Report Evaluation Report – RFT03/2021

PURPOSE

1. That Council consider the outcome of Tender RFT 03/2021 Housing Building Package Lot 501 Ingleton Street.

BACKGROUND

2. Shire staff has workshopped with Council the current staff housing situation in relation to housing available and required as well as options currently available to Council. The preferred option identified was to build on property Council owns. The Shire owns vacant land on Lot 501 Ingleton Street which would be suitable to accommodate staff housing.
3. Council has identified that it has a requirement to employ appropriately qualified staff to provide effective services to the Shire of Exmouth. These skills are not always locally available and requires Council to consider measures that it can take to attract and retain these skills. As Council is not located close to a larger metropolitan area and cannot afford to pay salaries comparable to other local governments it needs to provide other incentives to attract and retain key technical and senior staff. The purpose of these houses is so that Council is able to attract and retain these staff.
4. The Shire advertised Tender RFT 03/2021 Housing Building Package to Construct 1 x 3-bedroom, 2-bathroom main dwelling and 1 x 2-bedroom, 2-bathroom ancillary dwelling and associated works on Lot 501 Ingleton Street Exmouth which closed on 9 April 2021.
5. Tender RFT 03/2021 was advertised in The West Australian on 13 March 2021 and the Pilbara News on 17 March 2021, on the Shire's website and on the Shire's & Library's noticeboards.
6. Two addendums were issued prior to the tender closing and were acknowledged by the tenderers.
7. The Shire received 2 tender submissions before the tender deadline of 2.00pm Friday 9 April 2021.

COMMENT

8. Tender submissions were assessed by the Shire’s Manager Works, Executive Manager Corporate Services and Building Surveyor. All tenders were assessed against the compliance criteria and ranked according. The assessment panel then adopted best value for money approach.
9. The confidential evaluation report will be tabled to Councillors and provides details of the tender process and evaluation of the tenders.

CONSULTATION

10. Nil

STATUTORY ENVIRONMENT

11. Section 3.57 of the Local Government Act 1995 and the LGA Functions and General Regulations, 11 to 24G.
12. Regulation 18 (4) of the Local Government (Functions and General) Regulations.

POLICY IMPLICATIONS

13. Council Policy 2.7 Procurement
14. Council Policy 2.12 Regional Price Preference

FINANCIAL IMPLICATIONS

15. The approved tender price will be included in the 2021/22 budget.

RISK MANAGEMENT

16. Insert identified risks implications

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational and Service Interruption - Lack of housing may impact on the ability of Council to employ and retain appropriately qualified staff.	Possible	Moderate	Moderate	Alternate options will need to be explored.

ALTERNATE OPTIONS

17. Council may not award the tender.

STRATEGIC ALIGNMENT

18. This item is relevant to the Councils approved Strategic Community Plan 2030 and Corporate Business Plan 2018-2022

- Economic: Diversify and grow our economy in a manner that provides year round employment opportunities
- 1.1 A diverse and environmentally aware local economy that can attract business investment and provide employment opportunities
 - 1.2 Facilitate the strengthening and growth of our visitor experience.
 - 1.3 Enable the provision of essential infrastructure that will support investment and diversify our economy.

Environment: To protect and value our unique natural and built environment as we grow our economy.

- 2.1 A strong focus on environmental conservation and sustainable management of our natural environment
- 2.2 Strive to achieve a balance between the preservation of our unique environment and the delivery of sustainable economic growth.
- 2.3 Advocate and promote opportunities for the development of environmentally sustainable essential infrastructure and services

Social: To be a vibrant, passionate and safe community valuing our natural environment and unique heritage

- 3.1 Explore opportunities to deliver services and facilities that attract and retain people living in the Shire.
- 3.2 Promote facilities/services that enhance public health and safety.
- 3.3 Champion self-supporting community clubs and associations.

Leadership: To provide open transparent, accountable leadership working in collaboration with our community.

- 4.1 To provide proactive, collaborative and transparent leadership
- 4.2 A local government that is respected and accountable.
- 4.3 To be a champion for our community

VOTING REQUIREMENTS

19. Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.4.3

That Council:

1. AWARD the contract for Tender RFT 03/2021 Housing Building Package on Lot 501 Ingleton Street as per the recommendation in the Confidential Evaluation Report;
2. AUTHORISE the Chief Executive Officer to make minor changes to scope of works and consequently the price of works not exceeding 10% of the project budget; and
3. RECORD the recommendation for Tender RFT 03/2021 as provided in the Confidential Evaluation Report – RFT03/2021 in the minutes for the meeting.

ITEMS FOR INFORMATION ONLY

12.5.1 ITEMS FOR INFORMATION ONLY

PURPOSE

To advise Council of the information items listed below.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.5.1

That Council note the following information items:

Register of Documents Stamped with the Shire of Exmouth Common Seal

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

Date	Document
18/12/2020	Short Form Member Contract – Shire of Exmouth and CJ Lord Building Renovations Pty Ltd (Council Decision 19/1220).
27/01/2021	Sublease Agreement – Shire of Exmouth and CHC Helicopters (Council Decision 07/1220).
04/02/2021	Transfer of Mortgage Charge or Freehold Lease – Shire of Exmouth and Ningaloo Caravan and Holiday Resort.

Building Decisions Issued

A summary of the building permits and building certificate applications and approvals made under Delegation pursuant to the *Building Act 2011* up to 30 April 2021.

App #	Date Received	Lot	Property Address	Description	Decision	Decision Date
21/40	25/03/21	234	28 Carpenter Street	Ancillary dwelling and garage	Approved	16/04/2021
21/41	26/03/21	97	21 Bluefin Cove	Single dwelling	Approved	08/04/2021
21/43	30/03/21	212	6 Dugong Close	Single dwelling	Approved	03/05/2021
21/44	30/03/21	102	3 Snapper Loop	Outbuilding	Approved	17/04/2021
21/45	31/03/21	649	22 Hall Street	Ancillary dwelling	Approved	17/04/2021
21/46	08/04/21	816	12 Carr Way	Addition - Verandah	Approved	21/04/2021
21/47	14/04/21	348 & 349	31 & 29 Kestrel Place	Floating jetty	Pending	
21/48	20/04/21	33	9 Learmonth Street	Addition - Verandah	Approved	28/04/2021
21/49	21/04/21	410	34 Madaffari Drive	Floating jetty & gangway	Approved	04/05/2021
21/50	19/04/21	38	12 Searaven Crescent	Dwelling, carport & boundary fence	Approved	07/05/2021
21/51	19/04/21	460	12 Osprey Way	Single house, outbuilding & boundary fence	Approved	19/05/2021
21/52	20/04/21	346	35 Kestrel Place	Floating jetty & gangway	Approved	12/05/2021
21/53	21/04/21	417	54 Madaffari Drive	Floating jetty & gangway	Approved	04/05/2021
21/54	27/04/21	108	59 Ingram Street	Earthworks & pad footings for future storage units	Approved	03/05/2021

Planning Decisions Issued

Summary of the planning decisions issued under delegation or outstanding up to 30 April 2021.

App #	Date Received	Lot	Property Address	Description.	Decision	Decision Date
PA32/19	13/03/19	Scheme Amendment 1 to LPS4			Deferred	07/06/19
DA54/20	12/08/20	Scheme Amendment No.2 to LPS4 - re-zoning of part Crown Reserve R50806 into 13 Koolinda Way			Processing	21/12/20
DA101/20	17/11/20	1	Heron Way	Single, ancillary dwelling, outbuilding	Deferred	17/11/20
DA113/20	08/12/20	460	12 Osprey Way	Single dwelling, Ancillary Dwelling and Outbuilding	Approved	06/04/21
DA118/20	05/12/20	14	30 Dugong Close	Holiday House	Approved	07/04/21
DA122/20	24/12/20	417	54 Madaffari Drive	Floating jetty	Approved	15/04/21
DA124/20	24/12/20	410	34 Madaffari Drive	Single House - Addition - Floating Jetty	Approved	16/04/21
DA9/21	02/02/21	33	9 Learmonth Street	Patio extension and carport	Approved	08/04/21
DA10/21	04/02/21	318	Minilya-Exmouth Rd	Ancillary dwelling	Processing	
LP.PL.4.4	18/02/21	Service Commercial Zone		Scheme Amendment No.4	Processing	
DA16/21	02/03/21	Recreation Centre		Change rooms, bike park facility	Approved	09/04/21
DA19/21	24/02/21	187	35 Cobia Close	Single dwelling	Approved	20/04/21
DA21/21	11/03/21	24	10 Learmonth Street	Carport Addition	Processing	
DA22/21	16/03/21	922	15 Ningaloo Street	Bed & Breakfast - 1 bedroom	Processing	
DA23/21	18/03/21	52	25 Lockwood Street	Existing Use – B&B (2 Bedrooms)	Deferred	30/04/21
DA24/21	18/03/21	319	19 Gnulli Court	Single dwelling and pool	Processing	
DA25/21	26/03/21	501	30 Ingleton Street	Single dwelling & ancillary dwelling	Approved	22/04/21
DA26/21	31/03/21	151	27 Dugong Close	Retaining & fencing	Deferred	12/04/21
DA27/21	07/04/21	1308	18 Tambor Drive	Holiday House	Processing	
DA29/21	29/04/21	1103	3 Campbell Way	Approval for Existing Use - Holiday House	Processing	
DA30/21	09/04/21	34	15 Cooyou Close	Single house	Approved	22/04/21
DA31/21	09/04/21	12	2/12 Christie Street	Approval for Existing Use – B&B	Processing	
DA32/21	13/04/21	108	59 Ingram Street	Warehouse/Storage (Units)	Approved	22/04/21
DA33/21	14/04/21	207	40 Cobia Close	Grouped dwellings x 2	Processing	
DA34/21	20/04/21	311	Minilya-Exmouth Rd	Single House	Processing	
DA35/21	16/04/21	1002	8 Warren Way	Holiday House	Processing	
DA36/21	09/04/21	156	63 Snapper Loop	Home Occupation	Processing	
DA37/21	22/04/21	1406	Willersdorf Road	Warehouse/Storage - Addition	Processing	
DA38/21	23/04/21	838	5 Carter Road	Caretakers dwelling - Addition	Processing	
DA39/21	27/04/21	200	54 Cobia Close	Single House	Processing	
DA40/21	27/04/21	190	5 Grenadier Street	Ancillary dwelling	Processing	
DA41/21	28/04/21	410	10 Farley Street	Outbuilding – R-Codes variation	Processing	
DA42/21	29/04/21	1376	40 Preston Street	Ancillary dwelling and pool	Deferred	29/04/21

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

App #	Date Received	Description.	Decision	Permit issued
PE12/21	06/04/21	Exmouth Surf Centre – Town Beach annual permit	Issued	15/04/21
PE13/21	09/04/21	Ultimate Water Sports – Town beach 1-16 May	Issued	30/04/21
PE14/21	06/04/21	Lions Club skin cancer screening truck at ECAC carpark – 15-16 May	Issued	29/04/21
PE15/21	20/04/2021	Surf Yoga classes at Federation Park 1 July – 1 October	Cancelled	

OFFICER'S RECOMMENDATION

ITEM 12.5.1

That Council note the following information items:

- Register of Documents Stamped with the Shire of Exmouth Common Seal;
- Building Decisions Issued up to 30 April 2021; and
- Planning Decisions Issued up 30 April 2021.

- 13. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**
- 15. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS**
- 16. CLOSURE OF MEETING**