



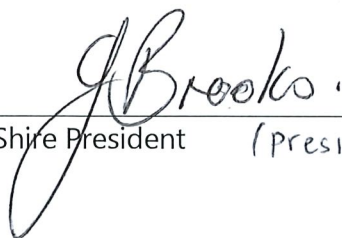
# Minutes


## Ordinary Council Meeting

22 February 2024

### Confirmation of Minutes

I hereby certify that the Minutes and Attachments of the Ordinary Council Meeting held on 22 February 2024 are a true and accurate record of the proceedings contained therein.

  
D / Shire President (Presiding Member)

  
Date

## Disclaimer

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The advice and information contained herein are given by and to the Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to the Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

Please note that this agenda contains recommendations which have not yet been adopted by Council.

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**SNAPSHOT**

# Strategic Community Plan 2023-2033



**Your Choice. Our Future.**

**VISION**

A globally recognised community of guardians for our unique environment and culture as we pursue innovations for sustainable growth.

**GOALS**

The goals are organised in five strategic pillars: Social, Natural Environment, Built Environment, Economy, and Governance and Leadership.

## SOCIAL

Nurture a friendly, safe and inclusive community spirit.

- Improve local community and visitor experiences.
- Ensure a full suite of services to meet the needs of families and individuals at all ages and stages of life.
- Build community cohesion and connectedness.



## GOVERNANCE & LEADERSHIP

Foster open, transparent & accountable leadership, working collaboratively & in partnership with our community & stakeholders.

- Forward-thinking leadership for efficient & sustainable operations.
- Continued focus on transparent, accountable leadership & community & stakeholder engagement.
- Council & administration plan & lead with good governance.



## ECONOMY

Enhance a robust, resilient & diversified economy that champions innovation.

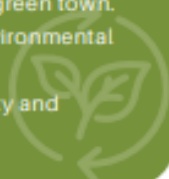
- Increase opportunities for smart and sustainable business ideas.
- Establish Exmouth as a vibrant, welcoming and environmentally aware destination.
- Promote Exmouth as a thriving economy based on its regional strength as a global environmental hotspot.



## NATURAL ENVIRONMENT

Embrace natural sensitivities and promote positive change.

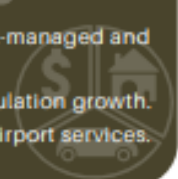
- Establish Exmouth as a clean and green town.
- Prepare Exmouth for changing environmental conditions.
- Increase awareness of sustainability and environmental issues.



## BUILT ENVIRONMENT

Enable sustainable development and infrastructure that meets the needs of the community, visitors and industry.

- Infrastructure and assets are well-managed and maintained.
- Plan and cater for increased population growth.
- Revitalisation and expansion of airport services.



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## 1. Declaration of Opening and Announcements

The Shire President declared the meeting open at 4.00 pm.

The Shire President acknowledged the Traditional Owners of the land on which we meet, and paid respect to Elders past, present, and emerging.

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

The Shire President advised the gallery the meeting will be recorded by the Coordinator Governance to compile an accurate record of the minutes and the recording and will be erased once they are confirmed.

## 2. Attendance, Apologies and Approved Leave of Absence

Shire President M (Matthew) Niikkula

Councillor D (Darlene) Allston

Councillor D (David) Gillespie

Councillor T (Todd) Bennett

Mr Ben Lewis

Chief Executive Officer

Ms Lisa Clack

Acting Chief Financial Officer

Ms Michelle Head

Minute Taker

Via Microsoft Teams - section 14C -Local Government (Administration) Regulations 1996)

Councillor K (Kristy) Devereux

Apology

Councillor J (Jackie) Brooks

Deputy Shire President

## 3. Response to Previous Public Questions Taken on Notice

Nil

## 4. Public Question Time

Public question time opened: 4.01pm.

Questions received by Mr Dennis Bryan-Smith

1. *Community garden sent an email on 30<sup>th</sup> May 2023 in relation to the land adjoining the Exmouth community garden location. Could we have an update on this please several members will attend the coming shire meeting?*

Shire response:

Given the changeover of town planning and executive staff, the Shire will take this on notice and investigate how far the request has progressed and look to meet with the Exmouth Community Garden group to work through the request.

2. *In relation to the waterways management I believe the penalty form was sent for a legal opinion late last year 2023 Has the shire had a response in relation to this If not when will this item be addressed? I was informed that the shire would be placing signs on all of the access ways to the canals especially canal 5,5a,5b. The signs were to notify people that the properties are private and not for public access or Thoroughfare Have the signs been ordered and when will they be erected?*

Shire response:

Council is in the process of creating a local law for the management of the canals within the marina.

The draft local law was provided to Council's solicitors for review and amendments are being worked through.

The local law has a number of processes to go through before it is enforceable, and signage can then be erected.

The timeframe for a local law to be create through to execution is approximately 12 – 18 months and at this point council is only part way through that journey.

Public question time closed: 4.07pm.

### 5. Declarations of Interest

Name	Report	Type and Nature of Interest	Extent of Interest
Cr Todd Bennett	12.3.6 - Award Restricted Tender – RFT 12/2023 – Lease of 24 Maidstone Crescent – Childcare Facility.	Financial Interest - Cr Bennett is the tenderer. for this tender.	Will leave the room.

### 6. Applications for Leave of Absence

Shire President Niikkula requested a leave of absence from the 18 March 2024 until 22 March 2024 inclusive.

<b>COUNCIL RESOLUTION</b>	<b>ITEM 6</b>
<b>Res No:</b> 01-0224	
<b>MOVED:</b> SP Niikkula	
<b>SECONDED:</b> Cr Bennett	
<b>Council approved the request from Shire President Niikkula for a leave of absence from the 18 March 2024 until 22 March 2024 inclusive</b>	
<b>CARRIED 4/0</b>	
For: Cr Allston, Cr Bennett Cr, Gillespie, Cr Devereux	

### 7. Confirmation of Minutes of Previous Meetings

That the Minutes and associated attachments of the Special Council Meeting of the Shire of Exmouth held on 22 January 2024 are confirmed as a true and correct record of proceedings.

<b>COUNCIL RESOLUTION</b>	<b>ITEM 7</b>
<b>Res No:</b> 02-0224	
<b>MOVED:</b> Cr Bennett	
<b>SECONDED:</b> Cr Allston	
<b>That the Minutes and associated attachments of the Special Council Meeting of the Shire of Exmouth held on 22 January 2024 are confirmed as a true and correct record of proceedings.</b>	
<b>CARRIED 5/0</b>	
For: SP Niikkula Cr Allston, Cr Bennett, Cr, Gillespie, Cr Devereux	

**8. Announcements/ Reports of Elected Members**

Cr Brooks	26/02 Australia Day Family Fun Day and Awards at Paltridge Memorial Swimming Pool.
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**9. Announcements by the Presiding Person without Discussion**

Nil

**10. Petitions/ Deputation/Presentations/ Submissions**

Nil

**11. Matters Arising from Committees of Council**

Nil

## 12. Reports of Officers

### EXECUTIVE SERVICES

#### COUNCIL RESOLUTION

ITEM 12.1.1, 12.3.1, 12.3.2, 12.3.3, 12.3.4

Res No: 03-0224

Shire President Niikkula **MOVED** a motion that the following Agenda items are moved enbloc:

- 12.1.1 – Affixing Common Seal Under Delegated Authority
- 12.3.1 - Financial Statement for the Period Ending 31 December 2023
- 12.3.2 - List of Accounts for Period Ending 31 December 2023
- 12.3.3 - Financial Statement for the Period Ending 31 January 2024
- 12.3.4 - List of Accounts for Period Ending 31 January 2024

**SECONDED:** Cr Gillespie

**CARRIED by SIMPLE MAJORITY 5/0**

For: SP Niikkula, Cr Allston, Cr Bennett, Cr, Gillespie, Cr Devereux

### 12.1.1 AFFIXING COMMON SEAL UNDER DELEGATED AUTHORITY

File Reference	GV.AU.1
Reporting Officer	Coordinator Governance
Responsible Officer	Chief Executive Officer
Date of Report	22 February 2024
Applicant/Proponent	Nil
Disclosure of Interest	Nil
Attachment(s)	Nil

#### Purpose

1. To advise Council of the documents that have had the Shire of Exmouth common seal affixed under delegated authority since the last Ordinary Council meeting on the 14 December 2023.

#### Background

2. There have been three documents that have had the Shire's common seal affixed under delegated authority since the last Ordinary Council meeting.

#### Comment

3.

Document	Details	Parties
Instrument of Agreement	RFT02/2023 Provision of Bituminous Spray and Sealing Works	Shire of Exmouth and Corps Pavement Group.
Instrument of Agreement	RFT04/2023 Design and Construct of skatepark bowl and landscaping	Shire of Exmouth and Convic Pty Ltd
Memorandum of Understanding	Waste water treatment for irrigation purposes	Shire of Exmouth and Exmouth Golf Club

#### Consultation

4. Nil



### Statutory Environment

5. Local Government Act 1995, Part 9, Division 3, s9.49A (1)(2) Execution of Documents
- (1) A document is duly executed by a local government if —
- (a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or
- (b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.
- (2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.
- (3) The common seal of the local government is to be affixed to a document in the presence of —
- (a) the mayor or president; and
- (b) the CEO,
- each of whom is to sign the document to attest that the common seal was so affixed.

### Policy Implications

6. Nil

### Financial Implications

7. Nil

### Risk Management

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance (operational) – That executed documents would be void if the common seal was not affixed in accordance with the requirements of the Local Government Act 1995	Almost Certain	Major	High	Council to endorse the use of the common seal

### Risk Matrix

Consequence \ Likelihood	Insignificant (1)	Minor (2)	Moderate (3)	Major (4)	Catastrophic (5)
Almost Certain (5)	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely (4)	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible (3)	Low (3)	Moderate (5)	Moderate (9)	High (12)	High (15)
Unlikely (2)	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare (1)	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

### Alternate Options

8. Nil

### Strategic Alignment

9. This item is relevant to the Council's approved Strategic Community Plan and Corporate Business Plan 2023 – 2033.

Governance & Leadership	<p><b>Foster open, transparent &amp; accountable leadership, working collaboratively and in partnership with our community and stakeholders</b></p> <p>5.1 Forward-thinking leadership for efficient and sustainable operations</p> <p>5.2 Continued focus on transparent, accountable leadership and community stakeholder engagement</p> <p>5.3 Council and administration plan and lead with good governance</p>
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### Voting Requirements

10. Simple Majority

**Officers Recommendation**

**Item 12.1.1**

That Council accept that the common seal has been affixed under delegated authority to the following documents:

Document	Details	Parties
Instrument of Agreement	RFT02/2023 Provision of Bituminous Spray and Sealing Works	Shire of Exmouth and Corps Pavement Group.
Instrument of Agreement	RFT04/2023 Design and Construct of skatepark bowl and landscaping	Shire of Exmouth and Convic Pty Ltd
Memorandum of Understanding	Waste water treatment for irrigation purposes	Shire of Exmouth and Exmouth Golf Club

## CORPORATE AND COMMERCIAL SERVICES

### 12.3.1 FINANCIAL STATEMENT FOR PERIOD ENDING 31 DECEMBER 2023

File Reference	FM.FI.0
Reporting Officer	Manager Finance
Responsible Officer	As above
Date of Report	22 February 2024
Applicant/Proponent	Nil
Disclosure of Interest	Nil
Attachment(s)	1. Monthly Financial Report as at 31 December 2023

#### Purpose

1. That Council accepts the financial report for the financial period ending 31 December 2023.

#### Background

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

#### Comment

3. As at 31 December 2023, the operating revenue is below budget by \$657,982 (5.54%). The variances mainly relate to the timing of overflow caravan park and aviation security screening income, the financial assistance grant being paid in advance and the timing of term deposits maturities.
4. Operating expenditure is below budget by \$2,173,515 (19.36%). Variances are mainly due to the timing of maintenance and operational projects and the timing of aviation leases and community grants. Employee costs are tracking below budget as a result of vacancies.
5. The capital expenditure program is under way and is tracking below budget. Council has expended \$1,588,169 of the proposed capital budget of \$10.5m. The timing and milestone requirements also impact our capital revenue which is tracking below budget.
6. Rates were levied on 31 July 2023. Rates collected as at 31 December 2023 were 83.70%, compared to 82.4% for the same period last year.

#### Consultation

7. Nil

#### Statutory Environment

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

#### Policy Implications

10. Nil

## Financial Implications

11. Nil

## Risk Management

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

## Risk Matrix

Consequence \ Likelihood	Insignificant (1)	Minor (2)	Moderate (3)	Major (4)	Catastrophic (5)
Almost Certain (5)	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely (4)	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible (3)	Low (3)	Moderate (5)	Moderate (9)	High (12)	High (15)
Unlikely (2)	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare (1)	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

## Alternate Options

12. Nil

## Strategic Alignment

13. This item is relevant to the Council's approved Strategic Community Plan and Corporate Business Plan 2023 – 2033.

Governance & Leadership	<p><b>Foster open, transparent &amp; accountable leadership, working collaboratively and in partnership with our community and stakeholders</b></p> <p>5.1 Forward-thinking leadership for efficient and sustainable operations</p> <p>5.2 Continued focus on transparent, accountable leadership and community stakeholder engagement</p> <p>5.3 Council and administration plan and lead with good governance</p>
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## Voting Requirements

14. Simple Majority

<b>Officers Recommendation</b>	<b>Item 12.3.1</b>
That Council receives the financial report for the financial period ending 31 December 2023.	

### 12.3.2 LIST OF ACCOUNTS FOR PERIOD ENDING 31 DECEMBER 2023

File Reference	FM.FI.0
Reporting Officer	Manager Finance
Responsible Officer	As above
Date of Report	22 February 2024
Applicant/Proponent	Nil
Disclosure of Interest	Nil
Attachment(s)	1. List of Accounts for period ending 31 December 2023

#### Purpose

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

#### Background

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

#### Comment

4. Council has given delegated authority that allows the Chief Executive Officer to approve payments from Council's bank accounts either via cheque or through electronic lodgement. (refer Attachment 1).

#### Payments

Municipal Fund totalling \$1,420,429.61  
Incorporating cheques, direct debits, electronic payments and credit cards.

Trust Fund totalling \$NIL  
Incorporating electronic payments.

Total Payments: \$1,420,429.61

#### Consultation

5. Nil

#### Statutory Environment

6. 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

7. CS001 (Procurement)
8. CS002 (Regional Price Preference Policy)
9. CS004 (Corporate Transaction Cards)
10. CS008 (Investments)
11. CS012 (Reserve Funds)

### Financial Implications

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

### Risk Management

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

### Risk Matrix

Consequence \ Likelihood	Insignificant (1)	Minor (2)	Moderate (3)	Major (4)	Catastrophic (5)
Almost Certain (5)	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely (4)	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible (3)	Low (3)	Moderate (5)	Moderate (9)	High (12)	High (15)
Unlikely (2)	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare (1)	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

### Alternate Options

13. Nil

### Strategic Alignment

14. This item is relevant to the Council’s approved Strategic Community Plan and Corporate Business Plan 2023 – 2033.

Governance & Leadership	<p><b>Foster open, transparent &amp; accountable leadership, working collaboratively and in partnership with our community and stakeholders</b></p> <p>5.1 Forward-thinking leadership for efficient and sustainable operations</p> <p>5.2 Continued focus on transparent, accountable leadership and community stakeholder engagement</p> <p>5.3 Council and administration plan and lead with good governance</p>
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### Voting Requirements

15. Simple Majority

Officers Recommendation	Item 12.3.2
That Council receives the report of payments made from the Municipal and Trust bank accounts during the month of December 2023 (totalling \$1,420,429.61).	

### 12.3.3 FINANCIAL STATEMENT FOR PERIOD ENDING 31 JANUARY 2024

File Reference	FM.FI.0
Reporting Officer	Manager Finance
Responsible Officer	As above
Date of Report	22 February 2024
Applicant/Proponent	Nil
Disclosure of Interest	Nil
Attachment(s)	1. Monthly Financial Report as at 31 January 2024

#### Purpose

1. That Council accepts the financial report for the financial period ending 31 January 2024.

#### Background

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

#### Comment

3. As at 31 January 2024, the operating revenue is below budget by \$652,860 (5.07%). The variances mainly relate to the timing of overflow caravan park income, the financial assistance grant being paid in advance and the timing of term deposits maturities and higher interest rates.
4. Operating expenditure is below budget by \$2,238,686 (17.40%). Variances are mainly due to the timing of maintenance and operational projects and the timing of aviation leases and community grants. Employee costs are tracking below budget as a result of vacancies.
5. The capital expenditure program is under way and is tracking under budget. Council has expended \$1,675,154 of the proposed capital budget of \$10.5m. The timing and milestone requirements also impact our capital revenue which is tracking below budget.
6. Rates were levied on 31 July 2023. Rates collected as at 31 January 2024 were 87.90%, compared to 85.9% for the same period last year.

#### Consultation

7. Nil

#### Statutory Environment

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

#### Policy Implications

10. Nil

## Financial Implications

11. Nil

## Risk Management

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

## Risk Matrix

Consequence \ Likelihood	Insignificant (1)	Minor (2)	Moderate (3)	Major (4)	Catastrophic (5)
Almost Certain (5)	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely (4)	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible (3)	Low (3)	Moderate (5)	Moderate (9)	High (12)	High (15)
Unlikely (2)	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare (1)	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

## Alternate Options

12. Nil

## Strategic Alignment

13. This item is relevant to the Council’s approved Strategic Community Plan and Corporate Business Plan 2023 – 2033.

Governance & Leadership	<p><b>Foster open, transparent &amp; accountable leadership, working collaboratively and in partnership with our community and stakeholders</b></p> <p>5.1 Forward-thinking leadership for efficient and sustainable operations</p> <p>5.2 Continued focus on transparent, accountable leadership and community stakeholder engagement</p> <p>5.3 Council and administration plan and lead with good governance</p>
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## Voting Requirements

14. Simple Majority

<b>Officers Recommendation</b>	<b>Item 12.3.3</b>
That Council receives the financial report for the financial period ending 31 January 2024.	



### 12.3.4 LIST OF ACCOUNTS FOR PERIOD ENDING 31 JANUARY 2024

File Reference	FM.FI.0
Reporting Officer	Manager Finance
Responsible Officer	As above
Date of Report	22 February 2024
Applicant/Proponent	Nil
Disclosure of Interest	Nil
Attachment(s)	1. List of Accounts for period ending 31 January 2024

#### Purpose

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

#### Background

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

#### Comment

4. Council has given delegated authority that allows the Chief Executive Officer to approve payments from Council's bank accounts either via cheque or through electronic lodgement. (refer Attachment 1).

#### Payments

Municipal Fund totalling \$1,046,810.67  
Incorporating cheques, direct debits, electronic payments and credit cards.

Trust Fund totalling \$NIL  
Incorporating electronic payments.

Total Payments: \$1,046,810.67

#### Consultation

5. Nil

#### Statutory Environment

6. 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

7. CS001 (Procurement)
8. CS002 (Regional Price Preference Policy)
9. CS004 (Corporate Transaction Cards)
10. CS008 (Investments)
11. CS012 (Reserve Funds)

**Financial Implications**

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

**Risk Management**

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

**Risk Matrix**

Consequence \ Likelihood	Insignificant (1)	Minor (2)	Moderate (3)	Major (4)	Catastrophic (5)
Almost Certain (5)	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely (4)	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible (3)	Low (3)	Moderate (5)	Moderate (9)	High (12)	High (15)
Unlikely (2)	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare (1)	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

**Alternate Options**

13. Nil

**Strategic Alignment**

14. This item is relevant to the Council’s approved Strategic Community Plan and Corporate Business Plan 2023 – 2033.

Governance & Leadership	<p><b>Foster open, transparent &amp; accountable leadership, working collaboratively and in partnership with our community and stakeholders</b></p> <p>5.1 Forward-thinking leadership for efficient and sustainable operations</p> <p>5.2 Continued focus on transparent, accountable leadership and community stakeholder engagement</p> <p>5.3 Council and administration plan and lead with good governance</p>
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**Voting Requirements**

15. Simple Majority

<b>Officers Recommendation</b>	<b>Item 12.4.4</b>
That Council RECEIVES the report of payments made from the Municipal and Trust bank accounts during the month of January 2024 (totalling \$1,046,810.67).	

## 12.1.2 LEASE TRANSFER DEED OF ASSIGNMENT – LAKEWOOD TRUST TO NINGALOO HIGH PTY LTD

File Reference	R32867/4
Reporting Officer	Information Management Officer
Responsible Officer	Chief Executive Officer
Date of Report	22 February 2024
Applicant/Proponent	Lakewood Trust
Disclosure of Interest	Nil
Attachment(s)	1. CONFIDENTIAL – Deed of Assignment

### Purpose

1. To seek Council approval to transfer the lease from Lakewood Trust to Ningaloo High Pty Ltd for Lease Area Lot 1, at Exmouth Aerodrome via a Deed of Assignment of Lease.

### Background

2. Lease Area Lot 1, being a Portion of Lot 73 on Deposited Plan 211885, Exmouth Aerodrome was originally leased to Lakewood Trust with a commencement date of 1 January 2014 for a period of ten years, expiring on the 31 December 2023. The lease also carries a further term of 10 years from 1 January 2024, expiring on 31 December 2033.
3. The proponent advised the Shire on 17 September 2023 that they have entered into a contract of sale of the premises located at Lot 1 Exmouth Aerodrome with Ningaloo High Pty Ltd who will take over the existing lease area and operate from Lease Area Lot 1.
4. The resolution of this deed of assignment will allow Ningaloo High Pty Ltd to take ownership of the premise.

### Comment

5. Transferring the lease will be via a Deed of Assignment which will bind Ningaloo High Pty Ltd to all existing terms and conditions previously endorsed by Council.
6. The rent is in accordance with the current lease agreement which will have a straight line increase to \$4,275.00, with the next increase coming into effect on 01/01/2024.

### Consultation

7. Council's Solicitors

### Statutory Environment

8. *Local Government Act 1995 - Part 3 Division 3 s.3.58*
9. The Deed of Assignment is required to be endorsed by the Minister for Lands.

### Policy Implications

10. Policy 2.3 Common Seal
11. Policy 2.4 Leases and Licences

### Financial Implications

12. There will be no financial impact to Council as all associated costs for the execution of the Deed are the responsibility of the leaseholder.

## Risk Management

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Council's reputation could be at risk by not supporting local business to grow and develop through the use of unused infrastructure	Likely	Moderate	High	Resolve to approve the transfer of deed to support the increased activity within Exmouth Aerodrome

## Risk Matrix

Consequence \ Likelihood	Insignificant (1)	Minor (2)	Moderate (3)	Major (4)	Catastrophic (5)
Almost Certain (5)	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely (4)	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible (3)	Low (3)	Moderate (5)	Moderate (9)	High (12)	High (15)
Unlikely (2)	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare (1)	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

## Alternate Options

13. Council may consider declining the transfer of the lease agreement.

## Strategic Alignment

14. This item is relevant to the Council's approved Strategic Community Plan and Corporate Business Plan 2023 – 2033.

Economy	<p><b>Enhance a robust, resilient and diversified economy that champions innovation</b></p> <p>4.1 Increase opportunities for smart and sustainable business ideas</p> <p>4.2 Establish Exmouth as a vibrant, welcoming and environmentally aware destination</p>
Governance & Leadership	<p><b>Foster open, transparent &amp; accountable leadership, working collaboratively and in partnership with our community and stakeholders</b></p> <p>5.2 Continued focus on transparent, accountable leadership and community stakeholder engagement</p>

## Voting Requirements

15. Simple Majority

Officers Recommendation	Item 12.1.2
That Council:	
<ol style="list-style-type: none"> <li>Approve to transfer the current lease from Lakewood Trust to Ningaloo High Pty Ltd for Lease Area Lot 1, at Exmouth Aerodrome via a Deed of Assignment (CONFIDENTIAL – Attachment 1).</li> <li>Authorise the Chief Executive Officer to apply the Shire of Exmouth Common Seal to the Deed of Assignment.</li> </ol>	

**COUNCIL RESOLUTION**

**ITEM 12.1.2**

**Res No: 04-0224**

**MOVED: Cr Allston**

**SECONDED: Cr Gillespie**

**That Council:**

- 1. Approve to transfer the current lease from Lakewood Trust to Ningaloo High Pty Ltd for Lease Area Lot 1, at Exmouth Aerodrome via a Deed of Assignment (CONFIDENTIAL – Attachment 1).**
- 2. Authorise the Chief Executive Officer to apply the Shire of Exmouth Common Seal to the Deed of Assignment.**

**CARRIED by SIMPLE MAJORITY 5/0**

For: SP Niikkula, Cr Allston, Cr Bennett, Cr, Gillespie, Cr Devereux

### 12.3.5 LEASE CONSERVATION, ANIMAL RESCUE, RESEARCH AND EDUCATION INC. (C.A.R.E)

File Reference	CP.LE.2 R37664
Reporting Officer	Manager Community Emergency Services
Responsible Officer	As above
Date of Report	22 February 2024
Applicant/Proponent	Conservation, Animal Rescue, Research and Education Incorporated (C.A.R.E)
Disclosure of Interest	Nil
Attachment(s)	Nil

#### Purpose

1. That Council consider entering into a new lease agreement the Conservation, Animal Rescue, Research and Education Incorporated (CARE Group) over Part Reserve 37664, Lot 118 Minilya-Exmouth Road, Exmouth.

#### Background

2. On 10 October 2021 the Shire of Exmouth was granted a Management Order over Reserve 37664, to be used for the designated purpose of "Animal Protection Facility and Youth Camp".
3. On 1 February 2014 the Shire of Exmouth entered into a lease agreement with the CARE Group over Part Reserve 37664, Lot 118 Minilya-Exmouth Road, Exmouth for a term of 5 years, with a further 5 year term, and was executed on 28 February 2019.
4. The Shire of Exmouth received correspondence on 31 May 2023 from the CARE Group requesting to renew the lease. The delay in the renewal of the lease was due to the reserve being located within an area that may be subject to future development.

#### Comment

5. Part Reserve 37664, Lot 118 Minilya-Exmouth Road, Exmouth forms part of the area that had competing interests and as such the Department of Planning Lands and Heritage (DPLH) have requested that the lease be granted for a term of 1 year.

#### Consultation

6. Shire staff have sought advice over the lease area and that it is noted that the DPLH has no concerns with the proposed grant of a new lease to the CARE Group, noting that any lease arrangement will be subject to formal consideration by DPLH when granting section 18 *Land Administration Act 1997* endorsement.
7. DPLH have requested that the lease be granted for a term of 1 year.
8. Shire staff have engaged with the Conservation, Animal Rescue, Research and Education Incorporated group and these terms are agreed.

#### Statutory Environment

9. *Land Administration Act 1997* S. 18
10. *Local Government Act 1995* S. 3.58

#### Policy Implications

11. Nil

## Financial Implications

12. Nil

## Risk Management

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational Community complaints if we do nothing to secure the group a lease	Likely	Moderate	High	Work with DPLH to secure the lease for the group on the current land parcel.

## Risk Matrix

Consequence Likelihood	Insignificant (1)	Minor (2)	Moderate (3)	Major (4)	Catastrophic (5)
Almost Certain (5)	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely (4)	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible (3)	Low (3)	Moderate (5)	Moderate (9)	High (12)	High (15)
Unlikely (2)	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare (1)	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

## Alternate Options

13. Council could decide not to enter into the lease agreement

## Strategic Alignment

14. This item is relevant to the Council's approved Strategic Community Plan and Corporate Business Plan 2023 – 2033.

Social	<p><b>Nurture a friendly, safe and inclusive community spirit</b></p> <p>1.2 Ensure a full suite of services to meet the needs of families and individuals at all ages and stages of life</p> <p>1.3 Building Community cohesion and connectedness</p>
Natural Environment	<p><b>Embrace natural sensitivities and promote positive change</b></p> <p>2.3 Increase awareness of sustainability and environmental issues</p>
Economy	<p><b>Enhance a robust, resilient and diversified economy that champions innovation</b></p> <p>4.2 Establish Exmouth as a vibrant, welcoming and environmentally aware destination</p>
Governance & Leadership	<p><b>Foster open, transparent &amp; accountable leadership, working collaboratively and in partnership with our community and stakeholders</b></p> <p>5.1 Forward-thinking leadership for efficient and sustainable operations</p> <p>5.2 Continued focus on transparent, accountable leadership and community stakeholder engagement</p>

## Voting Requirements

15. Simple Majority

Officers Recommendation	Item 12.3.5
That Council:	
1. Enter into a lease with the Conservation, Animal Rescue, Research and Education Incorporated over Part Reserve 37664, Lot 118 Minilya-Exmouth Road, Exmouth for 1 year + a further 5 x 12 month option terms; and	

2. Authorise the Chief Executive Officer to apply the common seal of the Shire of Exmouth to the lease agreement; and
3. Authorise the Chief Executive Officer to enter into future option terms.

**COUNCIL RESOLUTION**

**ITEM 12.3.5**

**Res No: 05-0224**

**MOVED: Cr Bennett**

**SECONDED: Cr Allston**

**That Council:**

1. **Enter into a lease with the Conservation, Animal Rescue, Research and Education Incorporated over Part Reserve 37664, Lot 118 Minilya-Exmouth Road, Exmouth for 1 year + a further 5 x 12 month option terms; and**
2. **Authorise the Chief Executive Officer to apply the common seal of the Shire of Exmouth to the lease agreement; and**
3. **Authorise the Chief Executive Officer to enter into future option terms.**

**CARRIED by SIMPLE MAJORITY 5/0**

For: SP Niikkula, Cr Allston, Cr Bennett Cr, Gillespie, Cr Devereux



Cr Bennett declared a financial interest in the following report and left the meeting room at 4.20 pm.

### **12.3.6 AWARD RESTRICTED TENDER – RFT 12/2023 – LEASE OF 24 MAIDSTONE CRESCENT – CHILDCARE FACILITY**

File Reference	CM.TE.12.2023
Reporting Officer	Manager Community Emergency Services
Responsible Officer	As above
Date of Report	22 February 2024
Applicant/Proponent	Nil
Disclosure of Interest	Nil
Attachment(s)	1. CONFIDENTIAL Recommendation Report

#### **Purpose**

1. That Council consider tender RFT12/2023 for the Lease of 24 Maidstone Crescent as per the recommendation in Confidential Attachment 1.

#### **Background**

2. The Expression of Interest, EOI 01/2023 for the Lease of 24 Maidstone Crescent was advertised from 15 July 2023 to 11 August 2023. Two submissions were received, both with interest to use the facility as a childcare facility.
3. The Request for Tender RFT12/2023 - Lease of 24 Maidstone Crescent – Childcare Facility was advertised as a restricted tender from 15 December 2023 to 25 January 2024. One submission was received.

#### **Comment**

4. The successful tenderer has advised the Shire of their intention, once the facility is open, to increase the available childcare spaces after refurbishment, by 35, pending licence approval.
5. The Confidential Recommendation Report in Attachment 1 outlines the scope of the lease arrangement.
6. Following the assessment of tender, the submission by the successful tenderer was assessed as beneficial for the Shire and the Exmouth community.
7. It is recommended that, in line with the tender documents that a lease be entered into with the successful tenderer for RFT 12/2023 Lease of 24 Maidstone Crescent – Childcare Facility.

#### **Consultation**

8. Nil

#### **Statutory Environment**

9. *Local Government Act 1995*  
3.57. Tenders for providing goods or services  
1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.  
2) Regulations may make provision about tenders  
3.58. Disposing of property

1) In this section — dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not; property includes the whole or any part of the interest of a local government in property, but does not include money.

2) (2) Except as stated in this section, a local government can only dispose of property to — (a) the highest bidder at public auction; or (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

10. *Local Government (Functions and General) Regulations 1996 (Regulations)  
Division 2 — Tenders for providing goods or services (s. 3.57)*

**Policy Implications**

11. CS001 Procurement

**Financial Implications**

12. Reduce Shire of Exmouth outgoings on 24 Maidstone Crescent.

13. Proponent to take property on an 'as is' basis and be responsible for fit out including all relevant approvals.

**Risk Management**

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance No increase to child care spaces reduces the community's ability to grow.	Possible	Major	High	Award tender and lease facility to proponent to allow for current and future growth
Financial The Shire of Exmouth currently covers all outgoings associated with the building	Likely	Moderate	High	Enter into a lease with proponent on commercial terms.
Reputational Community complaints if the Shire of Exmouth does not to address the lack of available child care	Likely	Moderate	High	Support new provider to increase child care spaces and opening times.

**Risk Matrix**

Consequence \ Likelihood	Insignificant (1)	Minor (2)	Moderate (3)	Major (4)	Catastrophic (5)
Almost Certain (5)	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely (4)	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible (3)	Low (3)	Moderate (5)	Moderate (9)	High (12)	High (15)
Unlikely (2)	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare (1)	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

**Alternate Options**

14. Council could choose not to award the tender.

**Strategic Alignment**

15. This item is relevant to the Council's approved Strategic Community Plan and Corporate Business Plan 2023 – 2033.

Social	<b>Nurture a friendly, safe and inclusive community spirit</b>
	1.1 Improve local community and visitor experiences.
	1.2 Ensure a full suite of services to meet the needs of families and individuals at all ages and stages of life
	1.3 Building Community cohesion and connectedness

Built Environment	<p><b>Enable sustainable development and infrastructure that meets the needs of the community, visitors and industry</b></p> <p>3.1 Infrastructure and assets are well-managed and maintained</p> <p>3.2 Plan and cater for increased population growth</p>
Economy	<p><b>Enhance a robust, resilient and diversified economy that champions innovation</b></p> <p>4.1 Increase opportunities for smart and sustainable business ideas</p> <p>4.2 Establish Exmouth as a vibrant, welcoming and environmentally aware destination</p> <p>4.3 Promote Exmouth as a thriving economy based on its regional strength as a global environmental hotspot</p>
Governance & Leadership	<p><b>Foster open, transparent &amp; accountable leadership, working collaboratively and in partnership with our community and stakeholders</b></p> <p>5.1 Forward-thinking leadership for efficient and sustainable operations</p> <p>5.2 Continued focus on transparent, accountable leadership and community stakeholder engagement</p> <p>5.3 Council and administration plan and lead with good governance</p>

**Voting Requirements**

16. Absolute Majority

<b>Officers Recommendation</b>	<b>Item 12.3.6</b>
That Council:	
<ol style="list-style-type: none"> <li>Award the lease for RFT 12/2023 – Lease of 24 Maidstone Crescent – Childcare Facility, to GD &amp; KJ Enterprises PTY LTD; and</li> <li>Approve the Chief Executive Officer to apply the common seal of the Shire of Exmouth to the lease between the Shire of Exmouth and GD &amp; KJ Enterprises PTY LTD.</li> </ol>	

<b>COUNCIL RESOLUTION</b>	<b>ITEM 12.3.6</b>
<b>Res No:</b>	<b>06-0224</b>
<b>MOVED:</b>	<b>Cr Gillespie</b>
<b>SECONDED:</b>	<b>Cr Allston</b>
<b>That Council:</b>	
<ol style="list-style-type: none"> <li><b>Award the lease for RFT 12/2023 – Lease of 24 Maidstone Crescent – Childcare Facility, to GD &amp; KJ Enterprises PTY LTD; and</b></li> <li><b>Approve the Chief Executive Officer to apply the common seal of the Shire of Exmouth to the lease between the Shire of Exmouth and GD &amp; KJ Enterprises PTY LTD.</b></li> </ol>	
<b>CARRIED by ABSOLUTE MAJORITY 4/0</b>	
For: SP Niikkula, Cr Allston, Cr, Gillespie, Cr Devereux	

*Cr Bennett returned to the meeting room at 4.23 pm.*

**13. Elected Members Motions of which Previous Notice has Been Given**

Nil

**14. New Business of an Urgent nature introduced by Decision of Meeting**

Nil

**15. Matters to be considered Behind Closed Doors**

Nil

**16. Closure of Meeting**

The Shire President thanked everyone for their attendance and declared the meeting closed at 4.24 pm.