Shire of Esperance

ORDINARY COUNCIL

TUESDAY 28 JANUARY 2020

MINUTES
DISCLAIMER

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

ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

Council is committed to a code of conduct and all decisions are based on an honest assessment of the issue, ethical decision-making and personal integrity. Councillors and staff adhere to the statutory requirements to declare financial, proximity and impartiality interests and once declared follow the legislation as required.

ATTACHMENTS

Please be advised that in order to save printing and paper costs, all attachments referenced in this paper are available in the original Agenda document for this meeting.
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1. OFFICIAL OPENING
The Shire President declared the meeting open at 4.02pm
The President welcomed Councillors, staff, guests and members of the public to the meeting.

2. ATTENDANCE

Members
Cr I Mickel President Rural Ward
Cr B Parker Deputy President Rural Ward
Cr J O'Donnell Town Ward
Cr S McMullen Town Ward
Cr S Payne Town Ward
Cr J Obourne Town Ward
Cr R Chambers Town Ward
Cr D Piercey, JP Town Ward
Cr W Graham Rural Ward

Shire Officers
Mr W M (Matthew) Scott Chief Executive Officer
Mr S Burge Director Corporate Resources
Mr M Walker Director Asset Management
Mr T Sargent Director External Services
Mr R Hindley Manager Strategic Planning & Land Projects
Miss A McArthur Administration Officer - Executive Services

Members of the Public & Press
Mr K O’Dwyer Observer
Dr K Nieukerke Observer
Mrs K Hill Item 12.1.2
Mr G Hill Item 12.1.2
Mr R Tigdow Item 12.1.2
Mr C Hine Item 12.1.2
Mrs K Hine Item 12.1.2
Mr N Willing Item 12.3.7
Mr N Lang Item 12.1.2
Mr A Hanson Item 12.3.3
Mr B Scott Item 12.3.3
Mrs N Bowman Item 7
Mr T Gray Observer (entered at 4.42pm)
Miss S Makse Esperance Express

3. APOLOGIES & NOTIFICATION OF GRANTED LEAVE OF ABSENCE
Nil
4. **APPLICATIONS FOR LEAVE OF ABSENCE**

**MOTION**

Moved: Cr Piercey  
Seconded: Cr Payne  

O0120-001

That Council accepts the following leave of absence:

Cr Ron Chambers  24 February until 27 February 2020  

CARRIED

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

Nil

6. **DECLARATION OF MEMBERS INTERESTS**

6.1 Declarations of Financial Interests – Local Government Act Section 5.60a  
Cr Payne declared a financial interest in item 12.3.7 as she owns a property in the Myrup Fly-In Estate.

Cr Payne declared a financial interest in item 12.1.1 as she is an applicant.

6.2 Declarations of Proximity Interests – Local Government Act Section 5.60b  
Cr Piercey declared an impartiality interest in item 12.1.3 as her husband owns a property affected by the amendment.

6.3 Declarations of Impartiality Interests – Admin Regulations Section 34c  
Cr Mickel declared an impartiality interest in item 12.3.7 as he is a friend of the applicant.

Cr Obourne declared an impartiality interest in item 12.3.3 as she is a member of the same church as the applicant.

Mr Scott declared an impartiality interest in item 12.4.2 as he is a member of the same Rotary Club as the applicant.

Cr Parker declared an impartiality interest in item 12.1.2 as he is acquainted with an objector of the application.

7. **PUBLIC QUESTION TIME**

1. Dr K Nieukerke

Dr Nieukerke referred to Cr Obourne’s Motion on Notice. Dr Nieukerke questioned why only the Ordinary Council Meeting would be live streamed and not the Agenda Briefing Session.

*Cr Obourne responded that she discussed with other Councillors and they agreed that streaming the Agenda Briefing Session might give members of the public the wrong idea of which direction Council may be leaning towards with regards to a decision of a particular item. Cr Obourne stated that Council doesn’t want to give members of the public a false expectation as Agenda Briefings are just information gathering sessions.*

*Cr Mickel added that Council discussed live streaming Agenda Briefing Sessions may intimidate applicants from providing further information and discussing the items with Council.*

Dr Nieukerke referred to page 259 of the Agenda in which it discusses more mainline irrigation failures along the foreshore. Dr Nieukerke questioned how many mainline failures there has
been, the approximate cost of the failures, if contractor is still on the Shire supplier list and if the contractor is local.

Mr Walker responded that there has only been a handful of failures, the contractor is the Shires regular foreshore contractor who has sub contracted the irrigation mainline installation out. Mr Walker added that these failures have had no cost to the Shire.

Mr Scott responded to a question taken on notice at the Agenda Briefing Session. He stated that the cost of Tanker Jetty Chronicles project was $9453.63.

The following questions were taken on notice by the Shire President. A response will be provided to Dr Nieukerke in writing and will be included in the February Ordinary Council Meeting Agenda as per Section 3.3 of the Standing Orders.

**Payments to Crossview**

1. *Can the Shire provide a list of all payments made to Crossview since 2016 under the Watch and Act process (e.g. regular inspections and ‘make safe’ operations)*

2. *Can the Shire confirm whether any work was performed under the Demolition contract. When was the contract signed and endorsed? What payments have been made and when?*

3. *Can the Shire confirm whether any work was performed under the Deconstruction contract. When was the contract signed and endorsed? What payments have been made and when?*

2. Mrs K Hine

Mrs Hine questioned if Shire Officers visited the property of item 12.1.2 prior to or after the application being submitted.

Mr Scott responded that there is no requirement for Officers to visit sites when an application is received.

Mrs Hine referred to the advice note in the approval. She questioned if the proponent will be issued a licence or a planning approval.

Mr Sargent responded that it is normal for an approval to be issued under the legislation Mrs Hine referred to in the advice note. Mr Sargent explained under separate legislation a caravan park licence would also need to be issued.

Mrs Hine referred to section 7 of the Caravan Parks & Camping Grounds Act, which discusses Application for grant or renewal of licence. Mrs Hine questioned if the application has to comply with this section of the Act.

Mr Sargent responded that it is an obligation of the owner/applicant to comply with the Act, there are no exemptions.

Mrs Hine referred to section 13 of the Caravan parks & Camping Grounds Act which discusses duties of the licence holder. Mrs Hine asked if the applicant is compliant with this section of the Act.

Cr Mickel responded that the applicants are required to comply with relevant sections of the Act.

Mr Sargent added that this application is for a lower level nature based park and the owner is required to meet planning approvals.

Mrs Hine questioned if there will be any exemptions granted.
Mr Sargent responded that they will be no exemptions.

Mrs Hine questioned if the Minister has been informed of this development as under regulation 49 of the Caravan and Camping Regulations requires the Local Government to do so (subsequent research indicates that Section 49 was deleted from the regulations Gazette 12 Dec 2014 p. 4726).

Mr Sargent responded that the Shire has not received an application for an Eco Park yet, just planning applications. Mr Sargent added when the this application is received the Shire will go down the appropriate path and get the appropriate approvals from relevant bodies.

3. Mrs N Bowman

Mrs Bowman questioned when Council expects to see results from the tracer test with regards to the proposed waste facility, as many expected results after a few hours of the test being conducted.

Cr Mickel responded that Council has not received any results as of yet.

Mrs Bowman questioned how long Council will wait before carrying out other tests.

Cr Mickel responded that the tracer test is not the only issue Council has to consider. He added that Council had an in-depth briefing regarding the proposed waste facility today and will continue to have more in the coming weeks.

8. PUBLIC ADDRESSES / DEPUTATIONS

1. Mr G Hill - Item 12.1.2

Mr Hill explained to Council that Dunns Eco Park has been positively received. Mr Hill stated that he takes his responsibilities as a the property owner very seriously. He explained that the Eco Park started as a long term vision with his family and he is taking nothing lightly. Mr Hill also explained that he intends to complete a comprehensive due diligence for this project, as it is a reasonable investment. Mr Hill commended Shire staff for their thoroughness and support through the process. Mr Hill believes that the biosecurity concerns of the Eco Park need to be put into perspective and requested Council’s support for his application.

2. Mr N Willing - Item 12.3.7

Mr Willing stated that he didn’t believe Cr Payne has a financial interest in item 12.3.7.

Cr Mickel explained that it is the Councillors judgement to declare interests.

Mr Willing explained to Council that the company created the air park at no cost to the Shire and that the shareholders of the company do not wish to declare bankruptcy. Mr Willing explained that the company has paid over 85k in rates over the years and if Council approve the rates exemption the company will be able to remain functioning.

9. PETITIONS

Nil

10. CONFIRMATION OF MINUTES

Officer’s Recommendation
That the Minutes of the Ordinary Council Meeting of the 17 December 2019 be confirmed as a true and correct record.

Moved: Cr Payne
Seconded: Cr Piercey

That Council move to defer the confirmation of Minutes pending clarification or correction.
Moved: Cr McMullen  
Seconded: Cr Parker

O0120-002

Council Resolution  
That the Minutes of the Ordinary Council Meeting of the 17 December 2019 be confirmed as a true and correct record.  
CARRIED  
F8 – A1  
(Against Cr Payne)

11. DELEGATES’ REPORTS WITHOUT DISCUSSION

Cr Chambers  
31 Dec  Attended New Years Eve celebrations at the Jetty Headland  
8 Jan    Attended a meeting with the Minister for Fisheries, Hon Peter Tinley  
13 Jan   Attended Community Meeting regarding Activ closure  
25 Jan   Attended Australia Day Sundowner for Community Citizen Nominees

Cr Obourne  
8 Jan    Attended a meeting with the Minister for Fisheries, Hon Peter Tinley  
9 Jan    Met with Activ Foundation  
10 Jan   Met with BOICO regarding Activ closure  
13 Jan   Attended Community Meeting regarding Activ closure  
23 Jan   Met with EPIC regarding Activ closure  
24 Jan   Attended Farmers Across Borders Sundowner

Cr O'Donnell  
31 Dec  Attended New Years Eve celebrations at the Jetty Headland  
6 Jan    Visited the travellers affected by the fires at the Greater Sports Ground  
8 Jan    Attended a meeting with the Minister for Fisheries, Hon Peter Tinley  
9 Jan    Attended the Shark Bite Management Demonstration  
13 Jan   Attended Community Meeting regarding Activ closure  
25 Jan   Attended Australia Day Sundowner for Community Citizen Nominees  
26 Jan   Attended Australia Day celebrations at Adventureland Park

Cr Parker  
18 Dec  Attended Cascade Primary School Prize Night  
25 Jan   Attended Australia Day Sundowner for Community Citizen Nominees  
26 Jan   Attended Australia Day Celebrations & Ceremonies at Adventureland Park

Cr Graham  
8 Jan    Attended a meeting with the Minister for Fisheries, Hon Peter Tinley  
13 Jan   Attended Community Meeting regarding Activ closure

Cr Payne  
17 Dec   Attended Tourism Esperance Annual General Meeting

Cr McMullen  
8 Jan    Attended a meeting with the Minister for Fisheries, Hon Peter Tinley  
13 Jan   Attended Community Meeting regarding Activ closure

Cr Piercey  
23 Dec  Attended WAWA zoom meeting  
30 Dec  Attended cannery exhibition  
6 Jan    Visited the travellers affected by the fires at the Greater Sports Ground  
8 Jan    Attended a meeting with the Minister for Fisheries, Hon Peter Tinley  
9 Jan    Attended Ocean Safety meeting  
12 Jan   Attended WAWA zoom meeting
12. MATTERS REQUIRING A DETERMINATION OF COUNCIL

12.1 EXTERNAL SERVICES

Cr Payne declared a financial interest in item 12.1.1 and left the Chamber at 4.48pm.

12.1.1 Development Application - Holiday Home - Lot 42 (309) Twilight Beach Road, West Beach

Officer’s Recommendation

That Council approve development application 10.2018.3985.2 for approval of a Holiday House at Lot 42 (309) Twilight Beach Road, West Beach subject to the following conditions:

1. Development shall be carried out and fully implemented in accordance with the details indicated on the stamped approved plan(s) unless otherwise required or agreed in writing by the Shire of Esperance (Planning Services).
3. The Holiday Home – Property Management Plan is to be amended to clearly identify that rubbish collection is from Peek Road and all neighbours are to be provided with a copy of the aforementioned plan prior to the commencement of use.
4. The approved short term accommodation must not display a sign exceeding 0.2 square metres in area.
5. Lighting to assist evacuation and smoke alarms must be hard wired to mains power and be installed in the rooms and associated areas in accordance with Part 3.7 of the Building Code of Australia.
6. A minimum of two (2) car parking bays are to be provided on-site for the exclusive use of the Short Term Accommodation in accordance with the requirements of Australian Standard AS2890.1:2004 Parking Facilities – Off-street Car Parking.
7. The driveway/accessway shall be constructed and maintained to an all-weather standard (e.g. gravel, crushed rock) to facilitate access to the development by 2 wheel drive vehicles.
8. All stormwater and drainage run off from all roofed and impervious areas is to be retained on-site to the satisfaction of the Shire of Esperance (Building Services).
9. The provision of all services, including augmentation of existing services, necessary as a consequence of any proposed development shall be at the cost of the developer and at no cost to the Shire of Esperance.
10. The approved development shall provide a supply of potable water of the quality specified under the Australian Drinking Water Quality Guidelines 2004 (as amended), adequate to meet the needs of the development.
11. Should the existing effluent disposal system/aerobic treatment unit (ATU) fail or cause nuisance, it is to be upgraded at the cost of the applicant to the satisfaction of Shire of Esperance (Environmental Health Services).
12. The development hereby approved must not create community safety concerns, or otherwise adversely affect the amenity of the subject locality by reason of (or the appearance or emission of) smoke, fumes, noise, vibration, odour, vapour, dust, waste
water, waste products or other pollutants.

13. The proposed operations, during and after construction, are required to comply with the Environmental Protection (Noise) Regulations 1997.

14. Only three bedrooms within the dwelling are permitted to be occupied as part of the Short Term Accommodation or alternatively access to and within the Holiday Home shall be subject to compliance with AS 1428 – Design for access and mobility.

15. Prior to Commencement of Use in accordance with Clause 78D(1) of the Deemed Provisions a bushfire attack level assessment is required to be prepared by an Accredited BAL Assessor and any upgrades required by the determined bushfire attack level are to be undertaken. A copy of the bushfire attack level assessment is to be provided to Shire of Esperance (Planning Services).

16. This approval is to be reviewed after 12 months and any non-compliance with the conditions brought to the attention of the local government as a result of an inspection or report of local government staff, a police report or by a member of the public will result in the development approval lapsing.

17. This planning approval relates to the land the subject of the application and the applicant only, and cannot be assigned to any other person or transferred to any other property or premises.

AND the following advice notes:


2. In relation to condition 5 written evidence is required to demonstrate compliance with the condition. Below is some general information in regards to fire safety, health and amenity, and safe movement and access, this is to assist you with some of the minimum building code requirements:

   a. An emergency response plan (i.e. fire escape route maps) is required to be clearly displayed in a conspicuous location within the dwelling, plus:

   3. A hard wired smoke alarm must be installed on or near the ceiling;
      i. in every bedroom; and
      ii. in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms and the remainder of the building; and
      iii. on each other storey.

4. A fire extinguisher, in a clearly visible location, is to be maintained in proper working order as prescribed in AS 1851; and

5. Outside barbeques are to be gas or electric.

6. In relation to condition 14 should the bedrooms available for accommodation exceed 3 then the dwelling will need to be upgraded to accommodate persons with a disability, this means compliance with AS 1428 – Design for access and mobility.

7. It is the responsibility of the developer to search the title of the property to ascertain the presence of any easements and/or restrictive covenants that may apply.

8. Horizon Power has requested the Shire to advise Applicants that Horizon Power has certain restrictions regarding the installation of conductive materials near its network assets. Applicants are advised to contact Horizon Power’s Esperance office to ascertain whether any of Horizon Power’s restrictions affect their proposed development.

9. The approved development is required to comply with the following legislation (as amended from time to time):
a. Health (Miscellaneous Provisions) Act 1911  
b. Occupational Safety and Health Regulations 1996  
c. Sewerage (Lighting, Ventilation & Construction) Regulations 1971  
d. Environmental Protection (Noise) Regulations 1997  
e. Food Act 2008 and Food Regulations 2009  
f. Health Act (Laundries and Bathrooms) Regulations 1971  

10. The development the subject of this planning approval is required to comply with the Shire Esperance Health Local Laws 2009.  
11. The developer is to liaise with Shire of Esperance (Statutory Compliance) to determine any requirement for additional approvals for any signage proposed to be erected on site.  

Moved: Cr O'Donnell  
Seconded: Cr Piercey  

O0120-003  
Council Resolution  
That Council lay this matter of the table until staff have heard from the applicant.  
CARRIED  
F8 - A0  
Reason: Council wanted confirmation of withdrawal from the applicant before dealing with the item.  
Cr Payne returned to the Chamber at 4.49pm.  

SUSPENSION OF STANDING ORDERS  
Moved: Cr Parker  
Seconded: Cr McMullen  

O0120-004  
That Section Nine (9.5) of the Standing Orders be suspended to allow for discussion of item 12.1.2 as per section 19.1 of the Standing Orders.  
CARRIED  
F9 - A0  

RESUMPTION OF STANDING ORDERS  
Moved: Cr Parker  
Seconded: Cr Piercey  

O0120-005  
That Standing Orders be resumed.  
CARRIED  
F9 - A0
12.1.2 Development Application - Caravan Park Infrastructure - Lot 1745 Merivale Road, Merivale

Officer’s Recommendation

That Council resolve to approve Development Application 10.2019.4143.2 for Caravan Park Infrastructure at Lot 1745 Merivale Road, Merivale subject to the following conditions:

1. Development shall be carried out and fully implemented in accordance with the details indicated on the stamped approved plan(s) unless otherwise required or agreed in writing by the Shire of Esperance (Planning Services).

2. The land and buildings the subject of this approval shall be used for the purposes of Caravan Park only and for no other purpose unless otherwise approved in accordance with the provisions of Local Planning Scheme No. 24 (refer attached definition as extracted from Schedule 1 – Definitions of LPS 24).
   a. Caravan Park means premises that are a caravan park as defined in the Caravan Parks and Camping Grounds Act 1995 section 5(1);

3. A caretaker, camp host or staff member is to be on-site and available at all times during the peak tourist season between November and April. At other times of the year a staff member is to be contactable and able to deal with any issues in a prompt manner.

4. A GPS map of the proposed walking trails/areas is to be provided to Shire of Esperance (Planning Services) once it has been marked out.

5. A copy of the public liability insurance is to be provided to the Shire of Esperance.

6. During construction stage, adjoining lots are not to be disturbed without the prior written consent of the affected owner(s).

7. Any outbuildings or structures on the site are not to be used for the purposes of human habituation unless otherwise approved in writing by the Shire of Esperance.

8. The vehicle crossover is to be constructed and drained to the satisfaction and specifications of the Shire of Esperance (Asset Management Division) – refer enclosed vehicle crossover application form. The crossover is to include provision of a culvert and the sight lines are to be cleared and maintained.

9. A minimum of one dedicated visitor car parking bay are to be provided on-site for every twenty short-stay sites in accordance with the requirements of Australian Standard AS2890.1:2004 Parking Facilities – Off-street Car Parking.

10. All accessways shall be constructed and maintained to an all-weather standard (e.g. gravel, crushed rock) to facilitate access to the development by 2 wheel drive vehicles. The accessways are to possess adequate drainage. Sand Tracks are not permitted.

11. All vehicle access ways shall be maintained for their stated purpose at all times and shall not be used for parking, display or general storage purposes.

12. All delivery vehicles must be located entirely on the site during loading and unloading of goods associated with the use of the site.

13. All stormwater and drainage run off from all roofed and impervious areas is to be retained on-site to the satisfaction of the Shire of Esperance (Asset Management
14. The provision of all services, including augmentation of existing services, necessary as a consequence of any proposed development shall be at the cost of the developer and at no cost to the Shire of Esperance.

15. The approved development shall provide a supply of potable water adequate to meet the needs of the development. A building permit is required for a water storage tank with a capacity of over 5,000 Litres.

16. PRIOR TO ANY APPLICATION FOR A BUILDING PERMIT OR BUILDING APPROVAL BEING RECEIVED, an application to construct or install an apparatus for the treatment of sewage and the disposal of effluent and liquid wastes must be submitted for the approval of the Shire of Esperance (Health Services), in accordance with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.

17. The approved development is to comply with the provisions of Australian Standard 3959 – Construction of Buildings in Bushfire Prone Areas.

18. The development hereby approved must not create community safety concerns, or otherwise adversely affect the amenity of the subject locality by reason of (or the appearance or emission of) smoke, fumes, noise, vibration, odour, vapour, dust, waste water, waste products or other pollutants.

19. All fencing shall be in accordance with the Shire of Esperance Local Law Relating to Fencing.

20. The works involved in the implementation of the development must not cause sand drift and/or dust nuisance. In the event that the Shire of Esperance is aware of, or is made aware of, the existence of a dust problem, measures such as installation of sprinklers, use of water tanks, mulching, or other land management systems as appropriate may be required to be installed or implemented to prevent or control dust nuisance, and such measures shall be installed or implemented within the time and manner directed by the Shire of Esperance (Environmental Health Services).

21. Rubbish enclosure areas adequate to service the development and screened from public view are to be constructed and provided in accordance with the Shire of Esperance Health Local Laws 2009 prior to the occupation or use of the development to the satisfaction of the Shire of Esperance (Environmental Health Services).

22. The proposed operations, during and after construction, are required to comply with the Environmental Protection (Noise) Regulations 1997.

23. Fencing and barriers are to be provided to prevent livestock and wildlife from accessing any bore associated with the Nature Based Park to prevent contamination of water supplies.

24. The lack of potable water available to the site is to be reflected in the advertising material, on prominent signage and at each water tap within the facility.

25. Advertising material is to reflect that lighting is limited to areas associated with on-site amenities and that visitors will need to bring their own lighting to travel to the amenities at night.

26. Camp sites further than 90m from a toilet are to be used only by self-contained
vehicles with their own toilets.

27. Adverting material is to reflect that potable water, greywater disposal, shower, solid waste disposal and laundry facilities will not be provided at the facility and are to include the location of the public dump point in Esperance.

28. Lime Road is to be used for emergency access or egress only.

29. If Lime Road is to be used for access purposes other than emergency access, it is to be upgraded at the cost of the applicant to the satisfaction of Shire of Esperance (Asset Management Division).

30. Additional passing bays or an alternative way to manage traffic on the one way 4 metre proposed internal camping loop road to allow easy and safe movement of vehicles.

31. PRIOR TO COMMENCEMENT OF USE a management plan for the prevention and/or control of Phytophthora Dieback is to be submitted to and approved by the Shire of Esperance and subsequently implemented.

32. Installation of road directional signage or safety signage on Shire Roads is to be installed by the Shire of Esperance at the cost of the applicant.

33. The caravan park hereby approved is not to be utilised by persons with pets.

AND the following advice notes:

1. THIS IS NOT A BUILDING PERMIT. An application for a building permit is required to be submitted and approved by the Shire of Esperance (Building Services) prior to any works commencing on-site.


3. It is the responsibility of the applicant to ensure that building setbacks correspond with the legal description of the land. This may necessitate re-surveying and re-pegging the site. The Shire of Esperance will take no responsibility for incorrectly located buildings.

4. It is the responsibility of the developer to search the title of the property to ascertain the presence of any easements and/or restrictive covenants that may apply.

5. The developer is to liaise with Shire of Esperance (Statutory Compliance) to determine any requirement for additional approvals for any signage proposed to be erected on site.

6. The Shire of Esperance understands that the subject land may contain Proteaceae Dominated Kwongkan Shrubland which is a matter of national environmental significance. A person proposing to take an action that is likely to have a significant impact on a matter of national environmental significance must refer their proposal to the Department of the Environment and Energy (Commonwealth) for assessment and approval under the Environment Protection and Biodiversity Conservation Act 1999 before it can proceed. Substantial penalties apply to a person who takes such an action without approval. If you are uncertain about which matters of national environmental significance might be present, a Protected Matters Report can be created at http://www.environment.gov.au/epbc/protected-matters-search-tool. This report will list all matters of national environmental
significance that may occur in the proposed development area.

Not all actions affecting matters protected by the Act will have a significant impact and require approval. Guidelines for determining if the impact of an action is likely to be significant are available from the Department’s website at www.environment.gov.au/epbc/guidelines-policies.html. If you have any questions about your obligations under the Environment Protection and Biodiversity Conservation Act 1999, or wish to discuss your proposal, you may contact the Department of the Environment and Energy. Further information, including contact details, is available at: http://www.environment.gov.au/epbc/publications/pre-referral-meeting-guidance.

7. The development the subject of this development approval is required to comply with the Shire Esperance Health Local Laws 2009.

8. The development the subject of this development approval must comply with the Environmental Protection Act 1986 and the Environmental Protection (Unauthorised Discharge) Regulations 2004 in relation to discharges into the environment.

9. The potable water supply for the proposed caravan park is proposed to be sourced from the property; from a bore located in shallow perched groundwater. A water source such as this is vulnerable to contamination. It is unknown what the recharge area for the bore is, but as the surrounding land uses include farming, there is a risk that the water source may be contaminated with fertilisers, pesticides and pathogens from farm animals. Please see link below to the Department’s guidelines on private drinking water supplies


10. Pumping water from the shallow water table would also likely impact on the environmental values of the Boyatup suite of wetlands that are present on the property and are considered as part of the environmental assets that would attract visitors to the caravan park.

It is recommended that further investigations are undertaken to secure a protected water supply that will not impact on the wetlands on the property.

11. You may find the following links useful:

- http://www.dieback.net.au/

12. Please be aware that Dunn Rock Road is not maintained and is accessible to four wheel drive vehicles only

13. In relation to Condition 14 you are advised that the Bushfire Attack Level of BAL-29 is the level to be achieved.

14. The development hereby approved is to comply with the following legislation (as amended):

- Caravan Parks and Camping Grounds Regulations 1997;
- Caravan Parks and Camping Grounds Act 1995; and
- Shire of Esperance Health Local Laws
15. A buffer distance of 50 metres from the adjoining properties to any tourist activity (such as walking trails) is recommended.

Moved: Cr Piercey  
Seconded: Cr Obourne

O0120-006

Council Resolution

That Council resolve to approve Development Application 10.2019.4143.2 for Caravan Park Infrastructure at Lot 1745 Merivale Road, Merivale subject to the following conditions:

1. Development shall be carried out and fully implemented in accordance with the details indicated on the stamped approved plan(s) unless otherwise required or agreed in writing by the Shire of Esperance (Planning Services).

2. The land and buildings the subject of this approval shall be used for the purposes of Caravan Park only and for no other purpose unless otherwise approved in accordance with the provisions of Local Planning Scheme No. 24 (refer attached definition as extracted from Schedule 1 – Definitions of LPS 24).
   a. Caravan Park means premises that are a caravan park as defined in the Caravan Parks and Camping Grounds Act 1995 section 5(1);

3. A caretaker, camp host or staff member is to be on-site and available at all times that paying guests are present. At other times of the year a staff member is to be contactable and able to deal with any issues in a prompt manner.

4. A GPS map of the proposed walking trails/areas is to be provided to Shire of Esperance (Planning Services) once it has been marked out.

5. A copy of the public liability insurance is to be provided to the Shire of Esperance.

6. During construction stage, adjoining lots are not to be disturbed without the prior written consent of the affected owner(s).

7. Any outbuildings or structures on the site are not to be used for the purposes of human habitation unless otherwise approved in writing by the Shire of Esperance.

8. The vehicle crossover is to be constructed and drained to the satisfaction and specifications of the Shire of Esperance (Asset Management Division) – refer enclosed vehicle crossover application form. The crossover is to include provision of a culvert and the sight lines are to be cleared and maintained.

9. A minimum of one dedicated visitor car parking bay are to be provided on-site for every twenty short-stay sites in accordance with the requirements of Australian Standard AS2890.1:2004 Parking Facilities – Off-street Car Parking.

10. All accessways shall be constructed and maintained to an all-weather standard (e.g. gravel, crushed rock) to facilitate access to the development by 2 wheel drive vehicles. The accessways are to possess adequate drainage. Sand Tracks are not permitted.

11. All vehicle access ways shall be maintained for their stated purpose at all times and shall not be used for parking, display or general storage purposes.

12. All delivery vehicles must be located entirely on the site during loading and
unloading of goods associated with the use of the site.

13. All stormwater and drainage run off from all roofed and impervious areas is to be retained on-site to the satisfaction of the Shire of Esperance (Asset Management Division).

14. The provision of all services, including augmentation of existing services, necessary as a consequence of any proposed development shall be at the cost of the developer and at no cost to the Shire of Esperance.

15. The approved development shall provide a supply of potable water adequate to meet the needs of the development. A building permit is required for a water storage tank with a capacity of over 5,000 Litres.

16. PRIOR TO ANY APPLICATION FOR A BUILDING PERMIT OR BUILDING APPROVAL BEING RECEIVED, an application to construct or install an apparatus for the treatment of sewage and the disposal of effluent and liquid wastes must be submitted for the approval of the Shire of Esperance (Health Services), in accordance with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.

17. The approved development is to comply with the provisions of Australian Standard 3959 – Construction of Buildings in Bushfire Prone Areas.

18. The development hereby approved must not create community safety concerns, or otherwise adversely affect the amenity of the subject locality by reason of (or the appearance or emission of) smoke, fumes, noise, vibration, odour, vapour, dust, waste water, waste products or other pollutants.

19. All fencing shall be in accordance with the Shire of Esperance Local Law Relating to Fencing.

20. The works involved in the implementation of the development must not cause sand drift and/or dust nuisance. In the event that the Shire of Esperance is aware of, or is made aware of, the existence of a dust problem, measures such as installation of sprinklers, use of water tanks, mulching, or other land management systems as appropriate may be required to be installed or implemented to prevent or control dust nuisance, and such measures shall be installed or implemented within the time and manner directed by the Shire of Esperance (Environmental Health Services).

21. Rubbish enclosure areas adequate to service the development and screened from public view are to be constructed and provided in accordance with the Shire of Esperance Health Local Laws 2009 prior to the occupation or use of the development to the satisfaction of the Shire of Esperance (Environmental Health Services).

22. The proposed operations, during and after construction, are required to comply with the Environmental Protection (Noise) Regulations 1997.

23. Fencing and barriers are to be provided to prevent livestock and wildlife from accessing any bore associated with the Nature Based Park to prevent contamination of water supplies.

24. The lack of potable water available to the site is to be reflected in the advertising material, on prominent signage and at each water tap within the facility.

25. Advertising material is to reflect that lighting is limited to areas associated with on-site amenities and that visitors will need to bring their own lighting to travel to
26. Camp sites further than 90m from a toilet are to be used only by self-contained vehicles with their own toilets.

27. Advertising material is to reflect that potable water, greywater disposal, shower, solid waste disposal and laundry facilities will not be provided at the facility and are to include the location of the public dump point in Esperance.

28. Lime Road is to be used for emergency access or egress only.

29. If Lime Road is to be used for access purposes other than emergency access, it is to be upgraded at the cost of the applicant to the satisfaction of Shire of Esperance (Asset Management Division).

30. Additional passing bays or an alternative way to manage traffic on the one way 4 metre proposed internal camping loop road to allow easy and safe movement of vehicles.

31. PRIOR TO COMMENCEMENT OF USE a management plan for the prevention and/or control of Phytophthora Dieback is to be submitted to and approved by the Shire of Esperance and subsequently implemented.

32. Installation of road directional signage or safety signage on Shire Roads is to be installed by the Shire of Esperance at the cost of the applicant.

33. The caravan park hereby approved is not to be utilised by persons with pets.

34. A fence is to be installed to separate the Nature Based Caravan Park in such a manner that removes the risk of interaction with farm animals and guests of the facility.

35. A buffer distance of 50 metres from adjoining properties from any walk trail is to be maintained.

AND the following advice notes:

1. THIS IS NOT A BUILDING PERMIT. An application for a building permit is required to be submitted and approved by the Shire of Esperance (Building Services) prior to any works commencing on-site.


3. It is the responsibility of the applicant to ensure that building setbacks correspond with the legal description of the land. This may necessitate re-surveying and re-pegging the site. The Shire of Esperance will take no responsibility for incorrectly located buildings.

4. It is the responsibility of the developer to search the title of the property to ascertain the presence of any easements and/or restrictive covenants that may apply.

5. The developer is to liaise with Shire of Esperance (Statutory Compliance) to determine any requirement for additional approvals for any signage proposed to be erected on site.

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have a significant impact on a matter of national environmental significance must refer their proposal to the Department of the Environment and Energy (Commonwealth) for assessment and approval under the Environment Protection and Biodiversity Conservation Act 1999 before it can proceed. Substantial penalties apply to a person who takes such an action without approval. If you are uncertain about which matters of national environmental significance might be present, a Protected Matters Report can be created at http://www.environment.gov.au/epbc/protected-matters-search-tool. This report will list all matters of national environmental significance that may occur in the proposed development area.

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10. Pumping water from the shallow water table would also likely impact on the environmental values of the Boyatup suite of wetlands that are present on the property and are considered as part of the environmental assets that would attract visitors to the caravan park.

It is recommended that further investigations are undertaken to secure a protected water supply that will not impact on the wetlands on the property.

11. You may find the following links useful:
   - http://www.dieback.net.au/

12. Please be aware that Dunn Rock Road is not maintained and is accessible to four wheel drive vehicles only

13. In relation to Condition 17 you are advised that the Bushfire Attack Level of BAL-29 is the level to be achieved.

14. The development hereby approved is to comply with the following legislation (as amended):
   - Caravan Parks and Camping Grounds Regulations 1997;
• **Caravan Parks and Camping Grounds Act 1995; and**

Shire of Esperance Health Local Laws

**CARRIED**

**F9 - A0**

**Reason:** Council wanted to modify conditions to address the concerns of neighbours.

12.1.3 **Local Planning Scheme No. 24 - Amendment No. 5**

This item was withdrawn by the CEO.

Mr T Gray left the Chamber at 5.08pm and did not return.

Mr Land, Mr Hill, Mrs Hill & Mr Tigdow left the Chamber at 5.13pm and did not return.

Miss Makse left the Chamber at 5.14pm.

Miss Makse returned to the Chamber at 5.14pm.

12.2 **ASSET MANAGEMENT**

12.2.1 **Disposal of Esperance Tanker Jetty Grade 3 Timbers**

Moved: Cr McMullen

Seconded: Cr Obourne

O0120-007

That Council donates Historic Esperance Tanker Jetty Grade 3 Timber to the following as per the requested amounts:

1. South Regional TAFE
2. Men in Sheds; and
3. Aunty Jones Dolly Museum

**AMENDMENT**

Moved: Cr Payne

Seconded: Cr O'Donnell

That Council include in dot point two *Request that Men in Sheds provide any splinters to YCO Creations.*

**LOST**

**F3 - A6**

(Against Cr Chambers, Cr Obourne, Cr Mickel, Cr Parker, Cr Graham & Cr McMullen)

_The original motion was put to the vote._

**Council Resolution**

That Council donates Historic Esperance Tanker Jetty Grade 3 Timber to the following as per the requested amounts:

1. South Regional TAFE
2. Men in Sheds; and
3. Aunty Jones Dolly Museum

**CARRIED**

**F9 - A0**

Mrs Bowman left the Chamber at 5.17pm and did not return.
12.2.2 Dempster Head Grant

Moved: Cr Chambers
Seconded: Cr McMullen

Officer’s Recommendation

That Council approves a budget variation for Dempster Head as detailed below:

<table>
<thead>
<tr>
<th>Description</th>
<th>Budget Figure</th>
<th>Amended Figure</th>
<th>Variation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dempster Head Reserve Maintenance</td>
<td>5,000</td>
<td>25,000</td>
<td>20,000</td>
</tr>
<tr>
<td>Communities Environment Program</td>
<td>0</td>
<td>(20,000)</td>
<td>(20,000)</td>
</tr>
<tr>
<td>Net result</td>
<td></td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

AMENDMENT

Moved: Cr Payne
Seconded: Cr Piercey

That Council include a second dot point stating *No works are to be undertaken on the mountain bike track until the mountain bike site selection study has been completed and considered by Council.*

CARRIED

(Against Cr Chambers, Cr Obourne, Cr Parker & Cr McMullen)

The amendment became the substantive motion…

Moved: Cr Payne
Seconded: Cr Piercey

12.2.3 Horticulture Traineeship

Moved: Cr McMullen
Seconded: Cr Obourne

O0120-009

Council Resolution

That Council:

1. Approves a budget variation for Dempster Head as detailed below; and

<table>
<thead>
<tr>
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<th>Budget Figure</th>
<th>Amended Figure</th>
<th>Variation</th>
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</tr>
<tr>
<td>Net result</td>
<td></td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

2. No works are to be undertaken on the mountain bike track until the mountain bike site selection study has been completed and considered by Council.

CARRIED

(F9 - A0)

Reason: Council wanted to ensure no works would be undertaken of existing mountain bike tracks until the mountain bike site selection study has been completed.

12.2.3 Horticulture Traineeship
Mr O’Dwyer left the Chamber at 5.38pm and did not return.

12.3 CORPORATE RESOURCES

12.3.1 Financial Services Report - December 2019

Moved: Cr McMullen
Seconded: Cr Obourne

O0120-010

Council Resolution

That the report entitled Monthly Financial Management Report (incorporating the Statement of Financial Activity) for the month of December 2019 as attached be received.

CARRIED

RESUMPTION OF STANDING ORDERS

Moved: Cr Piercey
Seconded: Cr Chambers

O0120-012

That Standing Orders be resumed.

CARRIED
12.3.2  Policy Review - Corporate Resources
Moved:  Cr Chambers
Seconded:  Cr Piercey

O0120-013
Council Resolution
That Council;
1.  Endorse the Corporate Resources Policies inclusive of amendments, inclusions and deletions as reviewed; and
2.  Request the CEO to develop a Regional Price Preference Policy.
CARRIED
F9 - A0

12.3.3  Lease Renewal - Shark Lake Industrial Park - Jonathon Knox
Moved:  Cr Parker
Seconded:  Cr Piercey

O0120-014
Officer’s Recommendation
That Council agrees to;
1.  Lease Lots 20, 21, 9500, 122, 123, 124, 125, 26, 127, 128, 129, 130, 131, 132, 33, 34, 35, 36, 37, 38, 40, 41, 42, 43, 44, 45, 46, 47 Shark Lake Road Monjingup to Jonathon Knox;
2.  Lease term being 5 years;
3.  Annual Lease fee being $7,000 Inc GST, subject to annual CPI increases;
4.  Lease preparation fee of $570 Inc GST;
5.  Including a provision within the lease for removal of Lots from the leased area should any Lots be sold or developed during the lease term; and

Council Resolution
That Council request the CEO publically advertise Expressions of Interest to lease the Shark Lake Industrial Park land for a period of 5 years.
CARRIED
F9 - A0

Reason:  Council wanted to see if there was other parties interested in this disposition.
Mr Sargent left the Chamber at 5.57pm
Mr Hanson & Mr Scott left the Chamber at 5.58pm and did not return.
SUSPENSION OF STANDING ORDERS

Moved: Cr McMullen  
Seconded: Cr Parker  

O0120-015

That Section Nine (9.5) of the Standing Orders be suspended to allow for discussion of item 12.3.4 as per section 19.1 of the Standing Orders.  
CARRIED

Dr Nieukerke left the Chamber at 6.00pm and did not return.  
Mr Sargent returned to the Chamber at 6.01pm.

RESUMPTION OF STANDING ORDERS

Moved: Cr McMullen  
Seconded: Cr Obourne  

O0120-016

That Standing Orders be resumed.  
CARRIED

12.3.4 Committee Appointments - Community Representatives

Moved: Cr McMullen  
Seconded: Cr Piercey  

O0120-017

Council Resolution

That Council:

1. Appoints the following persons as Community Representatives to the following Council Committees:

<table>
<thead>
<tr>
<th>Name</th>
<th>Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ken Mills</td>
<td>Audit Committee</td>
</tr>
<tr>
<td>John Guest</td>
<td>Museum Management Reference Group</td>
</tr>
<tr>
<td>Phil Jones</td>
<td>Esperance Twin Towns Committee</td>
</tr>
<tr>
<td>Amanda Thomas</td>
<td></td>
</tr>
<tr>
<td>Victoria Brown</td>
<td></td>
</tr>
<tr>
<td>Robert Dummermuth</td>
<td>Esperance Roadwise Committee</td>
</tr>
<tr>
<td>Amelia Fitzgerald</td>
<td></td>
</tr>
<tr>
<td>David Rigney</td>
<td>Greater Sports Ground Redevelopment Committee</td>
</tr>
<tr>
<td>Tom Curnow</td>
<td>Scaddan Restoration Reference Group</td>
</tr>
<tr>
<td>Christian Siemer</td>
<td></td>
</tr>
<tr>
<td>Kirby Maher</td>
<td></td>
</tr>
<tr>
<td>Priscilla Davies</td>
<td>Esperance Visitor Centre Management Committee</td>
</tr>
</tbody>
</table>
2. Request the Chief Executive Officer advertise for expressions of interest to fill the remaining Community positions on Council Committees.

CARRIED
F9 - A0

12.3.5 Committee Appointments - External Representatives

Moved: Cr Parker
Seconded: Cr Piercey

O0120-018
Officer’s Recommendation

That Council

1. Appoints Organisational Representatives as members of Council Committees as per the following table:

<table>
<thead>
<tr>
<th>Committee</th>
<th>Organisation</th>
<th>Representative</th>
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<tr>
<td>Esperance Twin Towns Committee</td>
<td>Esperance Lions Club</td>
<td>Peter Dempster</td>
</tr>
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<td>Museum Management Reference Group</td>
<td>Museum Volunteers Esperance Mechanical Restoration Group</td>
<td>Jen Ford Kevin Young</td>
</tr>
<tr>
<td>Esperance Roadwise Committee</td>
<td>Department of Education Main Roads WA Department of Health</td>
<td>Jill Fitzpatrick Ainslee McAlinden Deryck Lykke</td>
</tr>
<tr>
<td>Reconciliation Action Plan Working Group</td>
<td>Esperance Nyungar Aboriginal Corporation</td>
<td>Jennifer Woods</td>
</tr>
</tbody>
</table>

2. Appoints Deputy Organisational Representatives as members of Council Committees as per the following table:

<table>
<thead>
<tr>
<th>Committee</th>
<th>Organisation</th>
<th>Deputy Representative</th>
</tr>
</thead>
<tbody>
<tr>
<td>Museum Management Reference Group</td>
<td>Esperance Mechanical Restoration Group</td>
<td>John Bridges</td>
</tr>
<tr>
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<td>Department of Health</td>
<td>Margaret Smillie</td>
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Council Resolution

That Council

1. Appoints Organisational Representatives as members of Council Committees as per the following table:

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Reconciliation Action Plan Working Group  | Esperance Nyungar Aboriginal Corporation  | Jennifer Woods
Esperance Tjaltjraak Native Title Aboriginal Corporation  | Annie Dabb

<table>
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<td>Esperance Tjaltjraak Native Title Aboriginal Corporation</td>
<td>Jennell Reynolds</td>
</tr>
</tbody>
</table>

CARRIED  
F9 - A0

Reason: Council wanted to include representatives from Esperance Tjaltjraak Native Title Aboriginal Corporation as they submitted late nominations.

Cr Piercey left the Chamber at 6.10pm.

SUSPENSION OF STANDING ORDERS
Moved: Cr Payne
Seconded: Cr Obourne

O0120-019

That Section Nine (9.5) of the Standing Orders be suspended to allow for discussion of item 12.3.6 as per section 19.1 of the Standing Orders.

CARRIED  
F9 - A0

Cr Piercey returned to the Chamber at 6.13pm

RESUMPTION OF STANDING ORDERS
Moved: Cr Payne
Seconded: Cr McMullen

O0120-020

That Standing Orders be resumed.

CARRIED  
F9 - A0
12.3.6  Esperance Playgroup - Request to remove insurance premium reimbursement clause from lease

Moved: Cr Chambers  
Seconded: Cr O’Donnell

O0120-021  
Council Resolution  

That Council agrees to remove the requirement for the Esperance Playgroup to reimburse the Shire for building insurance premiums from the lease.

CARRIED
F9 - A0

Cr Payne declared her financial interest and left the Chamber at 6.15pm.

12.3.7  Rates Discount - Myrup Fly-In Estate

Moved: Cr McMullen  
Seconded: Cr Parker

O0120-022  
Council Resolution  

That Council reconfirms its current position of not granting any rates discounts for properties within the Myrup Fly-in Estate Survey Strata Plan 60076.

CARRIED
F7 – A1
(Against Cr O’Donnell)

Cr Payne returned to the Chamber at 6.19pm.  
Mr Willing left the Chamber at 6.19pm

12.4  EXECUTIVE SERVICES

12.4.1  Information Bulletin - December 2019

Moved: Cr McMullen  
Seconded: Cr Chambers

O0120-023  
Officer’s Recommendation  

That Council accepts the Information Bulletin for December 2019:

1. Quarterly Corporate Performance Report – October to December 2019
2. Register – Delegations Discharge - Corporate Resources
3. Certificate of Appreciation - Keep Esperance Beautiful
4. Outstanding Resolutions – Quarterly Report
5. Financial Services Report – December 2019
Council Resolution

That Council accepts the Information Bulletin for December 2019:

1. Quarterly Corporate Performance Report – October to December 2019
2. Register – Delegations Discharge - Corporate Resources
3. Certificate of Appreciation - Keep Esperance Beautiful
4. Outstanding Resolutions – Quarterly Report
5. Certificate of Appreciation – Esperance Primary School

CARRIED
F9 - A0

Reason: Council wanted to acknowledge the certificate of appreciation received from Esperance Primary School.

SUSPENSION OF STANDING ORDERS

Moved: Cr Payne
Seconded: Cr McMullen

O0120-024

That Section Nine (9.5) of the Standing Orders be suspended to allow for discussion of item 12.4.2 as per section 19.1 of the Standing Orders.

CARRIED
F9 - A0

RESUMPTION OF STANDING ORDERS

Moved: Cr McMullen
Seconded: Cr O'Donnell

O0120-025

That Standing Orders be resumed.

CARRIED
F9 - A0

12.4.2 Request to remove all Rottnest Island Tea Trees from the Esperance Foreshore

Moved: Cr McMullen
Seconded: Cr Obourne

O0120-026

Officer’s Recommendation

That Council:

1. Not support the request from Mr Doug Slater to remove all the Rottnest Island Teas Trees from the Esperance Foreshore; and

2. Request the CEO to consider alternative species, should a Rottnest Island Teas Tree need to be removed or replaced (for any reason), in order to maintain the current amenity of the Esperance Foreshore.
Council Resolution

That Council:

1. Acknowledge the request from Mr Doug Slater to remove all the Rottnest Island Tea Trees from the Esperance Foreshore; and

2. Request the CEO to consider alternative species, should a Rottnest Island Tea Tree need to be removed or replaced (for any reason), in order to maintain the current amenity of the Esperance Foreshore.

CARRIED
F9 - A0

Reason: Council wanted to use the term “acknowledge” rather than “not support” the request.

13. REPORTS OF COMMITTEES

Nil

14. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

MOTION

Moved: Cr Obourne
Seconded: Cr McMullen

O0120-027

That Council request the CEO to:
1. Investigate the Shire’s ability to “live stream” formal Council meetings; and
2. Provide council with a briefing on the initial outcomes of this investigation by the end of February 2020.

AMENDMENT

Moved: Cr Payne
Seconded:

The amendment was approved by the mover and seconder of the motion, therefore the amendment became the substantive motion.

Council Resolution

That Council request the CEO to:
1. Investigate the Shire’s ability to “live stream” formal Council meetings:
2. Investigate the Shires ability to mirror information on the TV screens to Councillor devices; and
3. Provide Council with a briefing on the initial outcomes of these investigation by the end of February 2020.

CARRIED
F8 – A1
(Against Cr Piercey)

15. MEMBERS QUESTIONS WITH OR WITHOUT NOTICE

Nil
16. **URGENT BUSINESS APPROVED BY DECISION**

**MOTION**

Moved: Cr McMullen  
Seconded: Cr Parker

O0120-028

That Council accept the following late items:

16.1 Local Planning Scheme No. 24 - Amendment No. 5  
16.2 Disposal of Esperance Tanker Jetty Grade 4 Timbers

CARRIED

F9 - A0

**SUSPENSION OF STANDING ORDERS**

Moved: Cr Chambers  
Seconded: Cr Payne

O0120-029

That Section Nine (9.5) of the Standing Orders be suspended to allow for discussion of item 16.1 as per section 19.1 of the Standing Orders.

CARRIED

F9 - A0

**RESUMPTION OF STANDING ORDERS**

Moved: Cr Chambers  
Seconded: Cr McMullen

O0120-030

That Standing Orders be resumed.

CARRIED

F9 - A0

16.1 Local Planning Scheme No. 24 - Amendment No. 5

Moved: Cr McMullen  
Seconded: Cr Parker

O0120-031

Council Resolution

That Council:

1. That Council in pursuance of Section 75 of the Planning and Development Act 2005 amend Local Planning Scheme No. 24 by:
   i) Amending Clause 26.(4) by inserting after ‘Twilight Beach Road’ the following ‘to the west of the intersection with Walker Street ’.
   ii) Amending Schedule 5 by inserting SU8 with the following:

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
<th>Special use</th>
<th>Conditions</th>
</tr>
</thead>
</table>


Ordinary Council: Minutes
28 January 2020

<table>
<thead>
<tr>
<th>of land</th>
<th>SU8 Ocean Grown Abalone Portion Lot 50 on DP 411486 Wylie Bay Road, Bandy Creek</th>
<th>As a ‘D’ use:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>a) The portion of Lot 50 on DP 411486 subject to SU8 and the adjacent area reserved Public Open Space may be subdivided from the parent lot.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>b) Development is to be in accordance with Schedules 6 and 7 of the Scheme.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>c) Development of pipework and incidental pumps and other service is permitted within the portion of the lot reserved as public open space.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>d) All signage is to be in accordance with an adopted signs Local Planning Policy or otherwise be exempted by Schedule 10.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>e) Unless exempted by subclause c) all development within SU8 shall require development approval.</td>
</tr>
<tr>
<td></td>
<td>As an ‘I’ use:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Office</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Industry – Light</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Other complimentary or non-defined uses considered appropriate by the local government.</td>
<td></td>
</tr>
</tbody>
</table>

iii) Amending the Scheme Map by rezoning a Portion of Lot 50 on DP 411486 from ‘Rural’ to ‘SU8’ and ‘Public Open Space’ as depicted on the Scheme Amendment Map.

2. Determine that the amendment is standard under the provisions of regulation 35.(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reason(s):

(b) an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;

(g) any other amendment that is not a complex or basic amendment.

3. Refer Amendment 5 to the EPA under Section 81 of the Planning and Development Act 2005 and resolve to proceed to advertising of the amendment for public inspection after referral to the EPA.

CARRIED
F9 - A0
16.2 Disposal of Esperance Tanker Jetty Grade 4 Timbers

Moved: Cr McMullen
Seconded: Cr Obourne

O0120-032

Council Resolution

That Council donates all historic Esperance Tanker Jetty Grade 4 Timber to Esperance Men in Sheds Inc.

CARRIED

F9 - A0

17. MATTERS BEHIND CLOSED DOORS

Moving behind closed doors

Moved: Cr McMullen
Seconded: Cr Parker

O0120-033

That the meeting proceed behind closed doors in accordance with section 5.23(2) of the Local Government Act 1995, to consider the following items, which are considered confidential for the reasons indicated.

17.1 Account Write Off - Esperance Home Care

This report is considered confidential in accordance with the Local Government Act 1995, as it relates to the personal affairs of any person (Section 5.23(2)(b)).

CARRIED

F9 - A0

17.1 Account Write Off - Esperance Home Care

Moved: Cr Piercey
Seconded: Cr Chambers

O0120-034

Council Resolution

That Council write off an outstanding Home Care account for client number 891 to the value of $2,528.00.

CARRIED

F9 - A0

Coming from behind closed doors

Moved: Cr McMullen
Seconded: Cr Parker

O0120-035

That the meeting come from behind closed doors.

CARRIED

F9 - A0
18. **PUBLIC QUESTION TIME**

Nil

19. **CLOSURE**

The President declared the meeting closed at 7.18pm.

These Minutes were confirmed at a meeting held on ___________________

Signed ________________________________

Presiding Member at the meeting at which the Minutes were confirmed.

Dated__________________________