

**Shire of Esperance**

**ORDINARY COUNCIL**

**TUESDAY 26 MARCH 2019**

**MINUTES**

### **DISCLAIMER**

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### **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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**SHIRE OF ESPERANCE**

**MINUTES**

**ORDINARY COUNCIL MEETING HELD IN COUNCIL CHAMBERS ON  
26 March 2019.  
COMMENCING AT 4PM**

**1. OFFICIAL OPENING**

The Deputy Shire President declared the meeting open at 4.02pm

The Deputy President welcomed Councillors, staff, guests and members of the public to the meeting.

**2. ATTENDANCE**

**Members**

Cr V Brown	President	Rural Ward (entered at 4.42pm)
Cr N Bowman	Deputy President	Rural Ward
Cr J Parsons		Town Ward
Cr S McMullen		Town Ward
Cr S Payne		Town Ward
Cr L McIntyre		Town Ward
Cr R Padgurskis		Town Ward
Cr D Piercey, JP		Town Ward
Cr B Parker		Rural Ward

**Shire Officers**

Mr W M (Matthew) Scott	Chief Executive Officer (entered at 4.42pm)
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
Mr A Hughes	Manager Major Projects

**Members of the Public & Press**

Dr K Nieukerke	Item 7
Ms H Oldfield	Item 12.1.4
Mr P Griffiths	Item 12.1.4
Mr P Schemdje	Item 12.1.5
Ms G Johnston	Item 12.1.1
Mr B Hughes	Item 12.1.4
Mr G Mumford	Item 12.1.4
Mr M Lister	Item 12.1.4
Mr D West	Observer
Mr S Mears	Item 12.4.3
Miss J Burton	Media – Esperance Express

**3. APOLOGIES & NOTIFICATION OF GRANTED LEAVE OF ABSENCE**

Cr Bowman put in apologies for Cr Brown and Mr Scott who were attending the Coronial Inquest relating to the 2015 fires at the Court House.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

**MOTION**

**Moved:** Cr McMullen  
**Seconded:** Cr Piercey

**00319-013**

**That Council accept the following applications for leave of absence:**

**Cr Payne** 27 March until 20 May  
**Cr Parker** 27 March until 11 April

**CARRIED  
F8 - A0**

**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 12.1.1 as she is the applicant.

Cr Brown declared a financial interest in item 12.1.2 as the applicant has a business association to her.

**6.2 Declarations of Proximity Interests – Local Government Act Section 5.60b**

Nil

**6.3 Declarations of Impartiality Interests – Admin Regulations Section 34c**

Cr Brown declared an impartiality interest in item 12.1.5 as she and her husband have a personal relationship with the applicants.

Cr Brown declared an impartiality interest in item 12.1.7 as it deals with her sister in law.

Cr Brown declared an impartiality interest in item 17.4 as her aunt is the applicant.

Mr Scott declared an impartiality interest in item 17.4 as he is a member of the Anglican Church.

Cr Bowman declared an impartiality interest in item 12.1.1 as she owns and runs a holiday unit.

Cr McIntyre declared an impartiality interest in item 12.1.1 as she owns and runs a holiday home.

**7. PUBLIC QUESTION TIME**

**1. Ms H Oldfield - Item 12.1.4**

Ms Oldfield questioned if the lot where the proposed telecommunications tower will be positioned is rural residential land or rural land, as in the agenda it is referred to as both.

*Mr Hindley responded that the land is rural residential.*

*Cr Bowman responded that the land use has not changed and reiterated that it is rural residential land.*

Ms Oldfield questioned why it states in the Agenda that the land is deemed rural.

*Mr Sargent responded that the sentence Ms Oldfield refers to is when the applicant referred to the land as rural and not the Shire. Shire staff deemed the land to be rural residential.*

Ms Oldfield questioned why parts of the application were missing in the Agenda.

*Mr Sargent responded that staff do not include parts of the application that are not relevant to Council making a decision.*

Ms Oldfield questioned if the environment was not an important part of the application that Council need to consider.

*Mr Sargent responded that the environment is important and a consideration, but as the proposed land use is so small that the tower would not have an effect with the environmental information the applicant supplied.*

Ms Oldfield mentioned that there many properties in the area are elevated from the ground, she questioned if the radiation readings would change if you are not at ground level.

*Cr Bowman took this question on notice. The response will be in the April Agenda as per Section 3.3 of the Standing Orders.*

*Cr Parsons added that it is difficult to answer Ms Oldfield's questions when Council are also asking the questions.*

*Cr Bowman recommended that Ms Oldfield get into contact with Shire staff to answer any more questions she has.*

Ms Oldfield referred to the proximity of the proposed tower to the Esperance Senior High School (ESHS) and Esperance Residential College, Ms Oldfield questioned what would happen if the ESHS was to grow and become closer.

*Mr Hindley explained that public exposure level met the Australian Radiation Protection and Nuclear Safety Agency requirements.*

Ms Oldfield questioned if in the future other telecommunication providers wanted to add a satellites on top of the tower, what is the maximum it can expand to.

*Mr Hindley explained that the current exposure maximum is 0.22% of the safety limit, and the maximum that could be installed is 100% of the safety limit, which is unlikely to occur.*

*Cr Bowman added that there would be a process for adding onto the tower.*

*Mr Hindley corrected Cr Bowman that a low impact facility such as a telecommunications tower is exempt from development approval, however the Shire would still be informed if any development was to occur and a revised electromagnetic Emissions (EME) report would be provided.*

Mr Hughes left the Chamber at 4.22pm.

## **2. Dr K Nieukerke - Community Perception Survey, Item 16.1 & Regional Express Airlines**

Dr Nieukerke referred to a previous email where the CEO stated if Dr Nieukerke could provide a list of five (5) or more people who didn't receive a hard copy Community Perception Survey the CEO would investigate. Mr Nieukerke question if there was any update of the investigation as he had no acknowledgment from the CEO receiving his email.

*Cr Bowman took the question on notice as the CEO was not in the room to answer the question, the response will be in the April Agenda as per Section 3.3 of the Standing Orders.*

Dr Nieukerke questioned when the survey results would be released.

*Mr Burge responded that the results would be released in the near future, the Shire has received a draft and is currently reviewing it.*

Dr Nieukerke questioned if the survey would be a part of the coming up CEO review.

*Cr Bowman responded that a consultant is performing the review, but the survey will be taken into account.*

Dr Nieukerke questioned if the CEO review would be completed by 31 March 2019 as per a previous Council Resolution.

*Mr Burge responded that a consultant has been engaged, and is working through the process as quickly as possible but are constrained by other commitments.*

Dr Nieukerke questioned in regards to item 16.1, if date on the policy states that the policy was received in mid-2018 why is the item coming to Council as a late item eight (8) months later.

*Mr Sargent responded that WA Farmers did write to the Shire mid-2018 including the policy. The information was then passed onto Senior Fire Officers in the Shire for feedback, as Senior Fire Officers only meet twice a year the Shire had to wait until their post season meeting to receive that feedback, which was on Monday 18 March 2019. Mr Sargent continued that the reason it was a late item and not an Agenda item next month is that WA Farmers need the feedback by the end of March.*

Dr Nieukerke asked a final question in regards to the Regional Express Airlines (REX) Community Fare. He questioned if the agreement was between the State Government and REX.

*Mr Burge responded that the Community Fare is an arrangement between the Shire and REX, not the REX and the State Government.*

*Cr Bowman responded reiterated that its and agreement between the Shire and REX. As a part of that agreement to increase the Community Fare the Shire extended that agreement so it aligns with the expiry of the State Government contract with REX. This was to ensure the Community Fare is maintained for the benefit of the public for the entirety of the REX contract with the State Government.*

### **3. Ms G Johnston - Item 12.1.4**

Ms Johnston questioned in regards to item 12.1.1, if the applicant was not living on the land, would it change the application and affect Councils decision.

*Mr Hindley responded that yes the application would be considered differently.*

## **8. PUBLIC ADDRESSES / DEPUTATIONS**

### **1. Mr P Griffiths**

Mr Griffiths presented information to Council regarding the research he had undertaken in relation to item 12.1.4 Telecommunications Infrastructure.

### **2. Ms G Johnston**

Ms Johnston presented Council with some information in regards to Item 12.1.1 Development Application - Unspecified Land Use.

## **9. PETITIONS**

Mr Griffiths presented a petition to stop the construction of the Telecommunications Tower to Council. Cr Bowman accepted the petition.

Mr Scott and Cr Brown entered the room at 4.42pm.

Cr Brown took the chair.

Mr Lister left the Chamber at 4.51pm and did not return.



**10. CONFIRMATION OF MINUTES**

**Moved:** Cr McMullen  
**Seconded:** Cr Bowman

**O0319-014**

Officer's Recommendation

That the Minutes of the Ordinary Council Meeting of the 26 February 2019 be confirmed as a true and correct record.

**Council Resolution**

**That the Minutes of the Ordinary Council Meeting of the 26 February 2019 as amended be confirmed as a true and correct record.**

**CARRIED  
F9 - A0**

Reason: Council wanted to amend page 26 of the February Minutes to reflect that Cr Payne raised two separate motions in item 17.6 as they were recorded as one motion.

Mr Mumford left the Chamber at 4.56pm and did not return.

**11. DELEGATES' REPORTS WITHOUT DISCUSSION**

**Cr Lara McIntyre**

27 Feb Attended Reconciliation Action Plan Workshop with Circle of Elders  
28 Feb Met with Minister Hon Sussan Lee and Rick Wilson MP  
3 Mar Attended Volleyball WA Beach Volleyball Tour  
6 Mar Attended Ocean Grown Abalone Public Information session Esperance Bay Yacht Club  
7 Mar Attended Bowling Club to thank Department Fire Emergency Services, Personnel & Volunteers for fire efforts  
11 Mar Attended Cannery Arts Centre AGM  
16 Mar Attended Condingup Wool Fair  
18 Mar Attended site visit Kirwan Road  
25 Mar Attended South Coast Management Group Exec Meeting  
25 Mar Attended Senior Citizens Management Committee Meeting

**Cr Basil Parker**

27 Feb Attended Reconciliation Action Plan Workshop with Circle of Elders  
18 Mar Attended the official opening of the new wing of the Esperance Aged Care Facility  
21 Mar Attended GVROC teleconference re WALGA State Council Motions  
22 Mar Met with Federal Minister for Agriculture in Ravensthorpe

**Cr Shelley Payne**

27 Feb Attended Reconciliation Action Plan Workshop with Circle of Elders

**Cr Natalie Bowman**

27 Feb Attended Reconciliation Action Plan Workshop with Circle of Elders  
28 Feb Met with Minister of Emergency Services Hon Fran Logan at the Indoor Sport Stadium  
28 Feb Met with Minister Hon Sussan Lee and Rick Wilson MP  
28 Feb Attended the Jetty Replacement funding announcement  
28 Feb Attended a funding announcement at the cycling velodrome  
6 Mar Attended Ocean Grown Abalone Public Information session Esperance Bay Yacht Club  
7 Mar Attended a thankyou at the Esperance bowling club for visiting volunteer firefighters  
11 Mar Chaired a Roadwise Committee informal discussion  
18 Mar Breakfast meeting with Minister Ken Wyatt, AM,MP  
18 Mar Attended the official opening of the new wing of the Esperance Aged Care Facility  
18 Mar Attended the announcement of a new Headspace for Esperance  
25 Mar Attended Day 1 of the Coronial inquest into November 2015 fires

**Cr Steve McMullen**

28 Feb Met with Minister Hon Sussan Lee and Rick Wilson MP  
5 Mar Attended Audit Committee Meeting  
6 Mar Attended Ocean Grown Abalone Public Information session Esperance Bay Yacht Club  
16 Mar Attended Condingup Wool Fair  
18 Mar Attended the official opening of the new wing of the Esperance Aged Care Facility  
25 Mar Attended Esperance Roadwise Committee Meeting

**Cr Dale Piercey**

28 Feb Esperance Women's Leadership Network  
7 Mar State Disability Plan workshop  
11 Mar Cannery Arts Centre AGM  
18 Mar Attended the official opening of the new wing of the Esperance Aged Care Facility  
24 Mar Attended Royal Flying Doctor Service Fundraiser

**Cr Victoria Brown**

27 Feb Attended Reconciliation Action Plan Workshop with Circle of Elders  
28 Feb Attended meeting with Federal Minister Sussan Ley and Rick Wilson MP and jetty and velodrome funding announcements  
1 Mar Meeting with IGO Nova Operation Social Impact interview  
1 Mar Conducted Citizenship Ceremony  
1 Mar Attended opening of the Esperance Open Squash Tournament  
2 Mar Met with Minister of Emergency Services Hon Fran Logan at the Indoor Sport Stadium  
6 Mar Attended Ocean Grown Abalone Public Information session Esperance Bay Yacht Club  
7 Mar Attended Bowling Club to thank Department Fire Emergency Services, Personnel & Volunteers for fire efforts  
13 Mar Attended site visit to Esperance Power Station  
13 Mar Chaired Local Emergency Management Recovery Co-ordination meeting re Esperance Complex Fires  
18 Mar Met with Minister Ken Wyatt AM, MP and attended opening of new wing of Esperance Aged Care Facility and Headspace announcement  
21 Mar Attended GVROC teleconference re WALGA State Council Motions  
24 Mar Attended Esperance Taekwondo Club open day  
25 Mar Attended first day of Coronial Inquest into the 2015 fires

**12. MATTERS REQUIRING A DETERMINATION OF COUNCIL**

**MOTION**

Moved: Cr Piercey  
Seconded: Cr Parker

**O0319-015**

**That Council move the following items forward for discussion:**

- 12.1.4 Development Application - Telecommunications Infrastructure - Lot 100 Downes Street, Pink Lake**
- 12.1.5 Development Application - Single Dwelling, Retaining Walls and associated Earthworks - Lot 498 (67) Twilight Beach Road, West Beach**

**CARRIED  
F9 - A0**

**12.1.4 Development Application - Telecommunications Infrastructure - Lot 100 Downes Street, Pink Lake**

**Moved: Cr Bowman**

**Seconded: Cr McIntyre**

**O0319-016**

Officer's Recommendation

That Council approve Development Application 10.2018.3995.1 for Telecommunications Infrastructure at Lot 100 Downes Street, Pink Lake 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 development of the telecommunications infrastructure and associated ancillary works and the ongoing use must not cause erosion or degradation of the subject or surrounding land to the satisfaction of the Shire.
3. During construction stage, adjoining lots are not to be disturbed without the prior written consent of the affected owner(s).
4. The vehicle crossover is to be constructed, drained and sealed to the satisfaction and specifications of the Shire of Esperance (Asset Management Division) – refer enclosed vehicle crossover application form.
5. 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.
6. 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 within the time and manner directed by the Shire of Esperance (Health Services)
7. Whilst undertaking site preparation works, all areas of exposed sand must be sufficiently treated against possible sand drift through the use of sprinklers or other suitable means. All sand must be contained on-site to the satisfaction of Council.
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 if Esperance
10. 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.
11. 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).

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

13. All fencing must comply with the Shire of Esperance Local law pertaining to Fencing.

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.
2. The development is to comply with the *Building Code of Australia, Building Act 2011, Building Regulations 2012* and the *Local Government Act 1995*.
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 or structures.
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. 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.
6. 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.
7. Advice should be sought from a Licensed Electrical Contractor as the electricity supply to the premises needs to comply with the *Electricity Act 1945, Electricity Regulations 1947*.
8. If the development of the subject of this approval is not substantially commenced within the period of 2 years, or other such period as specified in the approval after the date of determinations, the approval shall lapse and have no further effect.
9. Where the approval has so lapsed, no development shall be carried out without the further approval of the local governments having first been sought and obtained.
10. If an applicant is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the Planning and Development Act 2005. An application for review must be lodged within 28 days of the determination.

**Council Resolution**

**That Council :**

1. Lay Development Application 10.2018.3995.1 on the table.
2. Invite Visionstream and Telstra to provide a briefing to Council and the community.
3. Bring the item back to Council for consideration after a briefing to Council and the community has occurred.

**CARRIED  
F9 - A0**

Reason: Council wanted an opportunity to meet with the applicant and to allow the community to ask questions about their proposal.

**12.1.5 Development Application - Single Dwelling, Retaining Walls and associated Earthworks - Lot 498 (67) Twilight Beach Road, West Beach**

**Moved: Cr Padgurskis**

**Seconded: Cr McMullen**

**O0319-017**

**Council Resolution**

**That Council approve Development Application 10.2019.4019.1 for a Single Dwelling, Retaining Walls and associated Earthworks at Lot 498 (67) 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).
2. The land and buildings the subject of this approval shall be used for the purposes of Dwelling only and for no other purpose unless otherwise approved in accordance with the provisions of Local Planning Scheme No. 24 (refer below definition as extracted from the Residential Design Codes).
  - ☐ Dwelling – A building or portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six persons who do not comprise a single family.
3. During construction stage, adjoining lots are not to be disturbed without the prior written consent of the affected owner(s).
4. All retaining walls, earthworks and/or associated drainage shall be undertaken in accordance plans and specifications certified by a qualified Engineer as being consistent with standard engineering practices, as approved by the Shire of Esperance (Building/Asset Management Division).
5. Earthworks are to be in accordance with AS 3798 Guidelines on earthworks for commercial and residential developments.
6. The vehicle crossover is to be constructed, drained and sealed to the satisfaction and specifications of the Shire of Esperance (Asset Management Division) – refer enclosed vehicle crossover application form.
7. A minimum of two (2) car parking bays are to be provided on-site in accordance with the requirements of Australian Standard AS2890.1:2004 Parking Facilities – Off-street Car Parking.
8. Vehicle parking, manoeuvring and circulation areas shall be suitably constructed, sealed (asphalt, concrete or brickpavers), drained and thereafter

maintained.

9. 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).
10. 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.
11. The approved development must be connected to a reticulated water supply provided by a licensed water provider.
12. Prior to the commencement of development, 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*.
13. 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.
14. All fencing shall be in accordance with the Shire of Esperance Local Law Relating to Fencing.
15. 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).
16. The proposed operations, during and after construction, are required to comply with the *Environmental Protection (Noise) Regulations 1997*.
17. A geotechnical report prepared by a suitably qualified geotechnical engineer is to be submitted as part of any application for a Building Permit to the satisfaction of Shire of Esperance (Building Services/Asset Management Division). The scope of the report shall be agreed in advance with the Shire of Esperance and the report as approved shall be fully implemented and completed, but as a minimum will need to verify that the site is capable of sustaining the proposed development and certify that any filling or backfilling has been adequately compacted.

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.
- 2) The development is to comply with the *Building Code of Australia, Building Act 2011, Building Regulations 2012* and the *Local Government Act 1995*.
- 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) Any fencing proposed for the site must comply with the Fencing Local Law.
- 6) 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.
- 7) The approved development is to comply with the requirements of the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.
- 8) Any Applications for the on-site treatment of effluent must be submitted to Shire of Esperance (Environmental Health Services) demonstrating that a system of suitable capacity can be accommodated within the site and that adequate land area will be set aside for the system, and shall include the following information:
  - Two (2) copies of a modified site plan drawn to a 1:100 scale are requested within 21 days from the date of this correspondence detailing the following information:
    - A. Proposed location of the onsite waste water treatment and disposal system;
    - B. Setbacks of the system to buildings, boundaries, trafficable areas, bores and water courses;
- 9) The approved development is required to comply with the following legislation (as amended from time to time):
  - ☐ *Health (Miscellaneous Provisions) Act 1911*
  - ☐ *Sewerage (Lighting, Ventilation & Construction) Regulations 1971*
  - ☐ *Health Act (Laundries and Bathrooms) Regulations 1971*
- 10) If the development of the subject of this approval is not substantially commenced within the period of 2 years, or other such period as specified in the approval after the date of determinations, the approval shall lapse and be of no further effect.
- 11) Where the approval has so lapsed, no development shall be carried out without the further approval of the local governments having first been sought and obtained.
- 12) If an applicant is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the Planning and Development Act 2005. An application for review must be lodged within 28 days of the determination.

**CARRIED**  
**F5 – A4**

*(Against Cr Brown, Cr Piercey, Cr Bowman & Cr McIntyre)*

## **12.1 EXTERNAL SERVICES**

Mr Griffiths, Ms Oldfield, Mr Hughes left the Chamber at 5.03pm and did not return.

Miss Burton left the Chamber at 5.06pm and returned at 5.09pm.

Cr Payne declared her financial interest and left the chamber at 5.16pm

**12.1.1 Development Application - Unspecified Land Use - Lot 309 Twilight Beach Road, West Beach**

**Moved: Cr Bowman**

**Seconded: Cr McIntyre**

**O0319-018**

**Officers Recommendation**

That Council resolve to approve development application 10.2018.3985.1 for an unspecified use of short term accommodation 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).
2. The approved short term accommodation must not display a sign exceeding 0.2 square metres in area.
3. 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*.
4. A minimum of one (1) additional car parking bay is 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.
5. 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.
6. 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).
7. 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.
8. The approved development shall provide a supply of potable water adequate to meet the needs of the development.
9. 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).
10. 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.
11. The proposed operations, during and after construction, are required to comply with the *Environmental Protection (Noise) Regulations 1997*.
12. Only one accommodation unit being either the one approved under this approval (10.2018.385.1) or Development Approval 10.2017.3632.1 shall be occupied as short term accommodation at any one time.



13. 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 Class 1b dwelling shall be subject to compliance with AS 1428 – Design for access and mobility.
14. Prior to Commencement of Use an Electrical Safety Certificate, Certificate of Building Compliance, Plans and Documentation demonstrating compliance with the provisions of the Building Code of Australia listed as part of Advice Note (3) are to be provided to Shire of Esperance (Planning Services).
15. 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 prior to commencement of use.
16. 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:

1. The development is to comply with the *Building Code of Australia, Building Act 2011, Building Regulations 2012* and the *Local Government Act 1995*.
2. In relation to condition 13 should the bedrooms available for accommodation exceed 3 then the Class 1b dwelling will need to be upgraded to accommodate persons with a disability, this means compliance with AS 1428 – Design for access and mobility.
3. In relation to condition 14 written evidence is required with regards to the applicable technical aspects of the Building Codes of Australia, the submission of the Certificate of Building Compliance by a Private Building Surveyor is required. 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:
  - ☐ 3.7.2.2 Requirements for smoke alarms - Smoke alarms must—
    - (a) be located in—
      - (ii) Class 1b buildings in accordance with 3.7.2.4 and 3.7.2.5; and
    - (b) comply with AS 3786, except that in a Class 10a private garage where the use of the area is likely to result in smoke alarms causing spurious signals, any other alarm deemed suitable in accordance with AS 1670.1 may be installed provided that smoke alarms complying AS 3786 are installed elsewhere in the Class 1 building; and
    - (c) be connected to the consumer mains power where consumer power is supplied to the building; and
    - (d) be interconnected where there is more than one alarm.
  - ☐ 3.7.2.4 Location — Class 1b buildings - In a Class 1b building, smoke alarms must be installed on or near the ceiling—
    - (a) in every bedroom; and
    - (b) 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
    - (c) on each other storey.

- ☐ 3.7.2.5 Lighting to assist evacuation — Class 1b buildings - In a Class 1b building, a system of lighting must be installed to assist evacuation of occupants in the event of a fire, and—
  - (a) be activated by the smoke alarm required by 3.7.2.4(b); and
  - (b) consist of—
    - (i) a light incorporated within the smoke alarm; or
    - (ii) the lighting located in the corridor, hallway or area served by the smoke alarm.
- ☐ 3.9.2.5 Protection of openable windows
  - (a) A window opening must be provided with protection, if the floor below the window in a bedroom is 2 m or more above the surface beneath.
- 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. 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.
- 6. The approved development is required to comply with the following legislation (as amended from time to time):
  - ☐ *Health (Miscellaneous Provisions) Act 1911*
  - ☐ *Occupational Safety and Health Regulations 1996*
  - ☐ *Sewerage (Lighting, Ventilation & Construction) Regulations 1971*
  - ☐ *Environmental Protection (Noise) Regulations 1997*
  - ☐ *Food Act 2008 and Food Regulations 2009*
  - ☐ *Health Act (Laundries and Bathrooms) Regulations 1971*
- 7. The development the subject of this planning approval is required to comply with the Shire Esperance *Health Local Laws 2009*.
- 8. 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.

#### **Council Resolution**

**That Council resolve to approve development application 10.2018.3985.1 for an unspecified use of short term accommodation 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).**
- 2. The approved short term accommodation must not display a sign exceeding 0.2 square metres in area.**
- 3. 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*.
4. A minimum of one (1) additional car parking bay is 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.
  5. 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.
  6. 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).
  7. 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.
  8. The approved development shall provide a supply of potable water adequate to meet the needs of the development.
  9. 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).
  10. 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.
  11. The proposed operations, during and after construction, are required to comply with the *Environmental Protection (Noise) Regulations 1997*.
  12. Only one accommodation unit being either the one approved under this approval (10.2018.385.1) or Development Approval 10.2017.3632.1 shall be occupied as short term accommodation at any one time.
  13. 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 Class 1b dwelling shall be subject to compliance with AS 1428 – Design for access and mobility.
  14. Prior to Commencement of Use an Electrical Safety Certificate, Certificate of Building Compliance, Plans and Documentation demonstrating compliance with the provisions of the Building Code of Australia listed as part of Advice Note (3) are to be provided to Shire of Esperance (Planning Services).
  15. 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 prior to commencement of use.
  16. 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.
  17. This planning approval would only be valid if the land owner resides on the property.

**AND the following advice notes:**

1. The development is to comply with the *Building Code of Australia, Building Act 2011, Building Regulations 2012* and the *Local Government Act 1995*.
2. In relation to condition 13 should the bedrooms available for accommodation exceed 3 then the Class 1b dwelling will need to be upgraded to accommodate persons with a disability, this means compliance with AS 1428 – Design for access and mobility.
3. In relation to condition 14 written evidence is required with regards to the applicable technical aspects of the Building Codes of Australia, the submission of the Certificate of Building Compliance by a Private Building Surveyor is required. 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:
  - 3.7.2.2 Requirements for smoke alarms - Smoke alarms must—
    - (a) be located in—
      - (ii) Class 1b buildings in accordance with 3.7.2.4 and 3.7.2.5; and
    - (b) comply with AS 3786, except that in a Class 10a private garage where the use of the area is likely to result in smoke alarms causing spurious signals, any other alarm deemed suitable in accordance with AS 1670.1 may be installed provided that smoke alarms complying AS 3786 are installed elsewhere in the Class 1 building; and
    - (c) be connected to the consumer mains power where consumer power is supplied to the building; and
    - (d) be interconnected where there is more than one alarm.
  - 3.7.2.4 Location — Class 1b buildings - In a Class 1b building, smoke alarms must be installed on or near the ceiling—
    - (a) in every bedroom; and
    - (b) 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
    - (c) on each other storey.
  - 3.7.2.5 Lighting to assist evacuation — Class 1b buildings - In a Class 1b building, a system of lighting must be installed to assist evacuation of occupants in the event of a fire, and—
    - (a) be activated by the smoke alarm required by 3.7.2.4(b); and
    - (b) consist of—
      - (i) a light incorporated within the smoke alarm; or
      - (ii) the lighting located in the corridor, hallway or area served by the smoke alarm.
  - 3.9.2.5 Protection of openable windows
    - (a) A window opening must be provided with protection, if the floor below the window in a bedroom is 2 m or more above the surface beneath.

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. 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.
6. The approved development is required to comply with the following legislation (as amended from time to time):
  - ☐ *Health (Miscellaneous Provisions) Act 1911*
  - ☐ *Occupational Safety and Health Regulations 1996*
  - ☐ *Sewerage (Lighting, Ventilation & Construction) Regulations 1971*
  - ☐ *Environmental Protection (Noise) Regulations 1997*
  - ☐ *Food Act 2008 and Food Regulations 2009*
  - ☐ *Health Act (Laundries and Bathrooms) Regulations 1971*
7. The development the subject of this planning approval is required to comply with the Shire Esperance *Health Local Laws 2009*.
8. 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.

**CARRIED  
F6 – A2**

*(Against Cr Parsons & Cr Padgurskis)*

Reason: Council wanted to add a condition specifying that the planning approval would only be valid if the land owner resides on the property.

Cr Payne returned to the Chamber at 5.32pm.

Cr Brown declared her financial interest and left the Chamber at 5.32pm.

Cr Bowman took the chair.

#### **12.1.2 Request to Waive Annual Extractive Industry Licence Fees**

**Moved:** Cr Piercey

**Seconded:** Cr McIntyre

**O0319-019**

#### **Council Resolution**

**That Council decline Mr Murray's request to defer fees payable in relation to Extractive Industry Licence No. 106.2017.11.1.**

**CARRIED  
F8 - A0**

Ms Johnston left the Chamber at 5.33pm and did not return.

Cr Brown returned to the Chamber at 5.34pm

Cr Brown took the chair.

**12.1.3 Development Application - Oversized Outbuilding - Lot 811 (6) Parkland Retreat, Chadwick**

**Moved: Cr Padgurskis**  
**Seconded: Cr McMullen**

**O0319-020**

**Officers Recommendation**

That Council refuse development application Development Application 10.2019.4016.1 for an oversized Outbuilding (Shed) at Lot 811 (6) Parkland Retreat, Chadwick on the following grounds:

1. The proposal is inconsistent with the provisions of Local Planning Policy: Outbuildings.

**Council Resolution**

**That Council approve development application Development Application 10.2019.4016.1 for an oversized Outbuilding (Shed) at Lot 811 (6) Parkland Retreat, Chadwick subject to the following conditions:**

1. Development shall be carried out and fully implemented in accordance with the details indicated on the stamped approved plans unless otherwise required or agreed in writing by the Shire of Esperance (Planning Services).
2. The approved outbuilding(s) shall be used for purposes incidental and ancillary to the enjoyment of the dwelling on the land only, and shall not be used for human habitation, commercial or industrial uses.
3. 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).
4. 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.
5. 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).
6. During construction stage, adjoining lots are not to be disturbed without the prior written consent of the affected owner(s).
7. 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.

**And the following advice notes:**

1. **THIS IS NOT A BUILDING PERMIT OR BUILDING APPROVAL CERTIFICATE.** An application for a building permit or building approval certificate is required to be submitted and approved by the Shire of Esperance (Building Services) prior to any

**works commencing on-site.**

- 2. The development is to comply with the Building Code of Australia, Building Regulations and the Local Government Act.**
- 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. 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.**

**CARRIED  
F9 - A0**

Reason: Council wanted to approve the development application.

Mr Hindley left the Chamber at 5.38pm and did not return.

#### **12.1.6 Prioritisation of CSRFF Grant Applications**

**Moved: Cr Piercey  
Seconded: Cr Bowman**

**00319-021**

#### **Council Resolution**

**That Council:**

- 1. Endorse the CSRFF Small Grant Funding application from the Shire of Esperance (being undertaken in conjunction with the Esperance Cycling Club) for \$50,000 (ex GST) towards the upgrade of the Esperance Velodrome; and prioritises the application as follows**
  - 1. Shire of Esperance**
- 2. Confirm that the 2018/19 Community Grant allocation will be rolled over to be utilised during the 2019/20 year providing this CSRFF application is successful.**

**CARRIED  
F9 - A0**

**12.1.7 Proposed Direction Notice - Planning and Development Act 2005**

**Moved: Cr McIntyre**

**Seconded: Cr Parker**

**O0319-022**

**Council Resolution**

That Council authorise the Chief Executive Officer to serve a Direction Notice issued under sections 214(2) and 214(3) of the *Planning and Development Act 2005*, to require the occupier of the Property to:

- a. Cease the unauthorised development effective immediately; and
- b. Require the removal of the unauthorised development and restoration of the land within two (2) months; or in the alternative
- c. Seek and obtain a development approval within two (2) months.

**CARRIED**  
**F8 – A1**  
*(Against Cr Padgurskis)*

**12.1.8 Transfer of Reserve 4181 for Conservation Offset to Department of Biodiversity, Conservation and Attractions**

**WITHDRAWN**

This item was withdrawn due to Officers seeking more information.

**12.2 ASSET MANAGEMENT**

**12.2.1 Verge Development contribution Request - 30 Mitchell Street**

**Moved: Cr Parker**

**Seconded: Cr McMullen**

**O0319-023**

**Council Resolution**

That Council does not support the request to construct the verge on Matthew Street, Castletown, outside 30 Mitchell Street.

**CARRIED**  
**F9 - A0**

**12.3 CORPORATE RESOURCES**

**12.3.1 Compliance Audit Return 2018**

**Moved: Cr Brown**

**Seconded: Cr Piercey**

**O0319-024**

**Council Resolution**

That Council adopt the 2018 Shire of Esperance Compliance Audit Return pursuant to Regulation 14(3) of the *Local Government (Audit) Regulations 1996*.

**CARRIED**  
**F9 - A0**



**12.3.2 2018/19 Budget Review**

Moved: Cr Brown  
Seconded: Cr McMullen

O0319-025

**Council Resolution**

**That Council adopt the 2018/19 Budget Review.**

**CARRIED  
F9 - A0**

**12.3.3 Financial Services Report - February 2019**

Moved: Cr Piercey  
Seconded: Cr Bowman

O0319-026

**Council Resolution**

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

**CARRIED  
F9 - A0**

**12.4 EXECUTIVE SERVICES**

**12.4.1 Information Bulletin - February 2019**

Moved: Cr McMullen  
Seconded: Cr Bowman

O0319-027

**Council Resolution**

**That Council accepts the Information Bulletin for February 2019 and;**

- 1. Register - Delegations Discharge - Corporate Resources**
- 2. Corporate Performance Report - February 2019**
- 3. RCAWA Meeting Minutes - 7 February 2019**

**CARRIED  
F9 - A0**

**12.4.2 Common Seal Usage November 2018 to February 2019**

Moved: Cr Brown  
Seconded: Cr McIntyre

O0319-028

**Council Resolution**

**That Council receive the report titled The Shire of Esperance Common Seal Usage for the period of February 2018 to February 2019.**

**CARRIED  
F9 - A0**

**12.4.3 Disposal of a Portion of Lot 50 Wylie Bay Road - Ocean Grown Abalone Ltd**

**Moved: Cr McMullen**

**Seconded: Cr Parker**

**00319-029**

**Council Resolution**

**That Council:**

- 1. Note all submissions received on the offer from Ocean Grown Abalone Ltd to acquire a portion of Lot 50 Wylie Bay Road;**
- 2. Provide delegated authority to the CEO to execute all agreements documents necessary to dispose of a portion of Lot 50 Wylie Bay Road to Ocean Grown Abalone Ltd for an abalone farm and hatchery.**

**CARRIED  
F9 – A0**

**13. REPORTS OF COMMITTEES**

**13.1 Minutes of Committees**

**Moved: Cr Bowman**

**Seconded: Cr McMullen**

**00319-030**

**Council Resolution**

**That Council receive the following unconfirmed committee minutes:**

- 1. Jetty Replacement Working Group - 22 February 2019**

**CARRIED  
F9 - A0**

**14. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN**

Nil

**15. MEMBERS QUESTIONS WITH OR WITHOUT NOTICE**

Nil

**16. URGENT BUSINESS APPROVED BY DECISION**

**MOTION**

**Moved: Cr McIntyre**

**Seconded: Cr Piercey**

**00319-031**

**That Council accept the following late item:**

- 16.1 Draft Fire Mitigation Policy**

**CARRIED  
F9 - A0**

### **16.1 Draft Fire Mitigation Policy**

**Moved:** Cr Parker

**Seconded:** Cr Piercey

**O0319-032**

#### **Council Resolution**

##### **That Council**

- 1. Thanks WA Farmers for its initiative in developing the draft Fire Mitigation Policy.  
And;**
- 2. Request the chairman of the South East Fire Working Group to provide a briefing to WA Farmers before Council gives further consideration to the Draft Fire Mitigation Policy.**

**CARRIED  
F9 - A0**

Mr West, Miss Burton & Dr Nieukerke left the Chamber at 6.01pm and did not return.

### **17. MATTERS BEHIND CLOSED DOORS**

#### **Moving behind closed doors**

**Moved:** Cr Bowman

**Seconded:** Cr McIntyre

**O0319-033**

**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 Esperance Seafront Caravan Park Management Extension**

*This report is considered confidential in accordance with the Local Government Act 1995, as it relates to a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting (Section 5.23(2)(c)); and a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government (Section 5.23(2)(e)(iii)).*

#### **17.2 0190-19 Construction Esperance Indoor Sports Stadium**

*This report is considered confidential in accordance with the Local Government Act 1995, as it relates to a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting (Section 5.23(2)(c)).*

#### **17.3 0192-19 Supply & Delivery PVC RRJ Pipe**

*This report is considered confidential in accordance with the Local Government Act 1995, as it relates to a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting (Section 5.23(2)(c)).*

#### **17.4 Posthumous Key to the Shire - Rev. Doug Murray OAM**

*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**

Mr Hughes returned to the room at 6.03pm.

### 17.1 Esperance Seafront Caravan Park Management Extension

Moved: Cr McIntyre

Seconded: Cr Parker

O0319-034

#### Council Resolution

That Council

1. Accept the offer of a three month extension of contract management services (from 1 July 2019 to 30 September 2019) for managing the Esperance Seafront Caravan Park from Brocam Pty Ltd at a rate of \$44,109 (ex GST) per month.
2. Request the Chief Executive Officer to execute an addendum to the existing agreement to provide contract management services to reflect the above extension.

**CARRIED**

**F8 – A1**

*(Against Cr Padgurskis)*

### 17.2 0190-19 Construction Esperance Indoor Sports Stadium

Moved: Cr Padgurskis

Seconded: Cr Parker

O0319-035

Officers Recommendation

That Council awards the Request for Tender 0190-19 Construction Esperance Indoor Sports Stadium to Sime Building Company Pty Ltd as per the Lump Sum Price, for a three court stadium.

#### Council Resolution

That Council:

1. Awards the Request for Tender 0190-19 Construction Esperance Indoor Sports Stadium to Sime Building Company Pty Ltd as per the Lump Sum Price, for a four court stadium; and
2. Approve a budget variation as follows:

Description		Budget Figure	Amended Figure	Variation
Indoor Sports Stadium Redevelopment	W3241	7,965,663	533,825	(533,825)
Building Maintenance and Renewal Reserve			(533,825)	533,825
Net result				0

**CARRIED**

**F9 – A0**

Reason: Council felt a four (4) court stadium was better value for money.

Mr Hughes left the Chamber at 6.18pm and did not return.

**17.3 0192-19 Supply & Delivery PVC RRJ Pipe**

**Moved:** Cr McIntyre  
**Seconded:** Cr McMullen

**O0319-036**

**Council Resolution**

**That Council awards the Request for Tender 0192-19 Supply & Delivery PVC RRJ Pipe to Vinidex Pty Ltd as per the lump sum price.**

**CARRIED  
F9 - A0**

**17.4 Posthumous Key to the Shire - Rev. Doug Murray OAM**

**Moved:** Cr Padgurskis  
**Seconded:** Cr Brown

**O0319-037**

**Council Resolution**

**That Council bestow the “Key to the Shire” posthumously to the late Rev. Douglas Harry Murray OAM.**

**CARRIED  
F9 - A0**

**Coming from behind closed doors**

**Moved:** Cr Bowman  
**Seconded:** Cr McMullen

**O0319-038**

**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 6.18pm.

**These Minutes were confirmed at a meeting held on \_\_\_\_\_**

**Signed \_\_\_\_\_**

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

**Dated \_\_\_\_\_**