

Shire of Exmouth

# ORDINARY COUNCIL MEETING MINUTES



27 August 2020

## CONFIRMATION OF MINUTES

I hereby certify that the Minutes and Attachments of the Ordinary Council Meeting held on the 27 August 2020 are a true and accurate record of the proceedings contained therein.

  
.....

Matthew Niikkula  
Shire President

24/09/2020  
.....  
Dated

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# MINUTES

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

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

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Our Strategic Objectives

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

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

The Deputy Shire President declared the meeting open at 4.00pm and welcomed Mr Coby Elliot Regional Development Officer, Department of Primary Industry and Regional Development to the gallery.

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

Councillor B (Ben) Dixon	Deputy Shire President
Councillor G (Gary) Mounsey	
Councillor H (Heather) Lake	
Councillor M (Mark) Lucas	
Councillor A (Anne) McCarrol	
Mr C Woods	Chief Executive Officer
Mr M Richardson	Executive Manager Development Services
Mr M Bird	Executive Manager Commercial and Community
Mr G Coetzee	Executive Manager Corporate Services
Ms Head	Minute Clerk

**GALLERY** **1**

**APOLOGIES** **0**

**LEAVE OF ABSENCE** Councillor M (Matthew) Niikkula, Shire President

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

Nil

**4. PUBLIC QUESTIONS TIME**

Nil

**5. DECLARATIONS OF INTEREST**

Item/Description	Name	Nature of Interest	Extent of Interest
12.1.1 – Staff Housing Business Case	Councillor Mark Lucas	Financial	Real estate agent associated with the sale of the property proposed to be purchased.

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

That the Minutes and associated attachments of the Ordinary Meeting of the Shire of Exmouth held on the 23 July 2020 be confirmed as a true and correct record of proceedings.

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**COUNCIL RESOLUTION**

**ITEM 7**

**Res No: 01 - 0820**

**MOVED: Cr Dixon**

**SECONDED: Cr Mounsey**

**That the Minutes and associated attachments of the Ordinary Meeting of the Shire of Exmouth held on the 23 July 2020 be confirmed as a true and correct record of proceedings.**

**CARRIED 5/0**

## 6. APPLICATIONS FOR LEAVE OF ABSENCE

Councillor Mounsey requested a leave of absence from 1 October 2020 to 15 October 2020 inclusive.

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### COUNCIL RESOLUTION

ITEM 6.1

**Res No: 02-0820**

**MOVED: Cr Dixon**

**SECONDED: Cr Mounsey**

**Councillor Mounsey requested a leave of absence from 1 October 2020 to 15 October 2020 inclusive.**

**CARRIED 5/0**

Councillor McCarrol requested a leave of absence from 18 September 2020 to morning of 22 September 2020 inclusive.

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### COUNCIL RESOLUTION

ITEM 6.2

**Res No: 03-0820**

**MOVED: Cr Dixon**

**SECONDED: Cr Mounsey**

**Councillor McCarrol requested a leave of absence from 18 September 2020 to morning of 22 September 2020 inclusive.**

**CARRIED 5/0**

## 8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS

Councillor McCarrol	Attended the Resilient Reefs Community workshop which was very well attended by the community.
Councillor Mounsey	Thanks to Executive Manager Commercial and Community and the Chief Executive Officer for assistance with football scoreboard; now ready to host the Gascoyne Football Association Grand Final in Exmouth.
Councillor Lake	Thanks to Executive Manager Development Services and the depot staff involved in the collection of the various car bodies and rubbish dumped in the bush recently. Will attend next Resilient Reefs Community workshop.

## 9. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

The Deputy Shire President read the following report to the gallery:

*“As you are all aware, this meeting looks a little different to usual as we are missing the familiar and trusted face of our President, Cr Matt Niikkula, who was granted a leave of absence at the July O.C.M for some well overdue and most assuredly well-earned time away from the duties of President.*

*I would like to take this opportunity on behalf of council to publicly thank and commend Matt for his constant determination and grit to give all he can, to the role which consumes so much of his time. The stresses of the last several months have been considerable for all, however navigating a path through all of the unknowns that COVID19 brings to affairs of governing our town takes it to a whole new level. We also acknowledge the sacrifices that he’s made in time away from Family, friends, business and everyday life, in the interests of serving the community he loves so much.*

*This last couple of months has seen the largest influx of visitors any of us can remember. Town has been bustling, which is great, and to see that a lot of the businesses in town being able to turn the tables on the bleak outlook for the season that was expected only a few months ago is remarkable. The sheer demand for accommodation has been above capacity for a while now and isn’t expected to ease anytime soon which is putting pressure on long term accommodation options of which council is aware and are actively working to find solutions in the short and long term.*

*Whilst we love our visitors and hate to turn anyone away, we must also be diligent in ensuring our amazing natural environment that everyone has come here to enjoy is not put at risk by “loving it to death”. Our towns services and resources are being stretched and local businesses are doing all they can to accommodate the unprecedented demand, so whether you’re a resident, returning visitor or here for the first time, please bear with us as we adapt and make changes to the apparent new normal, so together we can enjoy this town and the greater North West Cape in all its glory”.*

**10. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

Nil

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

Nil

## 12. REPORTS OF OFFICERS

### EXECUTIVE SERVICES

Councillor Lucas declared a financial interest in the following report and left the Chambers at 4.10pm.

#### 12.1.1 STAFF HOUSING BUSINESS CASE

File Reference:	CP.AD.0
Reporting Officer:	Executive Manager Corporate Services
Responsible Officer:	Chief Executive Officer
Date of Report:	18 August 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. CONFIDENTIAL Staff Housing Business Case

#### **PURPOSE**

Council has identified a need to expand the stock of available staff housing as outlined in CONFIDENTIAL attachment 1. This item recommends the purchase of a property and development of another on residential land Council currently owns. These additions are recommended to be funded through borrowing, taking advantage of the low interest rates currently available to Council and spreads the cost of this capital outlay over a longer period.

#### **BACKGROUND**

Council has identified that it has a requirement to employ appropriately qualified staff to provide effective services to the Shire of Exmouth. These skills are not always locally available and requires Council to consider measures that it can take to attract and retain these skills. As Council is not located close to a larger metropolitan area and cannot afford to pay salaries comparable to other local governments it needs to provide other incentives to attract and retain key technical and senior staff.

One of the incentives that Council provides to appropriately levelled staff is the provision of low cost or no cost accommodation. These benefits are exempt from FBT and do not cost Council an additional tax to provide this benefit. The only cost Council incurs is the actual cost of the property, interest if applicable and maintenance as required.

Council has developed and adopted Policy (1.14 – Council Employees Housing) that recognises the need for the provision of staff housing and rent subsidies to attract and retain key staff. The Policy sets out guidelines in relation to standards of accommodation and provides the CEO with discretion in the allocation of housing and housing subsidies so that appropriate staff can be attracted and retained to deliver on corporate objectives.



## **COMMENT**

A business case has been developed (CONFIDENTIAL Attachment 1) to address the immediate staff housing requirements for Council, and recommends appropriate actions to address this issue. Council currently has a number of senior staff that are provided with accommodation at appropriate standards depending on the level of the staff member.

The business case explores various options to address the housing shortage to assist with the attraction and retention of key staff including;

1. Building residences on vacant municipal land.
2. Purchase an existing property.
3. Rent properties as required.

Building accommodation requires a capital outlay funded through reserves or borrowings. This has a large initial capital outlay, but does provide Council with an asset investment that could serve Council for multiple years.

Purchasing a house also has a capital outlay, however the property is already built and is ready to occupy immediately.

Renting is another option and is an operational outflow, meaning that this doesn't have any return on investment. The benefit is that it doesn't require a capital investment and could potentially enter into long term tenancy agreements if properties are available.

Other advantages of owning municipal housing for key staff other than having immediate supply include the insulation of rent increases due to changing market conditions and the impact of regular rent inspections on staff retention.

## **CONSULTATION**

Nil

## **STATUTORY ENVIRONMENT**

Local Government (Functions and General) Regulations 1996 S.11(2)(F)

## **POLICY IMPLICATIONS**

- 1.14 – Council Employees Housing
- 2.7 – Procurement Policy

## **FINANCIAL IMPLICATIONS**

As outlined in the Staff Housing Business Case (CONFIDENTIAL Attachment 1).

## **RISK MANAGEMENT**

Inability of Council to employ and retain appropriately levelled staff.  
Providing housing at lower than acceptable standards for the level of the staff member.

## **ALTERNATE OPTIONS**

Officers are still exploring options relating to a longer term and more strategic solution to the attraction and retention of staff via affordable housing for Shire staff and the broader community. These options include liaison with Development WA (Landcorp) in relation to Super Lot D and Nimitz Street subdivision and the possible purchase of land on Lefroy Street for low cost worker accommodation.

The 2020/21 budget also allocated funds to stimulate construction of residential properties on vacant land and this scheme will be launched in September 2020 and could facilitate opportunities to increase housing stock and allow Council to lease additional properties.

### STRATEGIC IMPLICATIONS

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

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

### VOTING REQUIREMENTS

Absolute Majority

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#### OFFICER'S RECOMMENDATION

ITEM 12.1.1

That Council APPROVE to:

1. Purchase the property identified in the Business Case for \$540,000;
2. Develop a property on lot 501 Ingleton St for \$500,000;
3. Borrow \$1,040,000 over 10 years; and
4. Repay the loan through reserves funding \$138,000 from the Staff Housing Reserve and the remainder through the Land Acquisition and Disposal Reserve.

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#### COUNCIL RESOLUTION

ITEM 12.1.1

**Res No: 04 - 0820**

**MOVED: Cr Mounsey**

**SECONDED: Cr McCarrol**

**Cr Dixon MOVED an amended motion:**

**That Council APPROVE to:**

- 1. Purchase the property identified in the Business Case for \$540,000;**
- 2. Instruct staff to bring back a more robust business case around development of lot 501 Ingleton Street, and workshop with Council the implications of development on the long-term financial plan and Council resources into the future;**
- 3. Borrow \$540,000 over 10 years; and**
- 4. Repay the loan through funds from the Land Acquisition and Disposal Reserve.**

**SECONDED: Cr Lake**

**CARRIED by ABSOLUTE MAJORITY 4/0**

Councillor Lucas returned to the Chambers at 4.20pm

## **DEVELOPMENT SERVICES**

*The following recommendations, 12.2.1, 12.2.2, 12.4.1, 12.4.2 & 12.5.1 were moved enbloc.*

### **12.2.1 APPOINTMENT OF BUSH FIRE CONTROL OFFICERS**

File Reference:	ES.VO.1
Reporting Officer:	Manager Works
Responsible Officer:	Executive Manager Development Services
Date of Report:	12 August 2020
Applicant/Proponent:	Executive Manager Development Services
Disclosure of Interest:	Nil
Attachment(s):	Nil

#### **PURPOSE**

That Council appoint persons to the positions of Deputy Chief Fire Control Officer and Bush Fire Control Officers to the Shire of Exmouth Volunteer Bush Fire Brigade.

#### **BACKGROUND**

At the Ordinary Council meeting held on 10 October 2017 Council approved the following:

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#### **COUNCIL RESOLUTION**

**ITEM 12.1.1**

**Res No: 09-1017**

**That Council:**

**1. Rescind resolution No: 20-0916 dated 20 September 2016, 17.1 Appointment of Bush Fire Control Officers being effective from the 11 October 2017.**

**2. Appoint the following persons to the positions of:**

- **Colin Walker to the position of Deputy Chief Bush Fire Control Officer;**
- **Katrina Stephens to the position of Bush Fire Control Officer;**
- **Craig Smith to the position of Bush Fire Control Officer;**
- **Bruce Watts to the position of Bush Fire Control Officer;**
- **Morgwn Jones to the position of Bush Fire Control Officer;**
- **Michael Hall to the position of Bush Fire Control Officer.**

**CARRIED 1/0**

#### **BACKGROUND**

In accordance with the *Bush Fire Act 1954* the local government must appoint individuals to be the Chief Bush Fire Control Officer, the Deputy Chief Bush Fire Control Officer and the Bush Fire Control Officers.

The Shire of Exmouth has a Memorandum of Understanding with the Department of Fire and Emergency Services (DFES) under the *Bush Fires Act 1954* for management and control of bush fires and Emergency Services in the Pilbara. The Fire and Emergency Services Commissioner designates a person employed in the Department of Fire and Emergency Services to act as the Chief Bush Fire Control Officer in accordance with section 38A of the *Bush Fires Act 1954*. In line with these arrangements a DFES officer will take all triple zero fire calls and undertake the initial assessment of a fire and consider the allocation of resources based on that assessment. Local government will still be relied upon to be a combat agency for bush fire in line with our current role and responsibilities.

The Chief Bushfire Control Officer was awarded to the current Exmouth Gulf Area Officer, Morgwyn Jones through the FES Commissioner.

The following nominations are supported by DFES and the Shire:

Deputy Chief Bush Fire Officer	Colin Walker
Bush Fire Control Officer	Joanne Gordon
Bush Fire Control Officer	Katrina Stephens
Bush Fire Control Officer	Craig Smith
Bush Fire Control Officer	Michael Hall
Bush Fire Control Officer	Corey McKenzie

## CONSULTATION

Department of Fire and Emergency Services  
Shire of Exmouth Volunteer Bush Fire Brigade

## STATUTORY ENVIRONMENT

The *Bush Fires Act 1954*:

- Part IV, Division 1, Section 38 outlines Council’s process to appoint a Bush Fire Control Officer.
- Section 38A - FES Commissioner may designate person employed in Department as Chief Bush Fire Control Officer

Shire of Exmouth Bush Fire Brigades Local Law 2012.

## POLICY IMPLICATIONS

Nil

## FINANCIAL IMPLICATIONS

Nil

## STRATEGIC IMPLICATIONS

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

Social: To be a vibrant, passionate and safe community valuing our natural environment and unique heritage  
3.2 Promote facilities/services that enhance public health and safety.

## VOTING REQUIREMENTS

Simple Majority

**OFFICER'S RECOMMENDATION**

**ITEM 12.2.1**

That Council:

1. RESCIND Council Decision No: *09-1017* dated 10 October 2017, 12.1.1 Appointment of Bush Fire Control Officers.
2. APPOINT the following persons to the positions of:

Deputy Chief Bush Fire Officer	Colin Walker
Bush Fire Control Officer	Joanne Gordon
Bush Fire Control Officer	Katrina Stephens
Bush Fire Control Officer	Craig Smith
Bush Fire Control Officer	Michael Hall
Bush Fire Control Officer	Corey McKenzie

**COUNCIL RESOLUTION**

**ITEM 12.2.1**

**Res No: 05-0820**

**MOVED: Cr Dixon**

**SECONDED: Cr Mounsey**

That Council:

1. **RESCIND Council Decision No: *09-1017* dated 10 October 2017, 12.1.1 Appointment of Bush Fire Control Officers.**
2. **APPOINT the following persons to the positions of:**

<b>Deputy Chief Bush Fire Officer</b>	<b>Colin Walker</b>
<b>Bush Fire Control Officer</b>	<b>Joanne Gordon</b>
<b>Bush Fire Control Officer</b>	<b>Katrina Stephens</b>
<b>Bush Fire Control Officer</b>	<b>Craig Smith</b>
<b>Bush Fire Control Officer</b>	<b>Michael Hall</b>
<b>Bush Fire Control Officer</b>	<b>Corey McKenzie</b>

**CARRIED 5/0**

## 12.2.2 BUSHFIRE BRIGADE AMENDMENT LOCAL LAW 2020

File Reference:	LE.LO.10
Reporting Officer:	Coordinator Compliance and Emergency Services
Responsible Officer:	Executive Manager Development Services
Date of Report:	14 August 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none"> <li>1. Proposed Bush Fire Brigade Local Law 2020</li> <li>2. Public Notice Advertisements</li> <li>3. Letter from Joint Standing Committee</li> </ol>

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### PURPOSE

The purpose of this report is for Council to adopt the Shire of Exmouth Bushfire Brigade Amendment Local Law 2020 considering there were no responses to the State-wide public notification associated with the proposed amendment of the Shire of Exmouth Bushfire Brigade Local Law 2020.

### BACKGROUND

During 2017 the Shire of Exmouth and the Department of Fire and Emergency Services engaged in a Memorandum of Understanding to give operational control of any Bushfire Brigade established within the Shire of Exmouth to the Department of Fire and Emergency Services.

As a result of this Memorandum of Understanding a new Local Law relating to Bush Fire Brigades needed to be adopted to accurately reflect this relationship.

In 2018 the Department of Fire and Emergency Services supplied a Local Law to fulfil this role that was adopted 22 November 2018 **Res No: 07-1118** and gazetted 14 January 2019.

In March 2019 the Shire President received notification from the Parliament of Western Australia Joint Standing Committee on Delegated Legislation requesting confidential amendments to the Local Law 2018 be undertaken that would cause the local law to be repealed.

Once these undertakings were complete the Local Law was again progressed and adopted by council at the Ordinary Council Meeting 19 December 2019 **Res No: 10-1219** and gazetted 5 February 2020.

In March 2020 the Shire President again received notification from the Parliament of Western Australia Joint Standing Committee on Delegated Legislation requesting confidential amendments to the Local Law 2020 be undertaken that would cause the local law to be amended. As a result, the proposed Bushfire Brigades Amendment Local Law 2020 was created. At the Ordinary Council Meeting on 28 May 2020 the following resolution was adopted:

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**COUNCIL RESOLUTION ITEM 12.2.1**

**Res No:** 04-0520

**MOVED:** Cr Niikkula

**SECONDED:** Cr Mounsey

**That Council:**

**1. Authorise the ADOPTION of the proposed Shire of Exmouth Bush Fire Brigade Amendment Local Law 2020 for advertising.**

**2. APPROVE state-wide public notice stating that:**

- i. the local government proposes to make an amendment local law the purpose and effect of which is summarized in the notice;**
- ii. a copy of the proposed amendment local law may be inspected or obtained at any place specified in the notice; and**
- iii. submissions about the proposed amendment local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.**

**CARRIED by ABSOLUTE MAJORITY 6/0**

**COMMENT**

Local Governments are responsible for Bush Fire Brigades and have adopted Local Laws to manage them through the *Bush Fires Act 1954*. As part of the Memorandum of Understanding with the Department of Fire and Emergency Services, the Department has supplied the Shire of Exmouth with the proposed Bush Fire Brigades Local Law to assist in the adoption of Local Laws supplementary to the *Bush Fires Act 1954* and accurately capturing the Departments greater responsibility to the operation of Bush Fire Brigades within the district.

**CONSULTATION**

The proposed Amendment Local Law 2020 was created from a template supplied by WALGA from the City of South Perth Public Places and Local Government Property Amendment Local Law 2019. The amendments themselves are requested undertaking from the Western Australian Parliament Joint Standing Committee on Delegated Legislation.

Section 3.12(3) of the *Local Government Act 1995* requires Local Government to give state-wide and local public notice stating that it proposes to make an amendment local law and made available for public submissions for a minimum period of 6 weeks. After the Public Notice has been published Section 3.12(3)(b) requires the Local Government to send a copy of the proposed Local Law to the Minister for Local Government and any other relevant Minister which in this case is the Minister for Emergency Services.

There were no responses received on the proposed amendment.

The advertisements (Attachment 2) were displayed in the following newspapers circulated within the district:

- The West Australian newspaper 27 June 2020
- The Pilbara News classifieds 1 July 2020.

The attached advertisement was also displayed locally:

- On the Exmouth public Library noticeboard for 7 weeks beginning 24 June 2020.

- On the public noticeboard in the Ross Street Mall for 7 weeks beginning 24 June 2020.
- On the Shire of Exmouth Website for 6.5 weeks beginning 24 June 2020.

## STATUTORY ENVIRONMENT

The *Local Government Act 1995* requires the person presiding at a Council meeting to give notice of the purpose and effect of the proposed local law by ensuring that the purpose and effect are included in the agenda for the meeting and that the minutes of the meeting include the purpose and effect of the proposed Local Law. Subsequently, the purpose and effect of the proposed Local Law are as follows:

- Purpose  
The purpose of the Shire of Exmouth Bush Fire Brigades Local Law 2020 is to provide for the regulation, control and management of bush fire brigades within the district.
- Effect  
The effect of the Shire of Exmouth Bushfire Brigades Local Law is to ensure safe, fair and equitable control of bushfire brigades jointly managed by the Department of Fire and Emergency Services and the Shire of Exmouth.

Section 3.12 of the *Local Government Act 1995* sets out the Statutory Procedures to make a Local Law as below:

### **3.12. Procedure for making local laws**

- (1) *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2A) *Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.*
- (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) *The local government is to —*
  - (a) *give local public notice stating that —*
    - (i) *the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and*
    - (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
    - (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*

*and*
  - (b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
  - (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- [(3a) *deleted*]
- (4) *After the last day for submissions, the local government is to consider any submissions made and may make the local law\* as proposed or make a local law\* that is not significantly different from what was proposed.*



\* Absolute majority required.

- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (6) *After the local law has been published in the Gazette the local government is to give local public notice —*
  - (a) *stating the title of the local law; and*
  - (b) *summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and*
  - (c) *advising that the local law is published on the local government’s official website and that copies of the local law may be inspected at or obtained from the local government’s office.*
- (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

Nil

## **STRATEGIC IMPLICATIONS**

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

Economic: Diversify and grow our economy in a manner that provides year round employment opportunities

1.3 Enable the provision of essential infrastructure that will support investment and diversify our economy.

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

2.1 A strong focus on environmental conservation and sustainable management of our natural environment

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

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

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

3.2 Promote facilities/services that enhance public health and safety.

## VOTING REQUIREMENTS

Absolute Majority

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### OFFICER'S RECOMMENDATION

ITEM 12.2.2

That Council:

1. ADOPT the Shire of Exmouth Bushfire Brigade Amendment Local Law 2020.
2. Publish the Amendment Local Law in the Government Gazette. After being published send a signed and sealed copy to the Minister for Local Government and the Minister for Emergency Services.
3. Give local public notice of gazettal published in a newspaper circulating generally throughout the State, and exhibited on a notice board of the local government's offices and every public library in the district stating the title, purpose and effect, day on which the local law comes into operation and advising where a copy can be inspected or obtained.
4. Within 10 working days of the Gazettal date: supply copies of the Exmouth Bushfire Brigade Amendment Local Law 2020, Explanatory Memorandum, Statutory Procedures Checklist and other supporting documentation in accordance with Ministerial Directions, to the WA Parliament's Joint Standing Committee on Delegated Legislation.

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### COUNCIL RESOLUTION

ITEM 12.2.2

**Res No: 06 - 0820**

**MOVED: Cr Dixon**

**SECONDED: Cr Mounsey**

**That Council:**

1. **ADOPT the Shire of Exmouth Bushfire Brigade Amendment Local Law 2020.**
2. **Publish the Amendment Local Law in the Government Gazette. After being published send a signed and sealed copy to the Minister for Local Government and the Minister for Emergency Services.**
3. **Give local public notice of gazettal published in a newspaper circulating generally throughout the State, and exhibited on a notice board of the local government's offices and every public library in the district stating the title, purpose and effect, day on which the local law comes into operation and advising where a copy can be inspected or obtained.**
4. **Within 10 working days of the Gazettal date: supply copies of the Exmouth Bushfire Brigade Amendment Local Law 2020, Explanatory Memorandum, Statutory Procedures Checklist and other supporting documentation in accordance with Ministerial Directions, to the WA Parliament's Joint Standing Committee on Delegated Legislation.**

**CARRIED by ABSOLUTE MAJORITY 5/0**

## **CORPORATE SERVICES**

### **12.4.1 FINANCIAL STATEMENTS FOR PERIOD ENDING 31 JULY 2020**

File Reference:	FM.FL.0
Reporting Officer:	Manager Finance
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	18 August 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Monthly Financial Report as at 31 July 2020

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#### **PURPOSE**

That Council accepts the financial report for the financial period ending 31 July 2020.

#### **BACKGROUND**

The provisions of the *Local Government Act 1995* and associated Regulations require a monthly financial report is presented at an ordinary meeting within 2 months of the period end date.

#### **COMMENT**

Budget was adopted 23 July 2020 and Rate notices were issued on 30 July 2020. First instalments are due 3 September 2020.

As at 31 July, operating revenue is above target by \$30,868 (0.63%).

Operating expenditure is under budget by \$568,375 (42.85%) variances are mainly due to the depreciation that will not be not raised until the 2019/20 Financial Statements are completed.

The capital program is expected to commence in August.

General Debtors is \$929,231 with \$539,515 being for airport operations and \$246,736 roads funding.

#### **CONSULTATION**

Nil

#### **STATUTORY ENVIRONMENT**

Sections 6.4 of the *Local Government Act 1995* provides for the preparation of financial reports.

In accordance with Regulation 34 (5), a report must be compiled on variances greater than the materiality threshold adopted by Council of \$10,000 or 10% whichever is greater. As this report is composed at a program level, variance commentary considers the most significant items that comprise the variance.

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

Nil

## **STRATEGIC IMPLICATIONS**

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

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

4.1 To provide proactive, collaborative and transparent leadership

4.2 A local government that is respected and accountable.

## **VOTING REQUIREMENTS**

Simple Majority

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### **OFFICER'S RECOMMENDATION**

**ITEM 12.4.1**

That Council RECEIVES the Financial Report for the financial period ending 31 July 2020.

---

### **COUNCIL RESOLUTION**

**ITEM 12.4.1**

**Res No: 07- 0820**

**MOVED: Cr Dixon**

**SECONDED: Cr Mounsey**

**That Council RECEIVES the Financial Report for the financial period ending 31 July 2020.**

**CARRIED 5/0**

## 12.4.2 LIST OF ACCOUNTS FOR PERIOD ENDING 31 JULY 2020

File Reference:	FM.FI.0
Responsible Officer:	Manager Finance
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	18 August 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. List of Accounts for period ending 31 July 2020

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### PURPOSE

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

### BACKGROUND

It has been customary practice that whilst being a leader in the community, we meet our terms of credit as established between suppliers and aspire to obtain discounts where practicable. Payments have been approved by authorised officers in accordance with agreed delegations and policy frameworks.

### COMMENT

Council has given delegated authority that allows the Chief Executive Officer to approve payments from Council's bank accounts either via cheque or through electronic lodgement.

#### July Payments

Municipal Fund	totalling \$1,777,419.95 Incorporating cheques, direct debits, electronic payments and credit cards.
Trust Fund	totalling \$0
Total Payments:	\$1,777,419.95

### CONSULTATION

Nil

### STATUTORY ENVIRONMENT

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

### POLICY IMPLICATIONS

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

## FINANCIAL IMPLICATIONS

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

## STRATEGIC IMPLICATIONS

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

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

4.1 To provide proactive, collaborative and transparent leadership

4.2 A local government that is respected and accountable.

## VOTING REQUIREMENTS

Simple Majority

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### OFFICER'S RECOMMENDATION

**ITEM 12.4.2**

That Council pursuant to Sections 6.7 and 6.9 of the *Local Government Act 1995* RECEIVES the report of payments made from the Municipal and Trust bank accounts during the month of July 2020 (*totalling \$1,777,419.95*).

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### COUNCIL RESOLUTION

**ITEM 12.4.2**

**Res No: 08 -0820**

**MOVED: Cr Dixon**

**SECONDED: Cr Mounsey**

**That Council pursuant to Sections 6.7 and 6.9 of the *Local Government Act 1995* RECEIVES the report of payments made from the Municipal and Trust bank accounts during the month of July 2020 (*totalling \$1,777,419.95*).**

**CARRIED 5/0**

## **ITEMS FOR INFORMATION ONLY**

### **12.5.1 ITEMS FOR INFORMATION ONLY**

#### **PURPOSE**

To advise Council of the information items listed below.

#### **VOTING REQUIREMENTS**

Simple Majority

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#### **OFFICER'S RECOMMENDATION**

**ITEM 12.5.1**

That Council note the following information items:

#### Register of Documents Stamped with the Shire of Exmouth Common Seal

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

<b>DATE</b>	<b>DOCUMENT</b>
15/07/2020	Deed of Lease R52730 Lot 300 Truscott Crescent Minderoo Foundation <b>(Council Decision 03-0919)</b>
	Deed of Lease – Ningaloo Centre Lease Minderoo Foundation <b>(Council Decision 03-0919)</b>
21/07/2020	Landgate Registration of Lease – Minderoo Foundation <b>(Council Decision 03-0919)</b>
07/08/2020	Sale of Lot 3 Heron Way – Moss Conveyancing <b>(Council Decision 15-0216 &amp; 17-0517)</b>
	Sale of Lot 4 Heron Way – Moss Conveyancing <b>(Council Decision 15-0216 &amp; 17-0517)</b>

#### Building Decisions Issued

A summary of the building permits and building certificate applications and approvals made under Delegation pursuant to the *Building Act 2011* up to 31 July 2020.

<b>App #</b>	<b>Date Received</b>	<b>Lot</b>	<b>Property Address</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
20/50	13/07/20	500	1 Nimitz Street – site 219	Outbuilding (Building Approval Certificate)	Approved	17/0720
20/51	15/07/20	300	2 Truscott Crescent (Ningaloo Centre)	Alterations and additions to the existing building	Approved	23/07/20
20/52	15/07/20	500	62 Maidstone Crescent (Federation Park)	Extension of the existing stage	Approved	17/07/20

Planning Decisions Issued

A summary of the planning decisions issued under delegation or outstanding up to 31 July 2020.

App #	Date Received	Lot	Property Address	Description.	Decision	Decision Date
PA32/19	13/03/19		Scheme Amendment 1 to LPS4		Deferred	07/06/19
DA34/20	27/05/20		Murat Road	Signage on the Exmouth Cultural Arts Centre building	Approved	13/08/20
DA40/20	03/07/20	376	24 Corella Court	Floating jetty	Approved	31/07/20
DA41/20	03/07/20	409	32 Madaffari Drive	Floating jetty	Approved	04/08/20
DA42/20	03/07/20	416	52 Madaffari Drive	Floating jetty	Deferred	30/07/20
DA43/20	03/07/20	373	18 Corella Court	Floating jetty	Approved	04/08/20
DA44/20	07/07/20	101	15 Ingram Street	Industry - lean-to addition	Approved	11/08/20
DA45/20	07/07/20	102	441 Murat Road	Retrospective approval: warehouse/ storage, shop additions	Approved	07/07/20
DA46/20	10/07/20	137	1 Heron Street	Home business - massage therapy	Processing	10/07/20
DA47/20	13/07/20	70	8 Bennett Street	Grouped dwelling	Approved	28/07/20
DA48/20	16/07/20	65	18 Crevalle Way	Carport (variation to R-codes)	Processing	16/07/20
DA49/20	30/07/20	393	1 Thew Street	Exhale Exmouth – Liquor Licence Sec 40 certificate	Processing	30/07/20
DA50/20	31/07/20	114	39 Welch Street	Proposed awning addition, new signage and car parking reconfiguration	Approved	14/08/20
DA51/20	31/07/20	11	8 Huston Street	Liquor Licence Section 40 certificate	Processing	31/07/20

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

App #	Date Received	Description.	Decision	Permit issued
PE11	26/06/20	Protect Ningaloo stall at Kennedy Street / Ross Street Mall – 1, 2, 4 July 2020	Issued	26/06/20
PE12	06/07/20	Cape Hideaway Sale – 9, 10, 11 July	Issued	07/07/20
PE13	08/07/20	Stand UP Surf Shop demo/clinic - Wobiri beach - 1-2 August 2020	Issued	29/07/20
PE14	16/07/20	Exmouth Yacht Club - annual permit 22/07/2020-01/11/2020	Issued	22/07/20
PE15	22/07/20	Wedding ceremony – 3 October 2020 - Jansz Beach	Cancelled (by applicant)	24/07/20
PE16	24/07/20	TELSTRA van - Kennedy Street Mall - 8-10 September 2020	Issued	12/08/20
PE17	28/07/20	Wedding ceremony - Vlamingh Head Lighthouse - 10 August	Issued	03/08/20
PE18	29/07/20	Cafe Bueno van - Extension of trading dates (as per PE05) at Hunters Access carpark - 30 August - 11 October 2020	Issued	29/07/20
PE19	30/07/20	Tropicalia Juice Truck - Lighthouse and Tantabiddi - 17/08/2020 - 13/11/2020	Issued	06/08/20



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**OFFICER'S RECOMMENDATION**

**ITEM 12.5.1**

That Council note the following information items:

- Register of Documents Stamped with the Shire of Exmouth Common Seal;
- Building Decisions Issued up to 31 July 2020; and
- Planning Decisions Issued up to 31 July 2020.

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**COUNCIL RESOLUTION**

**ITEM 12.5.1**

**Res No:                   09-0820**

**MOVED:                   Cr Dixon**

**SECONDED:              Cr Mounsey**

**That Council note the following information items:**

- **Register of Documents Stamped with the Shire of Exmouth Common Seal;**
- **Building Decisions Issued up to 31 July 2020; and**
- **Planning Decisions Issued up to 31 July 2020.**

**CARRIED 5/0**

## **COMMERCIAL AND COMMUNITY**

### **12.3.1 UNBUDGETED EXPENDITURE - SUPPLY AND INSTALL OF NEW AFL GOALPOSTS**

File Reference:	CM.PA.0
Reporting Officer:	Executive Manager Commercial & Community
Responsible Officer:	As above
Date of Report:	10 August 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. CONFIDENTIAL Preferred Supplier Quotes

#### **PURPOSE**

The purpose of this report is to obtain Council approval to increase expenditure within the 2020/21 Budget for the purchase and install of AFL goal posts at Talanjee and Koobooroo Ovals.

#### **BACKGROUND**

The replacement of the current AFL goal posts at Talanjee Oval was identified as a project and endorsed by Council via adoption of the 2020/21 Budget at the 23 July 2020 Ordinary Council Meeting.

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#### **COUNCIL RESOLUTION**

#### **ITEM 12.4.1**

**Res No:** 07-0720

**MOVED:** Cr McCarrol

**SECONDED:** Cr Dixon

**That Council RESOLVES to:**

**3. Capital Works & Borrowings 2020/21**

**a. ADOPT the Capital Works Programme Budget for 2020/21.**

As listed under Capital Works and funding sources table within report 12.4.1 Adoption of the Annual Budget an amount of \$15,000 ex GST was approved for **Project; Goal Posts – Talanjee & Koobooroo Ovals.**

These works include:

- Purchase and install of new goalpost to Talanjee Oval, and
- Relocation of existing goalposts and install to Koobooroo Oval.

Quotes have since been received and the required funds to undertake the proposed works totals \$20,890 ex GST (\$22,979 incl GST). See Confidential Attachment 1 for preferred supplier of new goal

posts for Talanjee and preferred local contractor for install plus relocation and install of existing to Koobooroo Oval.



Figure 1 - Koobooroo & Talanjee Ovals

## COMMENT

In preparing the 2020/21 Budget a preliminary costing for the replacement of the current AFL goalposts on Talanjee Oval were received that indicated an amount of \$15,000 ex GST would cover third party supply and transport and local install.

Once the budget was approved at the 23 July Ordinary Council Meeting officers sought more detailed quotes.

Two quotes for supply of goalposts were received as per the Shire of Exmouth purchasing policy. The preferred supplier offered a number of options including;

- Upgrade from ground sleeve base to bolt down hinge base, and
- Upgrade from straight tube to machine spun tapered tube.

In addition, local install quotes were sought and 3 prices were received via a Shire request for quote process. The scope of works includes install of new goalposts to Talanjee Oval and the relocation and install of existing smaller posts to Koobooroo Oval.

Talanjee Oval boasts a high-profile location facing onto Murat Road. The supply and install of new goalposts will significantly enhance the visual appeal of the Oval to local community and visitors alike. The upgrade of the goalposts will also be completed prior to Exmouth hosting the Gascoyne

Football Association (GFA) Grand Final scheduled for 19 September 2020. This will be the first time in 27 years that Exmouth has hosted the GFA grand final event.

The re-use of the existing goalposts at Kooboroo Oval will improve this oval and offer greater potential use for youth AFL activities. Kooboroo Oval would be able to be used as a warm up oval for teams preparing to play a game on the main Talanjee Oval and will also be able to host Australian Football carnivals.

Combined, the total project cost with upgrades included as listed above totals \$20,890 ex GST.

This report seeks Council approval to increase the allocated budget from \$15,000 ex GST to \$20,890 ex GST.

## CONSULTATION

Exmouth Eagles Football Club Committee

## STATUTORY ENVIRONMENT

Local Government Act 1995, Division 4, Section 6.8

*6.8 Expenditure from municipal fund not included in annual budget*

*(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure –*

*(a) is incurred in a financial year before the adoption of the annual budget by the local government; or*

*(b) is authorised in advance by resolution\*; or*

*(c) is authorised in advance by the mayor or president in an emergency*

## POLICY IMPLICATIONS

2.7 Procurement Policy

## FINANCIAL IMPLICATIONS

If approved an additional \$5,890 ex GST will be allocated to this project and drawn from the Building Infrastructure Reserve.

## RISK MANAGEMENT

Risk	Mitigation
Reputational risk attached to substandard goalposts on main playing oval for Exmouth hosting GFA grand final event.	Shire to install new goal posts prior to GFA grand final event.

## ALTERNATE OPTIONS

Council may not approve the additional funds and project may only be part delivered within the original \$15,000 budget allocation.

## STRATEGIC IMPLICATIONS

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

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

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

3.2 Promote facilities/services that enhance public health and safety.

3.3 Champion self-supporting community clubs and associations.

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

4.3 To be a champion for our community

## **VOTING REQUIREMENTS**

Absolute Majority

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### **OFFICER'S RECOMMENDATION**

**ITEM 12.3.1**

That Council APPROVE an increase of \$5,890 ex GST to the current approved amount of \$15,000 ex GST towards new AFL goalposts at Talanjee Oval and relocation and install of existing goalposts to Koobooroo Oval.

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### **COUNCIL RESOLUTION**

**ITEM 12.3.1**

**Res No:** 10- 0820

**MOVED:** Cr Mounsey

**SECONDED:** Cr Lake

**That Council APPROVE an increase of \$5,890 ex GST to the current approved amount of \$15,000 ex GST towards new AFL goalposts at Talanjee Oval and relocation and install of existing goalposts to Koobooroo Oval.**

**CARRIED by ABSOLUTE MAJORITY 5/0**

### 12.3.2 REQUEST FOR TENDER 03-2020 NINGALOO CENTRE PV GENERATION MANAGEMENT SYSTEM UPGRADE

File Reference:	CM.TE.03.2020
Reporting Officer:	Executive Manager Commercial & Community
Responsible Officer:	As above
Date of Report:	13 August 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none"> <li>1. RFT 03-2020 documentation</li> <li>2. CONFIDENTIAL Evaluation Assessment</li> <li>3. CONFIDENTIAL Independent Technical Review</li> </ol>

#### **PURPOSE**

To consider the outcome of the Ningaloo Centre PV Generation Management System Upgrade Tender (RFT 03-2020).

#### **BACKGROUND**

The Ningaloo Centre is a \$32m research, education, tourism and community facility that was officially opened in September 2017.

Included in its original construction the Ningaloo Centre has a 25kW AC / 37.2kWp solar PV system with solar smoothing and zero export to the main energy grid. The Ningaloo Centre is connected to the Horizon Power network and currently supplies approximately 9% of the Ningaloo Centre annual energy consumption. This current PV system was commissioned in March 2017.

The Shire of Exmouth is seeking to expand the existing PV system to further enhance the social, environmental and economic performance of the Ningaloo Centre.

At the 23 July 2020 Ordinary Council Meeting Council resolved to adopt the 2020/21 Budget that included an allocation toward the Ningaloo Centre solar energy upgrade capital work project for an amount of \$1.16m.

Shire officers released a request for tender (RFT) for the project and two compliant tenders were received for consideration.

The main objective of the RFT was to maximise the value delivered over the lifetime of a PV GMS system whose completed project cost best fits the budget of \$1,160,000 AUD excluding GST.

Within the context of the RFT, value was taken to be encompassing of all key attributes of the PV GMS system including, but not limited to, technical performance, economics that accounts for return on investment, quality, social impact and environmental impact.

An important social aspect of the RFT was to maximise the local content in terms of the goods used and services engaged for completion of the project.

The RFT Scope of Works and all required supporting documentation was prepared by a suitable experienced company on behalf of the Shire of Exmouth. In addition, this RFT documentation was peer reviewed to ensure technical correctness.

## COMMENT

Local Government can purchase solar energy services through the WALGA Preferred Supply Panel. This acquisition process is permitted in the Local Government Act 1995 (Functions and General) Regulation (s.3.57) "(b) the supply of the goods or services is to be obtained through the Council Purchasing Service of WALGA".

Under the Local Government (Functions and General) Regulations, a tender exemption applies to WALGA's Preferred Supplier Contracts.

### WALGA Preferred Supplier Program

- The WALGA preferred Supplier Program complies with the *Local Government Regulation 1996 (Function and General)*.
- Purchasing through WALGA means that you do not have to tender. A tender exemption applies to all of our Preferred Supplier Contracts. This saves on time, money and risks associated with tendering.
- WALGA preferred suppliers are pre-qualified to provide Members with the safeguard of a quality-assured process, legal compliance, probity, risk mitigation and security of supply.

Two tenders for RFT 03-2020 were received via the WALGA Preferred Supply Panel process.

Tenders were evaluated by a four-person panel comprising representatives from the three main funding partners for the project being:

- Matthew Bird, Executive Manager Commercial & Community, Shire of Exmouth
- Steve Foster, Building Coordinator, Shire of Exmouth
- Hugh Walker, Project Manager, Minderoo Foundation
- Colby Elliott, Regional Development Officer, DPIRD

The tenders were assessed for compliance with the tender document and against the qualitative criteria that were weighted as follows:

Criteria	Weighting
Technical solution	60%
Costing schedule	10%
Capability schedule	30%

The tender evaluation report is available at CONFIDENTIAL Attachment 2.

In addition to the evaluation panel an independent technical review of the tender responses and evaluation assessment was carried out on a fee for service basis. This report is also included as CONFIDENTIAL Attachment 3.

The current solar energy system supplies approximately 9% of the Ningaloo Centre annual energy consumption and based on known assumptions the preferred contractor will increase this to 54% achieving an annual operational saving of an estimated \$168,580.

## CONSULTATION

Western Australia Local Government Association (WALGA)

Horizon Power

Arup Pty Ltd

## STATUTORY ENVIRONMENT

Section 3.57 of the *Local Government Act 1995 and the Local Government Regulation 1996 (Function and General) Part 4, Division 2 section 11 (2) (b)*.

The tenders were not publicly advertised but managed through the *WALGA Preferred Supply Program* as referenced in the *Local Government Regulation 1996 (Function and General) Part 4, Division 2 section 11 (2) (b)* negating the requirements of *Local Government Regulation 1996 Part 4, Division 2 section 14*.

## POLICY IMPLICATIONS

Procurement Policy 2.7

Regional Price Preference Policy 2.12

Risk Management Policy 2.13

Asset Management Policy 2.14

## FINANCIAL IMPLICATIONS

An expenditure amount of \$1,160,000 excluding GST was approved by Council in the 2020/21 Budget for this project with significant partner funding being secured from Minderoo Foundation (50%) and the Department of Primary Industries and Development (25%). The Shire has budgeted to allocate \$290,000 ex GST towards the total project cost. Based on estimated annual energy consumption modelling for the Ningaloo Centre the payback period to the Shire is within a very impressive 3.5 years.

The contract is to be awarded under a "Fixed Prices" basis where all prices for goods/services will be fixed for the term of the Contract.

## RISK MANAGEMENT

Risk	Mitigation
Highly technical nature of project requires specialist knowledge and review.	Shire contracted specialist expertise for; <ul style="list-style-type: none"> <li>• Drafting of the RFT and technical specification document</li> <li>• Peer review undertaken for the RFT technical specification document</li> <li>• Independent third party review and assessment report undertaken for the two received tender submissions (Confidential Attachment 3)</li> </ul>
Financial risk if project costs are greater than stated in RFT process.	Shire is using a fixed price basis for awarding the specified contract.



## ALTERNATE OPTIONS

Council may decide to award contract to the non preferred supplier or not award the contract at all.

## STRATEGIC IMPLICATIONS

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

Economic: Diversify and grow our economy in a manner that provides year round employment opportunities

1.1 A diverse and environmentally aware local economy that can attract business investment and provide employment opportunities

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

2.1 A strong focus on environmental conservation and sustainable management of our natural environment

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

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

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

3.2 Promote facilities/services that enhance public health and safety.

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

4.3 To be a champion for our community

## VOTING REQUIREMENTS

Absolute Majority

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### OFFICER'S RECOMMENDATION

**ITEM 12.3.2**

That Council;

1. AWARD the contract for Tender RFT 03-2020 Ningaloo Centre PV Generation Management System Upgrade as per the recommendation in the Confidential Attachment 1 - Evaluation Report, and
2. RECORD the recommendation for Tender RFT 03-2020 Ningaloo Centre PV Generation Management System Upgrade as provided in the Confidential Attachment 1 – Evaluation Report in the meeting minutes.

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### COUNCIL RESOLUTION

**ITEM 12.3.2**

**Res No: 11-0820**

**MOVED: Cr McCarrol**

**SECONDED: Cr Lake**

**That Council;**

- 1. AWARD the contract for Tender RFT 03-2020 Ningaloo Centre PV Generation Management System Upgrade as per the recommendation in the Confidential Attachment 1 - Evaluation Report, and**
- 2. Tender RFT 03-2020 Ningaloo Centre PV Generation Management System Upgrade as provided in the Confidential Attachment 1 – Evaluation Report, be awarded to Balance Utility Solutions.**

**CARRIED by ABSOLUTE MAJORITY 5/0**

*Executive Manager Commercial and Community acknowledged Building Surveyor, Steve Foster for his work with the RFT process and scope of works.*

### 12.3.3 FLOURISHING OCEANS – NINGALOO RESEARCH CENTRE SEAWATER SUPPLY

File Reference:	CP.AD.3.2
Responsible Officer:	Chief Executive Officer
Reporting Officer:	Executive Manager Commercial and Community
Date of Report:	18 August 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none"><li>1. Proposed Pipeline route approved subject to conditions at December 2019 Special Council Meeting</li><li>2. AMENDED NEW proposed Pipeline route seeking Council approval dated 28/07/2020</li></ol>

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#### **PURPOSE**

This report seeks Council APPROVAL to the Flourishing Oceans arm of Minderoo Foundation (Minderoo) for a revised pipeline easement to provide essential high quality seawater supply to the Ningaloo Research Centre.

#### **BACKGROUND**

At the 5 December 2019 Special Council Meeting Exmouth Council approved the granting of consent to Minderoo for a proposed pipeline easement for the purpose of intake and discharge of seawater with the following conditions;

***Res No: 01-1219***

***That Council APPROVE the granting of consent to Minderoo for the proposed pipeline easement for the purpose of intake and discharge of seawater with the following conditions;***

- 1. Detailed plans of all above ground infrastructure, inclusive of natural ground level/s, are to be submitted and approved by the local government and the Department of Planning, Lands and Heritage.***
- 2. The development is subject to approval from the Department of Planning, Lands and Heritage.***
- 3. Authorise the CEO to negotiate final location that suits both parties, and bring back to Council for resolution.***

The proposed pipeline route and easements as initially presented at the 5 December 2019 Special Council Meeting is detailed in Attachment 1 to this report.

Minderoo have recently completed sample drilling at the proposed sites and whilst awaiting detailed test results the initial findings have been positive.

Minderoo have revised their preferred pipeline route and proposed plans as per Attachment 2 and are now seeking Council consent for the proposed pipeline easement on affected lots where the Shire of Exmouth is the primary interest holder of Management Orders over Crown Land Lot 300 on Deposited Plan 408720 (LR3167/393) and Crown Land Lot 303 on Deposited Plan 408720 (LR3167/394).

**COMMENT**

The Ningaloo Centre is a \$32 million project funded by the Commonwealth and State Government; Lottery west and the Shire of Exmouth. A key intended purpose of the facility was marine research.

The securing of Minderoo’s Flourishing Oceans operation as a long term tenant of the Ningaloo Centre is considered a major achievement for the Exmouth community, expected to deliver a range of long term economic and employment benefits as well as reinforcing Exmouth’s reputation as a centre for world class marine research.

As detailed in previous Council items the proposed seawater pipeline is considered critical to the required infrastructure for Flourishing Oceans.

In addition to the Minderoo Research activities, the installation of the proposed direct seawater pipeline will also service and provide financial and operational benefits to the Shire of Exmouth public aquarium facility.

Council approved the original proposed pipeline route at the 5 December 2019 Special Council Meeting subject to the conditions listed above in resolution 01-1219.

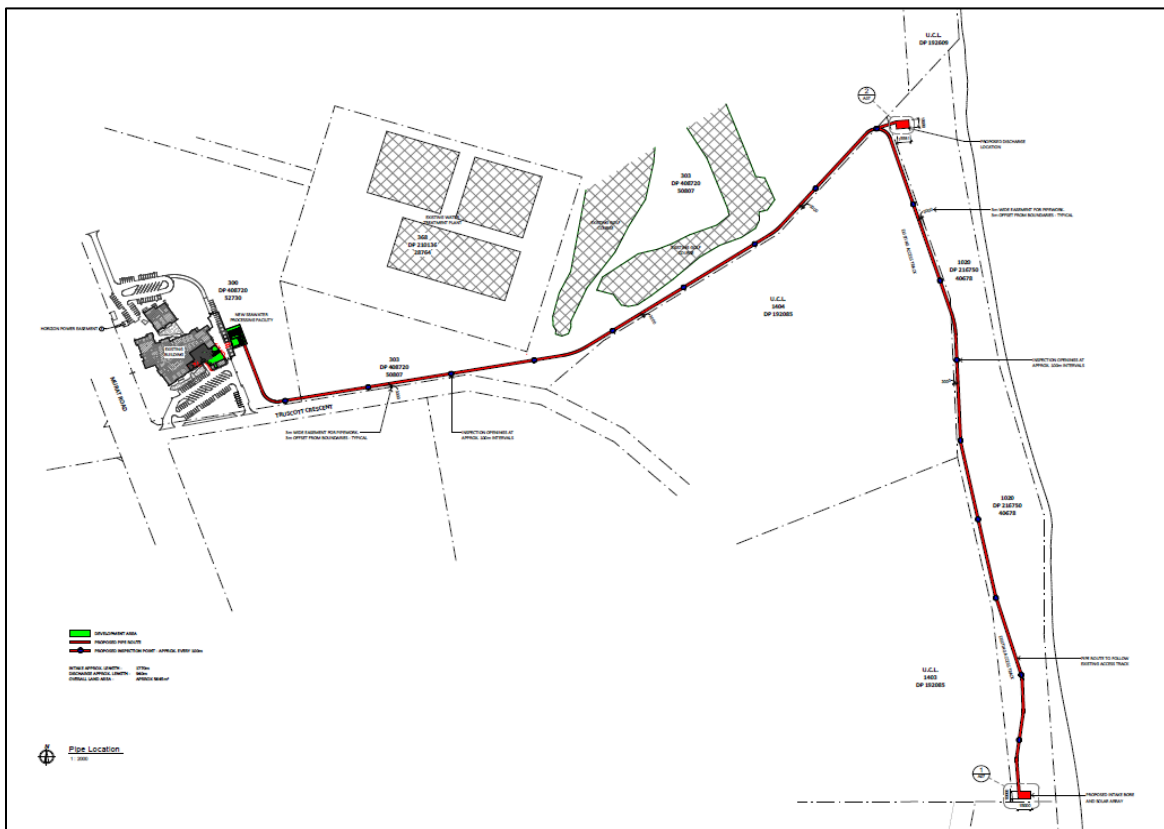


Figure 1 – Proposed Pipeline route approved subject to conditions at December 2019 Special Council Meeting

Minderoo have recently completed test sampling at the proposed locations and further progressed planning for the pipeline infrastructure. Key considerations of the new proposed route are;

**1. Environmental**

- Construction of an unsealed access track would no longer be required to nearly all the pipe run resulting in less disturbance of the natural environment and more opportunities to revegetate over disturbed area.
- Significantly less disruption to the dune environment (approximately 4,500 sqm less).
- Horizon Power easement & Pipeline easement can be amalgamated.
- Cleaning of bore lines can now be done from almost entirely from Truscott Crescent.

**2. Energy Consumption & Sustainability**

- Shortening the distance between production bores/infiltration drains and facility by approximately 300 metres will result in less energy consumed for the same volume of water moved.

**3. Future Tourism Development of affected lots**

- New easement would be approximately 1,400 sqm less in area.
- Proposed easements are still along lot boundaries.
- 3 less service pits along existing access/bike track.
- The seawater pipeline will cross access points into future development sites however will be deep enough not to limit any building driveways/access onto lots 1403/1404.
- If service pits need to be moved to accommodate a future driveway/access this would be a simple process.

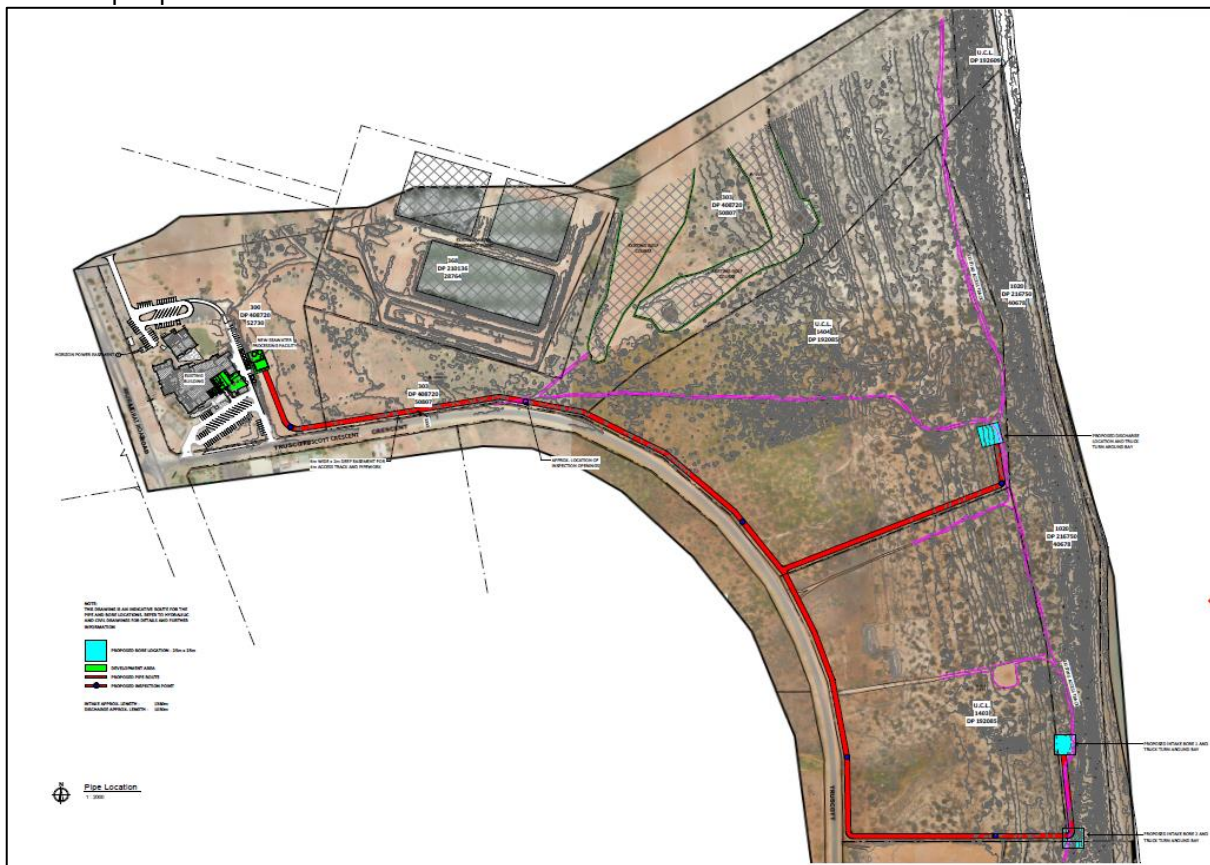


Figure 2 – NEW proposed Pipeline route seeking Council approval

The officer recommendation is to support the new proposed pipeline route on the condition that the pipeline easements do not impact future development access to all affected lots and if affected then any remedial costs would be borne by Minderoo.

**CONSULTATION**

Minderoo Foundation Pty Ltd

**STATUTORY ENVIRONMENT**

Section 144(1)(a) of the Land Administration Act 1997

The Exmouth Council resolution will be subject to Department of Planning, Lands and Heritage approvals.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Costs for installation of the proposed seawater pipeline is the responsibility of Minderoo Foundation. The installation of a direct seawater supply to the Ningaloo Centre should result in a financial saving to the Shire in the order of \$15,000 per annum to replace current water carriage operations.

**RISK MANAGEMENT**

Risk	Mitigation
The new proposed pipeline easements may impact future development of the affected lots.	The officer recommendation includes a proposed condition that Minderoo be responsible for any works and all costs if future access and development of affected lots is incurred including preparation of the legal agreement.

**ALTERNATE OPTIONS**

Council may choose not to support the proposed pipeline alignment as per Attachment 2 and request the Shire CEO to renegotiate the proposed route with Minderoo and represent to Council for consideration at a later date.

**STRATEGIC IMPLICATIONS**

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

Economic: Diversify and grow our economy in a manner that provides year round employment opportunities

1.1 A diverse and environmentally aware local economy that can attract business investment and provide employment opportunities

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

2.1 A strong focus on environmental conservation and sustainable management of our natural environment

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

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

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

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

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

4.1 To provide proactive, collaborative and transparent leadership

## VOTING REQUIREMENTS

Absolute Majority

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### OFFICER'S RECOMMENDATION

ITEM 12.3.3

That Council APPROVE the granting of consent to Minderoo for the proposed pipeline easement as detailed in Attachment 2 for the purpose of intake and discharge of seawater with the following conditions;

1. That the pipeline easements do not impact future development access to all affected lots and if affected then any remedial works and costs, (including costs of legal agreement) to make good be borne by Minderoo Foundation; and
2. The development is subject to approval from the Department of Planning, Lands and Heritage and Department of Water and Environmental Regulations.

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### COUNCIL RESOLUTION

ITEM 12.3.3

Res No: 12-0820

MOVED: Cr Dixon

SECONDED: Cr Lucas

**Cr Mounsey MOVED an amended motion:**

**That Council APPROVE the granting of consent to Minderoo for the proposed alternate pipeline easement as detailed in the PDF Drawings – SK10, SK-11, SK-12 revision date: 27/08/2020 for the purpose of intake and discharge of seawater with the following conditions;**

- 1. That the pipeline easements do not impact future development access to all affected lots and if affected then any remedial works and costs, (including costs of legal agreement) to make good be borne by Minderoo Foundation; and**
- 2. The development is subject to approval from the Department of Planning, Lands and Heritage and Department of Water and Environmental Regulations.**

SECONDED: Cr Lake

**CARRIED by ABSOLUTE MAJORITY 5/0**

### 12.3.4 UNBUDGETED EXPENDITURE – EMERGENCY OVERFLOW FACILITIES

File Reference:	CP.OP.1
Responsible Officer:	Executive Manager Commercial and Community
Responsible Officer:	As above
Date of Report:	18 August 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. CONFIDENTIAL - Emergency Overflow Facilities Quotes

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#### PURPOSE

The purpose of this report is to seek Council approval to approve unbudgeted expenditure within the 2020/21 Budget for the purchase of a mobile variable message sign and prefabricated transportable shower and toilet units to service increased visitor demand.

#### BACKGROUND

Exmouth has experienced very high visitor numbers since the intra state travel restrictions relating to COVID-19 were relaxed on Friday 29 May 2020.

In response to this increased visitor demand the Shire enacted its Emergency Overflow Camping Grounds from Friday 3 July and this has continued to be in operation as at the time of writing this report whilst adhering to Policy processes and conditions.

As stated in the Policy;

*“The purpose of this policy is to provide overflow facilities in the Shire that will accommodate additional numbers of camping tourists when permanent caravan parks and camping grounds facilities within the Shire are operating at or near capacity.*

*This policy will ensure that the operation of overflow sites/facilities within the Shire of Exmouth complies with legislative requirements.*

*Ensure that the impact on permanent operators is balanced with the additional economic benefit to the destination because of greater capacity in peak demand periods.”*

For the 40-day period since opening its emergency campground overflow facilities on 3 July the Shire has received some 2,257 site nights.

Bookings for the overflow facility remain strong and it is anticipated that the overflow facility will remain in operation as a minimum until the end of the October 2020 school holiday period.

From the 13 August the operation of the overflow setup has been restricted to the dedicated Kooboroo facilities that includes 20 powered sites and 20 unpowered sites. Any expansion of



additional sites due to demand will be confined to this same surrounding area and if necessary extend north into floodplain areas.

Camping on Koobooroo Oval will no longer be permitted to remove potential conflict with other oval users and allow for oval maintenance.

In order to accommodate anticipated increased visitor numbers, the Shire is seeking Council approval to purchase the following plant and equipment to assist in the servicing of increased visitor numbers and needs;

- mobile variable message sign to ensure effective and clear communication to arriving visitors by road to town, and
- mobile prefabricated transportable shower and toilet units to comply with health legislative requirements of the Shire overflow facility.

### **COMMENT**

The impacts of COVID-19 have been extreme to the business and community of Exmouth.

Since intrastate travel restrictions were lifted in late May 2020 the Exmouth and surrounding Ningaloo destination have experienced unprecedented and sustained levels of visitor numbers to the region.

This constant high visitor demand has placed extreme pressures on Shire, community and local business services and infrastructure.

Future impacts of COVID-19 to Exmouth remain uncertain and will be influenced by factors beyond the control of the Shire and local community.

It is highly likely that these increased visitation levels will continue to be sustained from now until the end of the October 2020 school holiday period as a minimum.

Longer term it is likely that Shire emergency overflow campground sites will be required for the next two to three year period to cope with current demand and this need will be further magnified if some existing licensed caravan park sites are lost due to potential redevelopment.

Expanding the dedicated Shire campground overflow facilities will reduce potential conflict with other oval and nearby facility users and improve customer satisfaction.

The officer recommendation is to purchase the additional plant and equipment in order to be well prepared for this sustained and potentially increased visitor demand moving forward.

The mobile variable message sign will also be re-used in other Shire non tourist related functions including emergency services response and general community communication.

### **CONSULTATION**

Supplier quotations sought for required plant and equipment.

### **STATUTORY ENVIRONMENT**

- Caravan Parks and Camping Grounds Act 1995

- Caravan Parks and Camping Grounds Regulations 1997
- Local Government Act 1995, Division 4, Section 6.8

*6.8 Expenditure from municipal fund not included in annual budget*

*(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure –*

*(a) is incurred in a financial year before the adoption of the annual budget by the local government; or*

*(b) is authorised in advance by resolution\*; or*

*(c) is authorised in advance by the mayor or president in an emergency*

**POLICY IMPLICATIONS**

2.7 - Procurement Policy

8.4 - Emergency Overflow Camping Grounds

**FINANCIAL IMPLICATIONS**

If approved \$114,209 ex GST will be allocated to this project.

The operation of the Shire emergency overflow campground for the 40-day period since 3 July has generated an operational surplus of around \$64,390 excluding officer wages associated with the direct management of this facility and this surplus has been unbudgeted for in 2020/21.

These, and any additional unbudgeted surplus funds from the current and ongoing operation of the overflow facility this financial year could be used to purchase the required emergency overflow facilities.

**RISK MANAGEMENT**

<b>Risk</b>	<b>Mitigation</b>
Reputational risk for the Shire and more generally the Exmouth visitor destination attached to the delivery of poor standard and potentially non-compliant visitor facilities.	Shire to purchase required plant and equipment to meet the anticipated needs of increased and sustained visitor numbers to the region.

**ALTERNATE OPTIONS**

Council may choose not to support the purchase of one or more of the nominated facilities and equipment and/or choose to lease/rent rather than purchase.

**STRATEGIC IMPLICATIONS**

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

Economic: Diversify and grow our economy in a manner that provides year round employment opportunities

1.1 A diverse and environmentally aware local economy that can attract business investment and provide employment opportunities

1.2 Facilitate the strengthening and growth of our visitor experience.

- 1.3 Enable the provision of essential infrastructure that will support investment and diversify our economy.

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

- 2.1 A strong focus on environmental conservation and sustainable management of our natural environment  
2.2 Strive to achieve a balance between the preservation of our unique environment and the delivery of sustainable economic growth.

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

- 3.2 Promote facilities/services that enhance public health and safety.

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

- 4.3 To be a champion for our community

## **VOTING REQUIREMENTS**

Absolute Majority

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### **OFFICER'S RECOMMENDATION**

**ITEM 12.3.4**

That Council APPROVE \$114,209 ex GST for the purchase of a mobile variable message sign and prefabricated transportable shower and toilet units as per quotes detailed in CONFIDENTIAL Attachment 1.

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### **COUNCIL RESOLUTION**

**ITEM 12.3.4**

**Res No: 13-0820**

**MOVED: Cr McCarrol**

**SECONDED: Cr Mounsey**

**That Council APPROVE \$114,209 ex GST for the purchase of a mobile variable message sign and prefabricated transportable shower and toilet units as per quotes detailed in CONFIDENTIAL Attachment 1.**

**CARRIED by ABSOLUTE MAJORITY 5/0**

**13. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

## **14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**

### **14.1.1 UNBUDGETED EXPENDITURE – PURCHASE OF VENDING EQUIPMENT**

File Reference:	TT.SP.0.2020
Responsible Officer:	Executive Manager Commercial & Community
Reporting Officer:	As above
Date of Report:	25 August 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	Nil

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#### **PURPOSE**

That Council consider and APPROVE expenditure within the 2020/21 Budget for the purchase of vending equipment for immediate use at Learmonth Airport.

#### **BACKGROUND**

The Shire of Exmouth operates the civil terminal operations at Learmonth Airport under a lease arrangement with the Australian Department of Defence for the purpose of handling the aviation Regular Passenger Transport (RPT) services to Exmouth and larger scale general aviation.

In the 2018/19 year the Learmonth operations processed some 85,922 passengers and some 16,495 passengers through the Shire operated heliport.

The Shire sub leases spaces within Learmonth Airport including the café operation. The lease with the current café operator expires 31 August 2020 and the current lessee has informed the Shire that they will not continue past this date.

At the same time the Shire is currently planning the expansion of the security controlled departure lounge to accommodate the increased passenger numbers per flight departing from Learmonth via the larger A320 aircraft.

#### **COMMENT**

Under this planned new approach the café concession will be included airside within the security controlled departure lounge.

Any new café operator will need to operate under strict security screening regime including all staff requiring valid ASICs, access to café and kitchen operational areas only during screening periods, and high compliance driven security procedures.

Combined with the current uncertainty resulting from COVID19 regarding reduced flight schedules and low travelling passenger numbers the Shire plans to install vending machine options as an immediate to medium term solution to public food and beverage needs at Learmonth Airport.

The current operational environment is not believed to be financially sustainable for a lessee approach to the café operation evidenced by the current operator choosing not to continue the lease and service delivery.

The impacts of operating airside and within a security controlled area also add additional operational costs for a café operator and further impact potential for ongoing sustainability.

The Shire has an obligation to provide a food and beverage service to the travelling public and the automated vending machine approach is believed to be the most appropriate option.

Indicative quotes have been sought for the purchase of the following vending equipment items;

- 1 x coffee machine
- 2 x drink and snack combo machines

The machines would be fully managed and replenished by Shire aviation staff.

This report seeks Council approval to allocate up to \$25,000 ex GST to the purchase of required vending equipment.

If expenditure to purchase these items is approved these units will be installed and operational within 14 days.

## **CONSULTATION**

Vending machine suppliers

Current airport café lessee

## **STATUTORY ENVIRONMENT**

Local Government Act 1995, Division 4, Section 6.8

*6.8 Expenditure from municipal fund not included in annual budget*

*(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure –*

*(a) is incurred in a financial year before the adoption of the annual budget by the local government; or*

*(b) is authorised in advance by resolution\*; or*

*(c) is authorised in advance by the mayor or president in an emergency*

## **POLICY IMPLICATIONS**

2.7 Procurement Policy

## **FINANCIAL IMPLICATIONS**

If approved up to \$25,000 ex GST will be allocated to this project.

Revenue has also not been budgeted for from the operation of these vending machines for the 2020/21 period. It is anticipated that these vending machines will have a payback period of 2.5 years to recoup the initial \$25,000 capital outlay.

Forecast lease income from the café operation will not be received however the replacement vending machine income is anticipated to be greater.

## RISK MANAGEMENT

Risk	Mitigation
The lack of sustainable food and beverage options poses a reputational risk to the Shire managed airport.	Shire to install vending machines to ensure appropriate level of food and beverage service options.

## ALTERNATE OPTIONS

1. Council may not approve the allocation of funds for capital purchase but may support a leasing approach.
2. Council may not approve vending machines and request officers to seek a café operator lease approach.

## STRATEGIC IMPLICATIONS

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

Economic: Diversify and grow our economy in a manner that provides year round employment opportunities

1.2 Facilitate the strengthening and growth of our visitor experience.

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

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

3.2 Promote facilities/services that enhance public health and safety.

## VOTING REQUIREMENTS

Absolute Majority

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### OFFICER'S RECOMMENDATION

**ITEM 14.1.1**

That Council APPROVE \$25,000 ex GST within the 2020/21 Budget for the purchase of food and beverage vending equipment for immediate use at Learmonth Airport.

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### COUNCIL RESOLUTION

**ITEM 14.1.1**

**Res No: 14-0820**

**MOVED: Cr McCarrol**

**SECONDED: Cr Lucas**

**That Council APPROVE \$25,000 ex GST within the 2020/21 Budget for the purchase of food and beverage vending equipment for immediate use at Learmonth Airport.**

**CARRIED by ABSOLUTE MAJORITY 5/0**

## 15. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS

The following agenda item is to be considered under 15. Matters to be Considered Behind Closed Doors, in accordance with section 5.23(2) of the *Local Government Act 1995*. The Deputy Shire President asked that the gallery leave the Chambers.

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**COUNCIL RESOLUTION** **ITEM 15.1**

Res No: 15-0820

MOVED: Cr Mounsey

SECONDED: Cr McCarrol

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

**CARRIED 5/0**

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### 15.1 RATES WRITE OFF

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**COUNCIL RESOLUTION** **ITEM 15.1**

Res No: 16-0820

MOVED: Cr Dixon

SECONDED: Cr McCarrol

Cr Lucas MOVED an amended motion:

To provide a rate write off for assessment A514 equal to 50% of the increase from the 2019/20 rates to the 2020/21-year rates and authorise the Executive Manager Corporate Services to enter into payment plan that expires as at 30 June 2022.

SECONDED: Cr Dixon

**CARRIED by ABSOLUTE MAJORITY 4/1**

**Cr Lake voted AGAINST**

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**COUNCIL RESOLUTION** **ITEM 15.1**

Res No: 17-0820

MOVED: Cr Lucas

SECONDED: Cr McCarrol

That Council return from Behind Closed Doors at 5.05 pm.

**CARRIED 5/0**



**16. CLOSURE OF MEETING**

The Deputy Shire President declared the meeting closed at 5.05pm.