

Shire of Exmouth

ORDINARY COUNCIL MEETING

AGENDA



28 October 2021

NOTICE OF MEETING

Notice is hereby given that the

Shire of Exmouth
Ordinary Council Meeting
will be held on
28 October 2021

Commencing at 4.00pm

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

Ben Lewis
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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Email: records@exmouth.wa.gov.au | Website: www.exmouth.wa.gov.au

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: _____

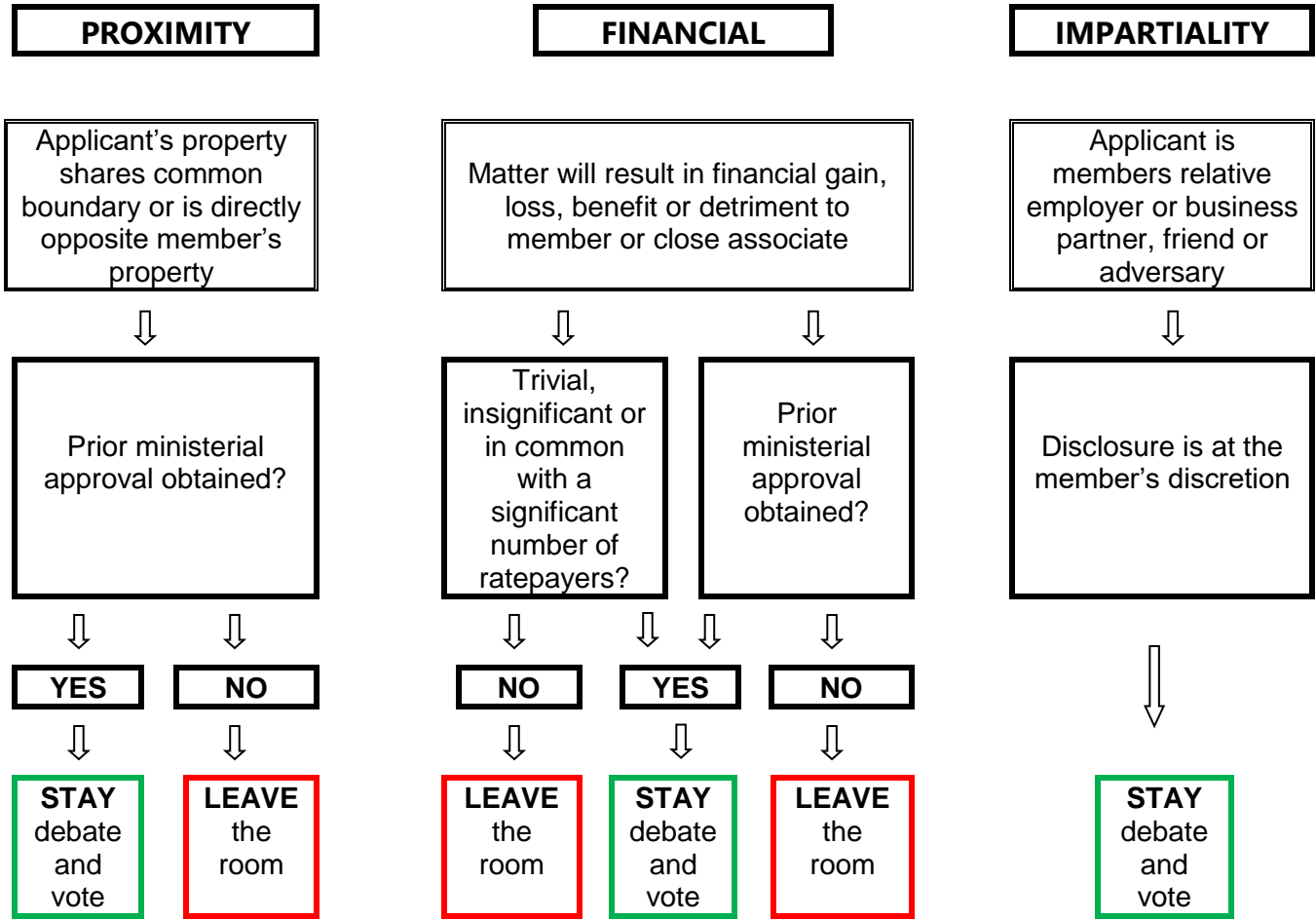
Note 1: For Ordinary meetings of Council, elected members and employees are requested to submit this completed form to the Chief Executive Officer prior to the meeting. Where this is not practicable, disclosure(s) must be given to the Chief Executive Officer prior to the matter being discussed.

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.

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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.

The Shire President 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 D (Darlene) Allston

Councillor J (Jackie) Brooks

Councillor H (Heather) Lake

Councillor M (Mark) Lucas

Councillor A (Anne) McCarrol

Councillor D (David) Gillespie

Mr B Lewis

Mr M Richardson

Mr M Bird

Shire President

Deputy Shire President

Chief Executive Officer

Executive Manager Development Services

Executive Manager Commercial and Community

Mr G Coetzee
Ms M Head

Executive Manager Corporate Services
Minute Clerk

GALLERY

APOLOGIES

LEAVE OF ABSENCE

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTIONS TIME

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

Council Consideration Towards Public

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

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

5. DECLARATIONS OF INTEREST

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 Council Meeting held on the 23 September 2021 and the Special Council Meeting held on the 19 October 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 Chief Executive Officer has approved a deputation from Horizon Power, presented by:

- Vi Garrod Manager Future Energy Systems,
- Jaryd Revere Acting Manager Customer Solutions, and
- Caroline Forbes, Retail and Community Manager Gascoyne Midwest

Presentation to the following previous Councillors:

- Ex Shire President Matthew Niikkula
- Ex Deputy Shire President Ben Dixon
- Ex Councillor Gary Mounsey

11. MATTERS ARISING FROM COMMITTEES OF COUNCIL

11.1.1 NINGALOO TOURISM ADVISORY GROUP COMMITTEE (NTAG)

The minutes of this this committee meeting are available on the Shire of Exmouth website.

NTAG'S RESOLUTION**ITEM 11.1.1**

That the Ningaloo Tourism Advisory Group Committee recommends to Council the minutes of the Ningaloo Tourism Advisory Group Committee Meeting held on the 14 October 2021 at 1.00pm.

NTAG'S RECOMMENDATION**ITEM 11.1.1**

That Council RECEIVE the minutes of the Ningaloo Tourism Advisory Group Committee Meeting held on the 14 October 2021 at 1.00pm.

12. REPORTS OF OFFICERS

EXECUTIVE SERVICES

12.1.1 SHIRE CHRISTMAS CLOSURE

File Reference:	GV.CM.0
Reporting Officer:	Executive Secretary
Responsible Officer:	Chief Executive Officer
Date of Report:	16 October 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	Nil

PURPOSE

1. That Council consider the closing period for Shire departments during the annual Christmas period.

BACKGROUND

2. In previous years Council has resolved to close the Shire Office over the Christmas New Year period. Shire staff will take annual or accumulated leave for the days on which the office is closed.
3. Generally, the town is very quiet at this time of the year and previous closure periods of this nature have not been an inconvenience to the community. A Senior Officer of the Shire will be in town during this period, should an emergency arise.
4. This year the days in question are Wednesday 29 December, Thursday 30 December and Friday 31 December 2021.
5. Hence, the office will be closed from 2pm Friday 24 December 2021 and reopen again on Tuesday, 4 January 2022.

COMMENT

6. The following table shows the specific dates Shire departments will be closed during the Christmas period:

7.

Department	Closed	Open
Shire Administration Office	Friday 24/12/21 @ 2.00pm	Tuesday 04/01/22
Ningaloo Visitors Centre	Saturday 25/12/21	
Library	Thursday 23/12/21 @ 4.00pm	Tuesday 04/01/22
Swimming Pool	Saturday 25/12/21 Sunday 26/12/21 Saturday 01/01/22 No early morning swimming <ul style="list-style-type: none"> • Monday 27/12/21 • Wednesday 29/12/21 • Friday 31/12/21 • Monday 03/01/22 	
Tip	Saturday 25/12/21 Saturday 01/01/22	
Airport	Normal operating hours will apply	
Depot	Friday 24/12/21@ 2.00pm	Tuesday 04/01/22
(Minimal staff will continue to operate during this time including Amenities Officer and Rubbish Truck driver who will run as normal)		

CONSULTATION

8. Executive Managers

STATUTORY ENVIRONMENT

9. Nil

POLICY IMPLICATIONS

10. Nil

FINANCIAL IMPLICATIONS

11. Nil

RISK MANAGEMENT

12. Nil

ALTERNATE OPTIONS

13. The Shire Offices only close for the public holidays being Friday 25 December 2020, Monday 28 December 2020 and Friday 1 January 2021.

STRATEGIC ALIGNMENT

14. 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.
- 4.3 To be a champion for our community

VOTING REQUIREMENTS

15. Simple Majority

OFFICER’S RECOMMENDATION

ITEM 12.1.1

That Council APPROVES to close the various Shire departments during the Christmas period as shown in the table below:

Department	Closed	Open
Shire Administration Office	Friday 24/12/21 @ 2.00pm	Tuesday 04/01/22
Ningaloo Visitors Centre	Saturday 25/12/21	
Library	Thursday 23/12/21 @ 4.00pm	Tuesday 04/01/22
Swimming Pool	Saturday 25/12/21 Sunday 26/12/21 Saturday 01/01/22 No early morning swimming <ul style="list-style-type: none"> • Monday 27/12/21 • Wednesday 29/12/21 • Friday 31/12/21 • Monday 03/01/22 	
Tip	Saturday 25/12/21 Saturday 01/01/22	
Airport	Normal operating hours will apply	
Depot	Friday 24/12/21@ 2.00pm	Tuesday 04/01/22
(Minimal staff will continue to operate during this time including Amenities Officer and Rubbish Truck driver who will run as normal)		

3. Vehicular access to the Exmouth Escape Resort is via Murat Road, which leaves the subject land as being redundant and no longer required.
4. The subject land is currently unconstructed and vacant. Information has been obtained from Dial Before You Dig, with no utility services found within the subject land.

COMMENT

5. The Department of Planning, Lands and Heritage (DPLH) have requested the closure of the subject land to facilitate with the sale of Lots 918 on Deposited Plan 181878 and 1426 on Deposited Plan 21354.
6. The subject land could be disposed of via a standalone freehold disposition. It is likely the subject land would then be amalgamated into an adjoining lot, such as Lot 918.
7. A resolution by Council is required to enact the road closure provisions of the *Land Administration Act 1997* (LAA).
8. Should Council resolve to support and proceed with the permanent closure of the subject land, the local government is required to advertise its intent to close the road.
9. Council is required to consider any objections made to it within the advertising period. After the advertising period, an item will be brought back to Council for a final recommendation and resolution on the proposed road closure.
10. Shire officers consider the subject land is no longer required for a public road and recommend Council proceed with its closure.

CONSULTATION

11. The LAA requires the local government to advertise any proposed road closure in a newspaper circulating in its district, for a period of not less than thirty-five (35) days.

STATUTORY ENVIRONMENT

12. *Planning and Development Act 2005*
13. *Land Administration Act 1997*
14. *Land Administration Regulations 1998*

POLICY IMPLICATIONS

15. Nil

FINANCIAL IMPLICATIONS

16. There are minor costs associated with advertising the proposed partial road closure in the Pilbara News.

RISK MANAGEMENT

17. The risk identification and categorisation rely on the Shires Policy 2.13 – *Risk Management Policy*.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational – The proposal may attract objections from members of the public.	Unlikely	Minor	Low	Consulting with all parties who may be affected should mitigate any risk in this regard. If necessary, further information can be provided.

ALTERNATE OPTIONS

18. Council may consider alternate options in relation to this item, such as:

- To resolve to deny the request to close the portion of Lot 350 on Deposited Plan 64860; or
- To resolve to support the request to close portion of Lot 350 on Deposited Plan 64860, with modifications.

STRATEGIC ALIGNMENT

19. 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

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

2.3 Advocate and promote opportunities for the development of environmentally sustainable essential infrastructure and services.

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. Simple Majority

OFFICER’S RECOMMENDATION

ITEM 12.2.1

That Council resolve SUPPORT and initiate the proposed permanent closure of a portion of Lot 350 on Deposited Plan 64860 as shown in Attachment 1, and advertise the notice of motion for this resolution in a local newspaper circulating in the district for a period not less than 35 days, pursuant to s.58 of the *Land Administration Act 1997*.

12.2.2 DEVELOPMENT APPLICATION – RESIDENTIAL BUILDING AT LOT 900 (2) WELCH STREET, EXMOUTH

File Reference:	A1548 (DA60/21)
Reporting Officer:	Senior Planning Officer
Responsible Officer:	Executive Manager – Development Services
Date of Report:	19 October 2021
Applicant/Proponent:	D Gillespie
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none">1. Application detail2. Site photos3. Bushfire Management Plan and BEEP4. DFES Submission

PURPOSE

1. That Council consider granting development approval for the proposed residential building at Lot 900 (2) Welch Street, Exmouth.

BACKGROUND

2. The Shire of Exmouth has received a development application for a residential building at Lot 900 (2) Welch Street, Exmouth (DA60/21). A copy of the application detail is included in Attachment 1.
3. The development is proposed in the south-eastern corner of the above property, within a 204m² parcel of common property (45) on survey-strata plan 48241 (the subject site). The Management Statement for the resort grants the exclusive use of the common property to the proprietor of Lot 11, also owned by the applicant. A right of carriageway easement extends over the adjoining northern Lot 5, providing pedestrian access into the subject site.



4. The subject site forms part of the Exmouth Escape Resort, which is approximately 2.15 hectares in area and zoned Tourism under Local Planning Scheme No.4 (LPS 4).
5. The subject site abuts Tourism land to the south and west. The land to north is zoned Service Commercial, to the north-east is a public open space reserve. The Exmouth Marina is located to the south-east.
6. The subject site is located on the western side of Murat Road on the corner of Murat Road and Welch Street. The property currently includes forty-one (41) holiday accommodation units, restaurant (Whalers), reception area and other associated guest facilities.

COMMENT

7. The proposed building is single storey and consists of five (5) bedrooms (each with their own ensuite) and a communal kitchen and outdoor area. The building will be used for staff accommodation. The applicant has advised the building will be used during peak seasons and to support staff for up to 3 months, until they can find alternative accommodation. There is a well-recognised need to provide for workers accommodation in Exmouth. The Shire is also progressing a range of initiatives to assist with the shortage.
8. The subject site is connected to the Water Corporations reticulated water and sewerage network.
9. The proposed building will be clad in colorbond 'Dune' custom orb sheeting to match the existing development on site, consistent with the Shires Local Planning Policy 6.2 – *Colour Palette for Developments*.
10. LPS 4 requires a setback of 6m from the Murat Road boundary. The setback proposed ranges from 2.5m up to 2.971m. Shire officers consider the front setback is acceptable for the following reasons:
 - The distance from the boundary to the road seal is more than 23m.
 - As shown below, the front boundary adjacent to the building is not straight and parallel to Murat Road. The boundary line deviates in this corner of the site. If the boundary line continued parallel, the development would achieve a minimum and average setback of approximately 5.3m and 7.15m respectively.
 - The building is located behind the existing building line when viewed from the majority of Murat Road.
 - There is an existing structure located along the boundary which forms part of the fencing.
 - Vegetation directly to the east and within the verge serves to screen the development.



11. A drawing showing the context of the building in relation to adjoining existing units is included within Attachment 1. Refer to Attachment 2 for photographs of the site and along Murat Road. It is noted that the design is not identical in terms of architectural style to the existing development on site. However, the following design elements have attempted to blend the development with the existing units:

- The building is single storey, consistent with existing heights and building bulk.
- The roof forms and pitch are similar.
- The central roof form matches the gazebo entry statement facing Murat Road, located at the main entrance.
- The development is clad in 'Dune' colorbond to match existing external finishes.
- The development includes a consistent setback from the southern boundary.
- While noting the existing boundary fencing, windows have been proposed and focused along the street elevations.

12. In addition, the future development of the adjacent Tourism zoned land to the south will also serve to minimise visual impacts of the development when travelling north along Murat Road.

13. Scattered landscaping has been provided throughout the premises and along the primary street Murat Road frontage. Additional landscaping between the building and the Murat Road boundary has been recommended as a condition of approval.

14. Five (5) carparking bays have been allocated for the development, three (3) of which are additional bays. It is important to note that the development will not increase the amount of staff already on site. Shire officers have recommended a condition for the parking bays to be appropriately designed and marked out in accordance with Australian Standard 2890.

15. The development is generally compliant with the relevant objectives, development standards and requirements of the Tourism Zone under section 3.10.4 of LPS 4.
16. The application was advertised to surrounding landowners, including all individual landowners of the Exmouth Escape Resort. In closing of the advertising period, no public submissions were received.
17. The subject site is declared bushfire prone by the Commissioner for Fire and Emergency Services, pursuant to s.18 of the *Fire and Emergency Services Act 1998*. The development is defined as a 'vulnerable land use'. The proponent has submitted a Bushfire Management Plan (BMP) and Bushfire Emergency Evacuation Plan (BEEP). The application was referred to the Department of Fire and Emergency Services (DFES) for comment, and a response was received (refer Attachment 4).
18. The BMP and BEEP were updated (refer Attachment 3) to address DFES comments and the requirements of *State Planning Policy – 3.7 – Planning in Bushfire Prone Areas* (SPP 3.7) and the Guidelines.
19. The BMP includes the requirement for a firebreak/asset protection zone (12m long by 6m wide) to be provided and maintained on the adjoining unallocated Crown land (UCL) to the south, Lot 1426 on Deposited Plan 213546. The Department of Planning, Lands and Heritage (DPLH) have supported the installation of the firebreak/asset protection zone. Establishing and maintaining this will enable the building to be constructed to a BAL (bushfire attack level) rating of 29.
20. In the event that Lot 1426 on Deposited Plan is disposed of to a separate purchaser, then alternate arrangements for the ongoing maintenance of the asset protection zone/fire break would need to be provided. This could be through an easement or a managed reserve (which would require separate approval from the Shire) pursuant to sections 41 and 46 of the *Land Administration Act 1997*, with responsibilities passed onto the landowner/ applicant by way of a management body lease. The easement or reserve could be cancelled should it be no longer required.
21. The BMP and BEEP conclude that the proposal and mitigation measures comply with Western Australian Planning Commission (WAPC) and DFES requirements, it is suggested the measures set out lower risks compared to the former management and design for bushfire risks and emergency evacuation.
22. Should development approval be granted, a building permit would need to be obtained. The building will also need to be registered as a Lodging House and comply with the relevant requirements.
23. Overall, the development is generally compliant with the relevant planning requirements, and it is recommended that Council approve the application subject to the recommended conditions.

CONSULTATION

24. As mentioned above, the application was referred to individual owners of the Exmouth Escape Resort and surrounding landowners for a period of twenty-four (24) days. No public submissions were received.
25. The application was also referred to the Department of Fire and Emergency Services who provided a submission (refer Attachment 4). The matters raised are broadly addressed above in the comment section of this report.

STATUTORY ENVIRONMENT

26. *Shire of Exmouth Local Planning Scheme No.4*
 27. *Planning and Development (Local Planning Schemes) Regulations 2015.*
 28. *Planning and Development Act 2005*
 29. *Fire and Emergency Services Act 1998*
 30. *Land Administration Act 1997*

POLICY IMPLICATIONS

31. *Local Planning Policy 6.2 Colour Palette for Developments*
 32. *State Planning Policy 3.7 – Planning in Bushfire Prone Areas*
 33. *State Planning Policy 6.3 – Ningaloo Coast*
 34. *Government Sewerage Policy 2019*

FINANCIAL IMPLICATIONS

35. Nil

RISK MANAGEMENT

36. The risk identification and categorisation rely on the Shires Policy 2.13 – *Risk Management Policy*.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational – Supporting the development could be used to set a precedent for other developments.	Unlikely	Minor	Low	The application has demonstrated sound reasons for the design and reduced setback. Continuing to assess applications on their merit in accordance with the relevant statutory framework should mitigate risks in this regard.

ALTERNATE OPTIONS

37. Council has the following alternate options in relation to this item, which are:
- To resolve to approve the proposal subject to additional conditions or modifications; or
 - To resolve to refuse the proposal;

STRATEGIC ALIGNMENT

38. 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

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.

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

VOTING REQUIREMENTS

39. Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.2.2

That Council resolves to ISSUE a notice of determination granting development approval, for the Residential Building at Lot 900 (2) Welch Street, Exmouth (DA60/21) subject to the following conditions:

1. The development being carried out in accordance with the stamped approved plans (DA60/21), and the Shire of Exmouth Local Planning Scheme Number 4, including any annotations detailed thereon by the Shire.
2. Landscaping shall be provided within the Murat Road setback. Trees shall be provided at the rate of at least one (1) tree to every four (4) metres of frontage, in this regard, a landscaping plan detailing the size, species and location of trees/shrubs shall be submitted for approval in writing and implemented within six (6) months of completion or occupancy of use or within the next available planting season, to the satisfaction of the Shire of Exmouth.
3. The measures and actions identified in Table 6.1 of the Bushfire Management Plan and Bushfire Emergency Evacuation Plan dated 15 October 2021 being implemented and maintained to the satisfaction of the Shire of Exmouth.
4. A suitable asset protection zone/fire break within the road reserve and 12m in length by 6m in width shall be implemented and maintained on Lot 1426 on Deposited Plan 213546 and in accordance with Bushfire Management Plan dated 15 October 2021, to the satisfaction of the Shire of Exmouth.
5. Should Lot 1426 on Deposited Plan 213546 be disposed of and not acquired by the landowner/applicant, then an alternate arrangement for the ongoing maintenance of the asset protection zone/fire break as mentioned in condition 4 shall be provided, at the full cost of the landowner/applicant and to the satisfaction of the Shire of Exmouth.
6. The development hereby approved shall only be used for short stay accommodation, with any single tenant permitted to stay for no more than three months in any twelve-month period, unless otherwise agreed in writing with the Shire of Exmouth.
7. Any external clothes drying areas, pool pumps, air conditioners, aerials, antennas, satellites and all

service fittings and fixtures shall not be visible from any public road as a result of the development the subject of this approval.

8. No person shall erect, install or maintain any floodlighting, spotlight or other forms of lighting for any purpose, unless the emission of light from such devices is oriented or controlled so as not to interfere with the amenity of any adjacent locality, nor cause a traffic hazard in the nearby street system.
9. All landscaped areas shall be maintained in good condition to the satisfaction of the Shire of Exmouth.
10. 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 Shire's road drainage system.
11. Access to the development hereby approved shall be via the existing right of carriageway easement.
12. Car parking spaces and manoeuvring areas as shown on the approved details and plans shall be designed and constructed in accordance with Australian Standard 2890, to the satisfaction of the Shire of Exmouth.
13. The proposal is to comply with any details and/or amendments marked in red on the stamped, approved plans.

COMMERCIAL AND COMMUNITY

12.3.1 GASCOYNE DEVELOPMENT COMMISSION LEASE NINGALOO CENTRE

File Reference:	CP.AD.3
Reporting Officer:	Executive Manager Commercial & Community
Responsible Officer:	As above
Date of Report:	19/10/2021
Applicant/Proponent:	Gascoyne Development Commission
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none">1. Shire of Exmouth Public Notice RFT 09/20212. CONFIDENTIAL – RFT Response Parts 1,2,3 Gascoyne Development Commission3. CONFIDENTIAL - Current market valuation

PURPOSE

1. The purpose of this report is to seek Council approval to enter into a lease with the Gascoyne Development Commission for office space being part of the Ningaloo Centre, located at Lot 300 on Deposited Plan 408720 being the whole of land comprised in Crown Land Title LR3167 Folio 393, being Reserve 52730.

BACKGROUND

2. The Shire of Exmouth (the Shire) manages the Ningaloo Centre under a management order from the State government made under section 46 of the Land Administration act 1997 for the purpose of Community Centre and Research Centre.
 3. The Shire leases available space within the centre to other parties after seeking approvals from Exmouth Council and the Minister for Lands.
 4. The Ningaloo Centre is a modern and iconic building, opened in 2017. It brings together various functions to meet the needs of the local community and visitors. Located in prime position on the only entry road into town and 1km from the Exmouth town centre, the building maintains strong exposure from the town entry and its centre.
 5. The Ningaloo Centre is an activated, multi-user facility currently accommodating the Shire of Exmouth administration offices, the Minderoo Exmouth Research Laboratory (MERL), Central Regional TAFE, Ningaloo Visitor Centre, Ningaloo Aquarium & Discovery Centre, Shire public library, meeting and function centre facilities.
 6. As an indicator of current foot traffic to and through the Centre, the visitor centre attracts 130,000 and the library 30,000 people each year.
-

7. In August 2021 Community Housing Limited (CHL) advised the Shire of its intention to terminate its lease (originally executed 8 February 2018) for office space located within the Ningaloo Centre as per figure 1 below.



Figure 1

8. On 23 September 2021 the Shire publicly advertised seeking lease proposals from interested parties to replace CHL as tenant for the space via a Request for Tender process RFT 09/2021. See Attachment 1.
9. The Lease Area is approximately 55sqm, located on the northern side of the Mandu Function Centre, boasting separate entry, own kitchenette facilities with very high exposure to vehicle and foot traffic visiting the Ningaloo Centre from the main northern access carpark.
10. Two enquiries for RFT information packages were received during the advertising period.
11. At close of tender deadline 2pm 18 October 2021 one conforming tender proposal was received.

COMMENT

12. The Gascoyne Development Commission (GDC) RFT response describes the purpose of the organisation, the proposed use of the lease space, terms and conditions including offered rent and options to extend. See Confidential Attachment 2 Part 3.
13. An independent market valuation (Confidential Attachment 3) was undertaken for the proposed lease area and the GDC RFT rent response meets the indicative market rental estimate.
14. The officer recommendation is for Council to approve entering into a lease with the GDC as per the terms and conditions detailed in Part 3 of Confidential Attachment 2 and to seek Ministerial Approval for the lease agreement.

CONSULTATION

15. The RFT 09/2021 was advertised via public notice.

STATUTORY ENVIRONMENT

16. *Local Government Act 1995* and the *Land Administration Act 1997*, including the following provisions and processes:
- a. Section 3.58 deals with the disposition of property, which includes leases. Under provision 3.58 (2b), the Shire can dispose of the property to a person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender; and
 - b. obtaining the Minister of Lands' consent to the lease pursuant to section 18 of the *Land Administration Act 1997*.

POLICY IMPLICATIONS

17. The terms and conditions of the proposed new lease agreement comply with Shire of Exmouth Policy Manual, Policy 2.4 Leases. As per the policy all new leases require Council approval.

FINANCIAL IMPLICATIONS

18. As per Shire Policy 2.4 Leases;
- All costs associated with the development, execution and completion of the lease documentation will be met by the Lessee,
 - All costs associated with the development and ongoing operations of the lease area will be met by the Lessee.
 - The GDC will be charged rent and its share of annual Ningaloo Centre outgoings as detailed in the lease.

RISK MANAGEMENT

19. Risk implications identified for this proposed lease;

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Operational - Ongoing operational and building maintenance costs for the office space to the Shire.	Unlikely	Minor	Low	The rent and outgoings have been calculated to meet current market valuation and include ongoing operational and building maintenance costs.
Reputational – the office space remains vacant for an extended period of time reflecting badly on the Ningaloo centre and shire.	Possible	Moderate	Medium	Officers have undertaken RFT process as a priority to replace departing tenancy.

ALTERNATE OPTIONS

20. Alternate options include but not limited to;
- a. Council not support the granting of a lease agreement to GDC,
 - b. Council to change the terms and conditions of the lease agreement including term, rent payable and responsibility for outgoings and request CEO to negotiate with the GDC.

STRATEGIC ALIGNMENT

21. 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

- 1.3 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.

- 2.3 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.

VOTING REQUIREMENTS

22. Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.3.1

That Council:

1. APPROVE the Gascoyne Development Commission to lease office space being part of the Ningaloo Centre located at Lot 300 on Deposited Plan 408720 (Figure 1 to this report) being the whole of land comprised in Crown Land Title LR3167 Folio 393 as per the terms and conditions listed in Part 3 of Confidential Attachment 2, including 3 year term commencing 1 December 2021 with a further 3 year option to extend;
2. Council APPROVE the fixing of the Common seal of the Shire of Exmouth to the lease agreement between Shire of Exmouth and Gascoyne Development Commission; and
3. SEEK Ministerial Approval for lease agreement in accordance with section 18 of the *Land Administration Act 1997*.

CORPORATE SERVICES

12.4.1 FINANCIAL STATEMENT FOR PERIOD ENDING 30 SEPTEMBER 2021

File Reference:	FM.FI.0
Reporting Officer:	Manager Finance
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	19 October 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Monthly Financial Report as at 30 September 2021

PURPOSE

1. That Council accepts the financial report for the financial period ending 30 September 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 (refer Attachment 1).

COMMENT

3. As at 30 September 2021, the operating revenue is above target by \$433,308 (6.20%). Variances are mainly due to aviation revenue and overflow camping revenue being over budget. Ningaloo Visitor Centre merchandise sales, exhibition admissions and sanitation revenue are also over budget.
4. Operating expenditure is under budget by \$272,909 (6.54%). Variances are mainly due to material and contracts being under budget and the timing of Community Grants. Applications for building stimulus package have been received and some are yet to be claimed.
5. A total of \$935,134 has been spent to date for capital projects within the Financial Year 2021/2022. This includes the purchase of executive housing, building of staff housing started and electrical works for the Town Beach upgrade have been conducted. The Aviation Screening Point Upgrade and Aviation Check-In Air-conditioning work have started.
6. Rate notices were issued on 30 July 2021. Rates collected as at 30 September 2021 were 64.30% compared to 59% for the same period last year.
7. General Debtors is \$2,041,985 with \$1,106,755 being for aviation 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 nature/type 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	Very 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 September 2021.

12.4.2 LIST OF ACCOUNTS FOR PERIOD ENDING 30 SEPTEMBER 2021

File Reference:	FM.FI.0
Reporting Officer:	Manager Finance
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	19 October 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. List of Accounts for period ending 30 September 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. Payments

Municipal Fund	totalling \$1,268,164.07 Incorporating cheques, direct debits, electronic payments and credit cards.
Trust Fund	totalling \$NIL Incorporating electronic payments.
Total Payments:	\$1,268,164.07

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	Very 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 September 2021 (*totalling \$1,268,164.07*).

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
Nil	

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 September 2021

App #	Date Received	Lot	Property Address	Description	Decision	Decision Date
21/79	09/07/21	72	Marlin Terrace	Floating Jetty & Gangway	Pending	
21/80	09/07/21	73	Marlin Terrace	Floating Jetties & Gangways	Pending	
21/10	21/09/21	151	27 Dugong Close	Retaining Wall & Boundary Fencing	Approved	25/09/21
21/10	22/09/21	260	4 Davidson Street	Verandah extension and fence	Approved	06/10/21
21/10	22/09/21	367	6 Corella Court	Garage	Approved	09/10/21
21/10	24/09/21	411	8 Farley Street	Garage	Approved	07/10/21
21/10	29/09/21	260	4 Davidson Street	Below Ground Swimming Pool, Retaining Walls with Fencing, Shade Sails	Approved	08/10/21
21/10	30/09/21	789	5 Jones Place	Pergola	Approved	09/10/21
21/94	01/09/21	411	36 Madaffari Drive	Floating Jetty, Gangway & Piles	Approved	04/09/21
21/95	01/09/21	372	16 Corella Court	Floating Jetty, Gangway & Piles	Approved	04/09/21
21/96	02/09/21	424	68 Madaffari Drive	Floating Jetty, Gangway & Piles	Approved	25/09/21
21/97	02/09/21	402	18 Madaffari Drive	Floating Jetty Gangway & Piles	Approved	25/09/21
21/98	02/09/21	370	12 Corella Court	Floating Jetty, Gangway & Piles	Approved	25/09/21
21/99	02/09/21	369	10 Corella Court	Floating Jetty, Gangway & Piles	Approved	25/09/21

Planning Decisions Issued

Summary of the planning decisions issued under delegation or outstanding up to 30 September 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	
LP.PL.4.4	18/02/21			Service Commercial Zone	Scheme Amendment No.4	Approved	5/10/21
DA48/21	21/05/21	1412	18 Payne Street	Club Premises- Additions and Approval for Existing Development - Earthworks	Approved	01/09/2021	
DA50/21	24/05/21	411	8 Farley Street	Single Dwelling - Additions	Withdrawn	15/09/2021	
DA51/21	04/06/21	2, 557	Yardie Creek Road	Tourist Development, Caravan Park, Shop, Restaurant/Cafe, Small Bar & Service Station	Deferred	13/08/21	
DA60/21	23/06/21	900	2 Welch Street	Residential building	Processing		
DA62/21	09/07/21	36	3 Learmonth Street	Change of use (outbuilding to laundry) & Development (internal & earthworks for carparking)	Approved	14/09/21	
DA65/21	22/07/21	387	25 Corella Court	Single Dwelling	Processing		
DA66/21	27/07/21	1376	40 Preston Street	Holiday Accommodation (ancillary dwelling)	Processing		
DA67/21	02/08/21	440	18 Osprey Way	Single House - Additions, Swimming Pool and Outbuilding	Approved	14/09/21	
DA69/21	02/08/21	432	27 Fitzhardinge Street	Single House - carport & outbuilding	Approved	02/09/21	
DA70/21	03/08/21	372	16 Corella Court	Single House, swimming pool	Processing		
DA71/21	04/08/21	284	Murat Road	Development 2 x 20ft sea containers	Deferred	24/08/21	
DA73/21	06/08/21	260	4 Davidson Street	Single House - additions	Approved	21/09/21	
DA74/21	06/08/21	1106	9 Campbell Way	Development - Garage and carport	Processing	31/08/21	
DA75/21	10/08/21	24	46 Mortiss Street	Single Dwelling	Approved	14/09/21	
DA76/21	09/08/21			2 x telecommunication towers	Approved	16/09/21	
DA77/21	12/08/21	166	Lyndon Location (Bullara Station)	Nature based park	Processing		
LP.PL.4.5	13/08/21	600	Murat Road	Scheme Amendment No.5	Processing		
DA80/21	23/08/21	500	1 Nimitz Street	Caravan Park - Additions (Ablutions and Camp kitchen)	Deferred	23/08/21	
DA81/21	18/08/21			Written Planning Advice for 5 Eco Dome Tents	Issued	16/09/21	
DA82/21	20/08/21	465	25 Osprey Way	Single House	Processing		
DA83/21	02/09/21	474	9 Osprey Way	Ancillary dwelling	Approved	30/09/21	
DA84/21	30/08/21	245	7 Davidson Street	Approval of existing use - Holiday House	Processing		
DA85/21	14/09/21	1119	10 Maley Street	Warehouse (Storage units)	Processing		
DA86/21	13/09/21	3	Catalina Close	Single house	Processing		
DA87/21	01/09/21	443	24 Osprey Way	Single House - Additions & Ancillary Dwelling	Processing		
DA88/21	07/09/21	332	6 Kestrel Place	Single House - Jetty addition	Approved	24/09/21	
DA89/21	08/09/21	383	33 Corella Court	Single House	Deferred	21/09/21	
DA90/21	14/09/21	59	19 Inggarda Lane	Grouped dwellings (x 3)	Processing		
DA92/21	14/09/21	2	24 Nimitz Street	Workforce accommodation	Processing		
DA93/21	14/09/21	161	20 Tuckey Street	Approval of Existing Development (Single dwelling) and use (outdoor storage/warehouse)	Processing		
DA94/21	21/09/21	1209	17 Skipjack Circle	Change of Use - Holiday House	Processing		
DA95/21	16/09/21	428	76 Madaffari Drive	Development - Jetty	Approved	24/09/21	

DA96/21	15/09/21	337	16 Kestrel Place	Development - fencing	Processing	
DA97/21	22/09/21	418	56 Madaffari Drive	Development - Jetty	Processing	
DA98/21	22/09/21	129	Thresher Street	Development - earthworks, retaining	Processing	
DA99/21	22/09/21	314	36 Gnulli Court	Development - Single house	Processing	

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

App #	Date Received	Description.	Decision	Permit issued
PE31/21	06/09/2021	Protect Ningaloo stall at various locations	Issued	15/09/21
PE32/21	04/09/2021	Lions Outback Mobile Optometry van at ECAC – various dates	Issued	17/09/21
PE33/21	05/09/2021	Wedding Ceremony at One tree beach 06/11/2021	Issued	17/09/21
PE34/21	21/09/2021	Belafonte lounge bar at Federation Park 6-9/10/2021	Issued	22/09/21

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 for 30 September 2021; and
- Planning Decisions issued for 30 September 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**