

Shire of Exmouth

ORDINARY COUNCIL MEETING MINUTES



22 April 2021

CONFIRMATION OF MINUTES

I hereby certify that the Minutes and Attachments of the Ordinary Council Meeting held on the 22 April 2021 are a true and accurate record of the proceedings contained therein.

.....
Matthew Niikkula

Matthew Niikkula
Shire President

.....
27/5/2021
Dated

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MINUTES

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

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

Our Strategic Objectives

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

1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 4.02pm.

The Shire President acknowledged the aboriginal people both past and present, as the traditional custodians of the land on which we meet.

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

He advised the gallery the meeting will be recorded by the Executive Secretary for the purpose of compiling an accurate record of the minutes only; and the recording will be erased once they are confirmed.

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

Councillor M (Matthew) Niikkula	Shire President
Councillor B (Ben) Dixon	Deputy Shire President
Councillor G (Gary) Mounsey	
Councillor H (Heather) Lake	
Councillor M (Mark) Lucas	
Councillor A (Anne) McCarrol	
Mr M Bird	Acting Chief Executive Officer
Mr M Richardson	Executive Manager Development Services
Mr R McGrath	Acting Executive Manager Commercial and Community
Mr G Coetzee	Executive Manager Corporate Services

Ms Head Minute Clerk

GALLERY 17

APOLOGIES 0

LEAVE OF ABSENCE 0

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTIONS TIME

The following questions were received via the Shire website from Ty Matek:

Could I please be given an update on the progress with the asbestos contaminated site between Town Beach and Golf Club? This area has been closed for years now with little apparent progress, when can this area be considered clear and re-opened to the public?

Shire response:

Department of Planning Lands and Heritage (DPLH) have been working with the Shire to confirm the final location of the trail running through unallocated crown land. Once the final location has been agreed upon DPLH have advised they will send consultants before the end of the financial year to pick up the exposed asbestos in key areas close to the trail.

With the substantial excavations done in and behind the sand dunes north of the "Old Nor-Cape Site", can the community be assured by the Exmouth Shire that the walk/cycle path and beach access points be reinstated or even improved?

Shire response:

Reinstatement of the trail in the area effected by the excavations is a condition of approval for undertaking the works. The proponent's contractor will reinstate the trail when their works are completed very soon.

Can the walk/cycle access path alongside the road cutting to Town Beach be repaired? Also, can the dune cutting for the path be stabilised better to reduce the re-encroachment of sand?

Shire response:

The path will be cleaned up and inspected to determine what can be to help stabilise the sand spillage from the adjacent dune.

Is the Exmouth Shire and Councillors aware of how popular the Town Beach and the Yacht Club areas are to locals and tourists alike? If so, then why can we not get a safe and proper cycleway/footpath connecting our Town to its Beach?

Shire response:

The Shire is aware of a number of gaps in its pathway network and is hoping to develop a pathway masterplan to prioritise the construction of new infrastructure for budget and construction.

Please can the Exmouth Shire genuinely look into providing pedestrians and cyclists a dual use concrete path along the Warne Street section?

Shire response:

Warne St is noted as a missing link in the pathway network.

Has the Shire of Exmouth looked into my previous suggestion for Government assistance with bike path grants? If so, was there any success in securing funding for our town's pathways?

Shire response:

The Shire has successfully received funding on two occasions in the past 10 years but has been unsuccessful of recent times as it is extremely competitive. External funding will continue to be sought.

Is the Shire of Exmouth still intending to further use any of the 2012 Town Centre and Foreshore Revitalisation Plan recommendations and implement them?

Shire response:

The Town Centre and Foreshore Revitalisation Plan remains a guiding document but permanent future development of coastal foreshore areas must comply with specific planning legislation which requires a Coastal Hazard Risk Management and Adaption Plan (CHRMAP) before DPLH will consider it favourably.

Agreeably, the Town Centre has been subject to substantial improvements, including the Ningaloo Discovery Centre, yet unfortunately Town Beach has been totally forgotten. What and when will the Exmouth Shire start to do something about our underwhelming asset?

Shire response:

The Shire has recently attracted some funding to revitalise the area is working on some concept designs to undertake some work in the near future.

Can the Shire do something about the noxious prickles in the grass at the park on the corner of Lockwood and Krait Street?

Shire response:

Shire staff have inspected the park and will treat and remove the weed.

The following questions were received via the Shire website from John Taylor:

The proposed Gascoyne Gateway is a major industrial development for Exmouth Cape. Some would view this as the thin end of the wedge for future industrialisation of the Cape with major environmental impacts.

Has the Exmouth Shire produced a policy /motherhood statement for approval by Ratepayers and the wider public which would endorse industrialisation of the Cape?

Shire response:

Council does not adopt motherhood statements but is committed to The Integrated Planning Framework which requires all local governments to consult with its community and produce a Strategic Community Plan to guide Council's strategic direction. This is reviewed each 2 years to ensure this remains aligned with the community's long term vision, values, aspirations and priorities. The Strategic Community Plan Exmouth 2030 achieved almost 20% local community participation which is well above the target 10% standard required by the Department of Local Government Sport and Cultural Industries.

A copy of the Strategic Community Plan is a detailed document and available from the Shire of Exmouth website. It includes 4 key focus areas and objectives, 12 required outcomes, and 32 community priorities.

The adopted Objectives are;

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

Why, when there is so much industrialisation along the coast to our North- East should we need to industrialise this region adjacent to our World Heritage listed marine park?

Shire response:

The community vision stated in the Strategic Community Plan is "to be a prosperous and sustainable community living in harmony with our natural environment". To date, Council has not received any formal applications from GGL to consider and therefore does not have a position on the project.

At the September 2020 Ordinary Council Meeting, Council approved undertaking its own consultation to gauge the community's views on the construction of a multi-use deep water port, to immediately follow the GGL's engagement program.

Any industrial development proposal would be considered by Exmouth Council on its own merits and using the Strategic Community Plan as the guiding document.

Shire President response:

In relation to the above questions relating to the Gascoyne Gateway Limited proposal the Shire President reiterated that Council do not have a position on the proposal as there has been no application received from Gascoyne Gateway Limited.

It is noted at the Ordinary Council meeting in September 2020 the Shire undertook to survey the community to ascertain what community aspirations were; these results will be used as a guiding document for the Shire.

The presentation today is to provide Council and the community with an update on the project to date.

The following question was received via the Shire website from Robert Chapman:

There is overwhelming scientific evidence that the Exmouth Gulf and its surrounds both marine and terrestrial are pivotal in the sustainability of the Ningaloo reef. What scientific studies with regards to the environmental and social impact of the project has the proponent undertaken prior to deciding to go ahead with this proposal at this location?

Shire response:

The above is a question for Gascoyne Gateway Limited and will be forwarded to them on behalf of Robert Chapman

The following question was received via the Shire website from Martin Gregory:

I've asked this question before but the question was answered like a politician with no real answer but spun into another conversation????so please answer and it's not of 8 cruise ships a year.

HOW ARE YOU GOING TO MAKE A RETURN ON YOUR MONEY?

Now the Carnarvon jetty is gone couldn't you start from scratch there?

Do you realise that although the jetty is 10-15km from the Ningaloo reef that the reason the reef is so healthy is because of the gulf, do you really want to risk the reef on this non-profit making project?

Shire response:

The above is a question for Gascoyne Gateway Limited and will be forwarded to them on behalf of Martin Gregory.

The following questions were received via the Shire website from Sam Tutanota:

Deputation from Gascoyne Gateway Limited (GGL)

Is GGL already in contact with Shire departments to discuss their proposal?

If so, what sort of information have they provided – any details regarding their proposed land acquisition?

Would this require an amendment of the current Local Planning Scheme No. 4?

If so, such a scheme amendment would need to be initiated by the Shire! Would the Shire support such request regardless whether it reflects the Shire's strategic planning direction?

The endorsed Shire of Exmouth Local Planning Strategy provides a strategic planning direction over a 10-year period for the Shire of Exmouth. Additionally, there is the Exmouth South Structure Plan, providing a framework for the coordinated provision and arrangements of future land use for the Exmouth South Area. Both documents set aside land parcels for various reasons, e.g. conservation

but also for industrial development. GGLs proposal clearly does not fit into the strategic planning direction.

Why does the Shire facilitate every large development proposal, instead of following their endorsed strategic directions?

Would they do the same for an ordinary ratepayer, who is strictly bound by e.g. the Local Planning Scheme No.4?

Shire response:

As mentioned in response to previous public questions, the Shire has not received a proposal from Gascoyne Gateway Limited to date.

How much money did the Shire spend for the development of Shire of Exmouth Local Planning Strategy, Exmouth South Structure Plan and Local Planning Scheme No.4 spend?

This would show the community how much money was spent unnecessarily if the Shire does not follow them anyways / if they can be amended at any time.

Shire response:

The above question will be taken on notice.

General

Why has the Shire advertised so many positions over the last 2 years?

Shire response:

The current head count for the Shire of Exmouth is 85 staff members. The Shire has adopted a number of business units over the last 2 years including the Visitors Centre. Business units such as the airport also require significant staffing.

Exmouth is a transient community; turnover rate is not anything out of the ordinary when bench marked against other local government authorities.

How many new positions have been created over the last 2 years?

Shire response:

The above question will be taken on notice.

The employee costs have increased since 2019 by nearly the same amount the proposed rates increase would achieve. Is the purpose of the rates increase (12.4.4) to offset the increase of employee costs?

Shire response:

The above question will be taken on notice.

5. DECLARATIONS OF INTEREST

Name	Report	Extent of Interest	Type of Interest
Cr Mark Lucas	12.4.3 Sale of Lot 72 Marlin Terrace, Lot 38 Bennett Street and Lot 1416 Learmonth Street	Appointed to sell Lot 72 Marlin Terrace as agent for the Shire. To receive Commission on sale price.	Financial

6. APPLICATIONS FOR LEAVE OF ABSENCE

Councillor Lucas requested leave for the May Agenda Briefing on the 25th May 2021 and the May Ordinary Council meeting on the 27th May 2021.

COUNCIL RESOLUTION

ITEM 6

Res No: 01-0421

MOVED: Cr Niikkula

SECONDED: Cr Lake

Councillor Lucas requested leave for the May Agenda Briefing on the 25th May 2021 and the May Ordinary Council meeting on the 27th May 2021.

CARRIED 5/0

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 25 March 2021 be confirmed as a true and correct record of proceedings.

COUNCIL RESOLUTION

ITEM 7

Res No: 02-0421

MOVED: Cr Mounsey

SECONDED: Cr Lucas

That the Minutes and associated attachments of the Ordinary Meeting of the Shire of Exmouth held on the 25 March 2021 be confirmed as a true and correct record of proceedings.

CARRIED 6/0

8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS

Councillor Lake	30th March 2021 <i>A Part of Exmouth's Maritime History</i> On the 08/10/1875 the 115 ton wooden Fairy Queen, destined for the North-West pearl fishery, sort shelter from rough weather in the Exmouth Gulf. Foul weather and a damaged rudder, abruptly curtailed the journey of the 38 crew. The Fairy Queen hit bottom, and the hull
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	<p>planks split open. The crew survived and continued their journey in smaller tenders. A whole generation later, members of a dive club headed by Henning Neilson and a spear fisherman, stumbled upon the 100 year underwater mystery of two canons and an anchor from the Fairy Queen. Workers including local Brian Deering at the technical services unit at H E Holt painstakingly constructed a carriage for one of the canons.</p> <p>Hearing of the find, WA Maritime Museum staked their claim to the relics and whisked them off to Fremantle, where they were dutifully stored and re-stored for several decades, until now.</p> <p>Through Brian’s interest, the help of Bradley Dohnt (NDC Curator) and Matt Bird (A/CEO), a request was made to the Museum for the return of the relics to the NDC and NW Cape. In the months to come these pieces will be proudly displayed with their story at the Ningaloo Discovery Centre for others to appreciate too. Great work Matt and Brad.</p> <p>1st ACF (Aged Care Facility) Meeting Met with A/CEO Matt Bird and the A/Executive Manager of Commercial and Community, Rod McGrath to consider the terms of a brief that will be presented to an appointed Aged Care Facility consultancy to investigate. The brief will provide the scope of information that Council needs to establish factors like; demand, facility size, level of care, operating models, potential integration with local health care providers, Federal Government involvement etc. A budgeted item for the consultancy is included in the 2021/2022 financial year.</p>
Councillor Dixon	Jurabi Coastal Working Group meeting CEO Recruitment process
Councillor Lucas	CEO Recruitment process
Councillor McCarrol	CEO Recruitment process

9. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

The Shire President provided an update on recruitment of the recently advised Chief Executive Officer role.

He advised 42 applicants were received for the role which has been shortlisted for interviews.

The panel consists of Mills Recruiting Agency, Shire President, all Shire Councillors and independent, Mr John Cooper, Exmouth resident and former Shire President.

10. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

The following presented a deputation to Council:

- Gascoyne Gateway Limited, Mr Michael Edwards and Daniel Jackson
- Minderoo Foundation, Mr Tony Worby

The above deputation presentations are included for public reference at the end of these minutes.

11. MATTERS ARISING FROM COMMITTEES OF COUNCIL

Nil

12. REPORTS OF OFFICERS

The following reports were recommended enbloc 12.1.1, 12.1.2, 12.2.1, 12.4.1, 12.4.2, 12.5.1.

EXECUTIVE SERVICES

12.1.1 NEW COUNCIL POLICY - SHIRE OF EXMOUTH STANDARDS FOR CEO - RECRUITMENT, PERFORMANCE AND TERMINATION

File Reference:	CM.PO.11
Reporting Officer:	Manager Human Resources and Governance
Responsible Officer:	Acting Chief Executive Officer
Date of Report:	12 April 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none">1. New Council Policy 1.25 - Shire of Exmouth Standards for CEO Recruitment, Performance and Termination2. Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination

PURPOSE

1. That Council adopt new Council Policy 1.25 Shire of Exmouth Standards for Chief Executive Officer (CEO) Recruitment, Performance and Termination in accordance with Section 5.39B of the *Local Government Act 1995* and outlined in the *Local Government (Administration) Amendment Regulations 2021 (Schedule 2)*.

BACKGROUND

2. Key reforms under the *Local Government (Administration) Amendment Regulations 2021 (Amendment Act)* included the introduction of model standards for the recruitment and selection, performance review and termination of Local Government CEOs (Model Standards).
3. In accordance with Section 5.39B of the *Local Government Act 1995*, within 3 months after the day (by 3 May 2021) the Model Standards come into operation local governments must prepare and adopt the model standards to be observed by the local government.

COMMENT

4. The *Local Government (Administration) Amendment Regulations 2021* are intended to ensure best practice and greater consistency in the recruitment and selection, performance review and termination of Local Government CEO's between local governments.
5. The Department of Local Government, Sport and Cultural Industries (DLGSC) has published a document titled "Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination" (February 2021).

CONSULTATION

6. Western Australia Local Government Association (WALGA)

STATUTORY ENVIRONMENT

7. *Local Government Act 1995*
 8. *Local Government (Administration) Amendment Regulations 2021*

POLICY IMPLICATIONS

9. New Council Policy

FINANCIAL IMPLICATIONS

10. Nil

RISK MANAGEMENT

11. Identified risk:

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance (operational)/Reputational Council does not adopt the new model standards	Unlikely	Moderate	Medium	Adopt and publish the Model Standards

ALTERNATE OPTIONS

12. Vary the proposed Shire of Exmouth Standards for CEO Recruitment, Performance and Termination as outlined in the *Local Government (Administration) Amendment Regulations 2021 (Schedule 2)* by adding additional requirements.

STRATEGIC ALIGNMENT

13. 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

14. Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.1.1

That Council:

1. ADOPT new Council Policy 1.25 - Shire of Exmouth Standards for CEO Recruitment, Performance and Termination as provided at Attachment 1; and
2. PUBLISH new Council Policy 1.25 - Shire of Exmouth Standards for CEO Recruitment, Performance and Termination on the Shire of Exmouth website.

COUNCIL RESOLUTION

ITEM 12.1.1

Res No: 03-0421

MOVED: Cr Niikkula

SECONDED: Cr Dixon

That Council:

- 1. ADOPT new Council Policy 1.25 - Shire of Exmouth Standards for CEO Recruitment, Performance and Termination as provided at Attachment 1; and**
- 2. PUBLISH new Council Policy 1.25 - Shire of Exmouth Standards for CEO Recruitment, Performance and Termination on the Shire of Exmouth website.**

CARRIED by ABSOLUTE MAJORITY 6/0

The following reports were recommended enbloc 12.1.1, 12.1.2, 12.2.1, 12.4.1, 12.4.2, 12.5.1.

12.1.2 NEW COUNCIL POLICY - SHIRE OF EXMOUTH CODE OF CONDUCT FOR COUNCIL MEMBERS, COMMITTEE MEMBERS AND CANDIDATES

File Reference:	CM.PO.11
Reporting Officer:	Manager Human Resources and Governance
Responsible Officer:	Acting Chief Executive Officer
Date of Report:	12 April 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none">1. New Council Policy 1.26 - Shire of Exmouth Code of Conduct for Council Members, Committee Members and Candidates.2. Guidelines on the Model Code of Conduct for Council Members, Committee Members and Candidates (DLGSC) March 2021

PURPOSE

1. That Council adopt new Council Policy 1.26 - Shire of Exmouth Code of Conduct for Council Members, Committee Members and Candidates in accordance with Section 5.104 of the *Local Government Act 1995* and outlined in the *Local Government (Model Code of Conduct) Regulations 2021 (Schedule 1)*.

BACKGROUND

2. Key reforms under the *Local Government (Administration) Amendment Regulations 2021 (Amendment Act)* include the introduction of a Model Code of Conduct that must be adopted by local governments and applied to council members, committee members and candidates.
3. On 3 February 2021 the *Local Government (Model Code of Conduct) Regulations 2021 (Model Code of Conduct Regulations)* came into effect which makes provisions for council members, committee members and candidates.
4. In accordance with Section 5.104 of the *Local Government Act 1995*, within 3 months after the day (by 3 May 2021) on which the Model Code of Conduct Regulations prescribing the model code, local governments must prepare and adopt a code of conduct to be observed by council members, committee members and candidates.
5. Other key reforms under the Amendment Act include the requirement to have a separate Code of Conduct for employees, however this does not require Council endorsement.
6. The previous Shire of Exmouth Code of Conduct (Council Policy 1.18) was rescinded on 25 February 2021 by **Res No 22-0221** covered Employees, Elected Members and Committee Members.

COMMENT

7. The *Local Government (Model Code of Conduct) Regulations 2021* have been developed to give effect to the Amendment Act, and provide for:
- overarching principles to guide behaviour;
 - behaviours which are managed by local governments; and
 - rules of conduct, contraventions of which are considered by the independent Local Government Standards Panel where appropriate.
8. The Department of Local Government, Sport and Cultural Industries (DLGSC) has published a document called “Guidelines on the Model Code of Conduct for Council Members, Committee Members and Candidates” (March 2021) which provides further information and is attached for Councillor information.

CONSULTATION

9. Western Australia Local Government Association (WALGA)

STATUTORY ENVIRONMENT

10. *Local Government Act 1995*
 11. *Local Government (Administration) Amendment Regulations 2021*
 12. *Local Government (Model Code of Conduct) Regulations 2021*
 13. *Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021*.

POLICY IMPLICATIONS

14. New Council Policy

FINANCIAL IMPLICATIONS

15. Nil

RISK MANAGEMENT

16. Identified risk:

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance (operational)/Reputational Council does not adopt the new model code of conduct	Unlikely	Moderate	Medium	Adopt and publish the Model Code

ALTERNATE OPTIONS

17. Vary the proposed Shire of Exmouth Code of Conduct for Council Members, Committee Members and Candidates as outlined in the *Local Government (Model Code of Conduct) Regulations 2021 (Schedule 1)* by adding additional behavioural requirements.

STRATEGIC ALIGNMENT

18. 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

19. Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.1.2

That Council:

1. **ADOPT** new Council Policy 1.26 - Shire of Exmouth Code of Conduct for Councillors, Committee Members and Candidates as provided at Attachment 1; and
2. **PUBLISH** new Council Policy 1.26 Shire of Exmouth Code of Conduct adopted on the Shire of Exmouth website in accordance with section 5.104(7) of the *Local Government Act 1995*.

COUNCIL RESOLUTION

ITEM 12.1.2

Res No: 04-0421

MOVED: Cr Niikkula

SECONDED: Cr Dixon

That Council:

1. **ADOPT** new Council Policy 1.26 - Shire of Exmouth Code of Conduct for Councillors, Committee Members and Candidates as provided at Attachment 1; and
2. **PUBLISH** new Council Policy 1.26 Shire of Exmouth Code of Conduct adopted on the Shire of Exmouth website in accordance with section 5.104(7) of the *Local Government Act 1995*.

CARRIED by ABSOLUTE MAJORITY 6/0

DEVELOPMENT SERVICES

The following reports were recommended enbloc 12.1.1, 12.1.2, 12.2.1, 12.4.1, 12.4.2, 12.5.1.

12.2.1 ULTIMATE WATER SPORTS – REQUEST FOR ITINERANT TRADING LICENCE

File Reference:	LP.PE.0.2021
Reporting Officer:	Acting Chief Executive Officer
Responsible Officer:	As above
Date of Report:	13 April 2021
Applicant/Proponent:	Ultimate Water Sports
Disclosure of Interest:	Nil
Attachment(s):	Nil

PURPOSE

1. That Council APPROVE;
 - a) A new licence agreement with Ultimate Water Sports for use of designated space at the Town Beach precinct for the purpose of water sport equipment hire, and
 - b) The addition of the approved designated area at Town Beach for the above use.
- And;
2. AMEND
Local Planning Policy 6.9 – Itinerant Trading by adding location Town Beach Area 2 as shown in figure 1 in the Approved Locations.

BACKGROUND

3. Ultimate Water Sports is a water sport equipment hire business that has been operating at Exmouth Town Beach on a seasonal basis since the start of the 2018 visitor season.
4. Their range of hire equipment includes; jet skis, wakeboarding, stand up paddleboards (SUPs), kayaks, and electric surfboards.
5. Ultimate Water Sports are a well established business operating in South Perth, Geraldton, and Broome. They operate in Exmouth between May and October each year.
6. Ultimate Water Sports have been operating under a Trading in Public Places permit, and are now seeking approval for a licence approach to operate their equipment hire business at a location on Town Beach which is currently not approved under the Itinerant Trading Policy.
7. This report also seeks Council approval for adding the requested location (figure 1) to the Local Planning Policy - 6.9 *Itinerant Trading* y (the Policy). The Approved locations are described within the Policy and potential traders are to consider these locations in the first instance. Under this Policy additional locations can be approved by a decision of Council.



Figure 1 Town Beach Area 2

COMMENT

8. At the 22 November 2020 Ordinary Council Meeting, Council approved the revisions to the Itinerant Trading policy as per resolution 07-1120:

Res No: 07-1120

That Council APPROVE:

- 1. Proposed amendments to 6.9 Itinerant Trading Policy as detailed in Attachment 1 to this report, and**
- 2. Proposed new fees and charges relating to Itinerant Trading within the Shire of Exmouth as per Table1 below;**

Table 1 - Itinerant Traders Fees and Charges		
Permit Fee (standard hire space size = 10sqm)	Basis	\$
Town Centre (including Federation Park) incl power, water, bin usage where applicable	per hour per standard hire space	6.25
Town Beach incl power, water, bin usage where applicable	per hour per standard hire space	3.20
Payne Street incl power, water, bin usage where applicable	per hour per standard hire space	3.20
Murat and Yardie Creek Rds turnoff	per hour per standard hire space	1.50
Tantabiddi Boat Ramp precinct	per hour per standard hire space	1.50
Lighthouse precinct	per hour per standard hire space	1.50
Dunes carpark	per hour per standard hire space	1.50
Hunters carpark	per hour per standard hire space	1.50
Licence Fee (applied at 50% discount to above permit fee rates)	per hour per standard hire space	

CARRIED by ABSOLUTE MAJORITY 6/0

9. A key component of the Policy is the ability of Council to approve a licensing arrangement option for those traders seeking terms greater than 12 months. As stated in the Policy adopted in May 2020;
10. "Approval to trade can be granted for periods ranging from 1 day to 12 months with terms greater than 12 months to be considered via a licensing arrangement and requiring Council approval on a case by case basis." (source General Provisions point 2 – 6.9 Itinerant Trading policy)
11. Also stated in the May 2020 version of the Policy is;
"A licence approach is to provide greater tenure with terms and conditions negotiated on a case by case basis. A licence approach will be subject to Policy 2.4 Leases and Licences however any itinerant trader licence will require and be subject to Council review and approval. Traders will still be required to secure all required trading permits." (source General Provisions point 7 – 6.9 Itinerant Trading policy)
12. An additional clause to the Policy was recently adopted by Council in November that included a requirement for traders to demonstrate a proven trading history of at least 12 months (or one full tourism season i.e. April to September) within the Shire of Exmouth area prior to qualifying for consideration under a licence agreement.
13. Ultimate Water Sports has been operating within Exmouth on a seasonal basis since 2018. As this request meets the requirements for a licence arrangement approach, the officer recommendation is to seek Council approval to enter into a licence agreement with Ultimate Water Sports.
14. Under the Policy, the Approved location for Town Beach is located between the two grassed park areas and largely designed to cater for food vendors. The officer recommendation is to add an additional location (figure 1) immediately to the south of the grassed areas to permit one or more hire equipment traders to operate with easier access to the beach and water.
15. Should Council support the officer recommendation and location, it is also recommended that the Policy be amended, and this be added as Town Beach Area 2 in the Approved Locations. As the area has been used for trading for a number of years by the proponent, this modification is considered a minor amendment to the Policy.

CONSULTATION

16. The Shire has consulted with Ultimate Water Sports owners in developing this request.
17. A licence arrangement does not require public advertising under the *Local Government Act 1995* section 3.58
18. This will involve a minor amendment to Local Planning Policy - 6.9 Itinerant Trading, accordingly no public consultation was undertaken or considered necessary.

STATUTORY ENVIRONMENT

19. Land Administration Act 1997
20. Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.
21. The leasing and licensing of Shire property is governed by the *Local Government Act 1995*, section 3.58.

22. Division 2 – Local planning policies of the *Planning and Development (Local Planning Scheme) Regulations 2015* set out the requirements for local planning policies (LPP), including procedures amending a LPP.

POLICY IMPLICATIONS

23. The granting of the proposed licence generally complies with Shire of Exmouth Policy Manual, Local Planning Policy - 6.9 Itinerant Trading and Policy 2.4 Leases and Licences. As per policy all new licences granted and any new locations approved under Itinerant Trading shall require approval of Council.

FINANCIAL IMPLICATIONS

24. The approved Itinerant Trading permit fees and charges apply. Licence fees are charged at a 50% discount to approved permit fee rates.

RISK MANAGEMENT

25. Identified risks

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance If approved, Ultimate Water Sports does not operate as per the licence agreement conditions	Possible	Minor	Moderate	Council may revoke licence due to non-performance to licence terms and conditions

ALTERNATE OPTIONS

Alternate options include but not limited to:

- 26. Council not support the granting of a licence agreement to Ultimate Water Sports, they would then need to continue to operate under the annual permit approach
- 27. Council to change the terms and conditions of the licence agreement including term and/or fees payable,
- 28. Council not approve the requested location and Ultimate Water Sports to operate in already approved areas and choose not to amend Local Planning Policy - 6.9 Itinerant Trading.

STRATEGIC ALIGNMENT

29. 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.

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.
 3.3 Champion self-supporting community clubs and associations.

VOTING REQUIREMENTS

30. Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.2.1

That Council:

1. APPROVE the area as identified in Figure 1 of this report and subsequently AMEND Local Planning Policy 6.9 – Itinerant Trading by adding the location in the Approved Locations;
2. APPROVE Ultimate Water Sports to operate at the Town Beach under an Itinerant Trading licence; and
3. AUTHORISE the Chief Executive Officer to execute a licence agreement for a term of 3 years and to apply appropriate fees and charges each year as adopted by Council in its annual review.

COUNCIL RESOLUTION

ITEM 12.2.1

Res No: 05-0421

MOVED: Cr Niikkula

SECONDED: Cr Dixon

That Council:

1. **APPROVE the area as identified in Figure 1 of this report and subsequently AMEND Local Planning Policy 6.9 – Itinerant Trading by adding the location in the Approved Locations;**
2. **APPROVE Ultimate Water Sports to operate at the Town Beach under an Itinerant Trading licence; and**
3. **AUTHORISE the Chief Executive Officer to execute a licence agreement for a term of 3 years and to apply appropriate fees and charges each year as adopted by Council in its annual review.**

CARRIED by ABSOLUTE MAJORITY 6/0

The following reports were recommended enbloc 12.1.1, 12.1.2, 12.2.1, 12.4.1, 12.4.2, 12.5.1.

12.4.1 FINANCIAL STATEMENTS FOR PERIODS ENDING 28 FEBRUARY 2021 AND 31 MARCH 2021

File Reference:	FM.FI.0
Reporting Officer:	Manager Finance
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	13 April 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Monthly Financial Report as at 28 February 2021 2. Monthly Financial Reports as at 31 March 2021

PURPOSE

1. That Council accepts the financial reports for the financial periods ending 28 February 2021 and 31 March 2021.

BACKGROUND

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

COMMENT

3. As at 31 March, operating revenue is above target by \$60,119 (0.57%) due to an increase of visitors to Exmouth. The Ningaloo Visitor Centre merchandise sales, exhibition admissions were above target and the waste site and overflow caravan park revenue increased. Received additional funding for the aquarium and transitional funds for Ningaloo Visitor Centre. Increased town planning and building applications. Decreased aviation revenue due to tourist season and is expected to increase over the next 3 months.
4. Operating expenditure is under budget by \$723,857 (6.09%) variances are mainly due to employee costs being under budget due to employee vacancies, timing of training and relocation costs. Materials and contracts and other expenditure are also under budget due to the timing of maintenance programmes and IT projects. 13 Applications for the building stimulus package have been received and are yet to be claimed.
5. Capital projects is over budget by \$23,451 with a total of \$2,695,436 spent to date.

6. Capital projects includes the installation of goal posts at Talanjee and Koobooroo ovals and the purchase of staff housing and Lot 1416 Learmonth Street. The Ningaloo Centre solar panels, Recreation Centre new change room, plant replacement programmes and Aquarium protein skimmers have commenced. Airport vending machines, Water dispensers have been installed and are operational. Roadworks programme has commenced and new footpaths on Murat Road and Payne Street have been completed.
7. Rate notices were issued on 30 July 2020. 200 properties remain on instalments, the next instalment is due 12 April 2021. Rates collected as at 31 March 2021 were 88% compared to 86% for the same period last year.
8. General Debtors is \$1,347,534 with \$888,264 being for airport operations.

CONSULTATION

9. Nil

STATUTORY ENVIRONMENT

10. Section 6.4 of the *Local Government Act 1995* provides for the preparation of financial reports.
11. 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 program level, variance commentary considers the most significant items that comprise the variance.

POLICY IMPLICATIONS

12. Nil

FINANCIAL IMPLICATIONS

13. Nil

RISK MANAGEMENT

14. Risks implications

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

ALTERNATE OPTIONS

15. Nil

STRATEGIC ALIGNMENT

16. 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

17. Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.4.1

That Council RECEIVES the Financial Reports for the financial periods ending 28 February 2021 and 31 March 2021.

COUNCIL RESOLUTION

ITEM 12.4.1

Res No: 06-0421

MOVED: Cr

SECONDED: Cr

That Council RECEIVES the Financial Reports for the financial periods ending 28 February 2021 and 31 March 2021.

CARRIED 6/0

The following reports were recommended enbloc 12.1.1, 12.1.2, 12.2.1, 12.4.1, 12.4.2, 12.5.1.

12.4.2 LIST OF ACCOUNTS FOR PERIOD ENDING 31 MARCH 2021

File Reference:	FM.FI.0
Reporting Officer:	Manager Finance
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	13 April 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. List of Accounts for period ending 31 March 2021

PURPOSE

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

BACKGROUND

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

COMMENT

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

Municipal Fund	totalling \$1,586,112.66
	Incorporating cheques, direct debits, electronic payments and credit cards.
Trust Fund	totalling \$11,088.96
	Incorporating electronic payments
Total Payments:	\$1,597,201.62

CONSULTATION

6. Nil

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

RISK MANAGEMENT

10. Risk implications

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

ALTERNATE OPTIONS

11. Nil

STRATEGIC ALIGNMENT

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

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

4.1 To provide proactive, collaborative and transparent leadership

4.2 A local government that is respected and accountable.

VOTING REQUIREMENTS

13. Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.4.2

That Council RECEIVES the report of payments made from the Municipal and Trust bank accounts during the month of March 2021 (*totalling \$1,586,112.66*).

COUNCIL RESOLUTION

ITEM 12.4.2

Res No: 07-0421

MOVED: Cr Niikkula

SECONDED: Cr Dixon

That Council RECEIVES the report of payments made from the Municipal and Trust bank accounts during the month of March 2021 (*totalling \$1,586,112.66*).

CARRIED 6/0

The following reports were recommended enbloc 12.1.1, 12.1.2, 12.2.1, 12.4.1, 12.4.2, 12.5.1.

ITEMS FOR INFORMATION ONLY

12.5.1 ITEMS FOR INFORMATION ONLY

PURPOSE

To advise Council of the information items listed below.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.5.1

That Council note the following information items:

Register of Documents Stamped with the Shire of Exmouth Common Seal

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

DATE	DOCUMENT
19/03/2021	Minor Works Contract – Shire of Exmouth and Walcon Marine (Council Decision 02-0321)
23/03/2021	Lease Portion of Lot 22 Maidstone Crescent to Exmouth Chamber of Commerce and Industry (Council Decision 09/1120)

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 March 2021.

App #	Date Received	Lot	Property Address	Description	Decision	Decision Date
21/30	25/02/21	431	82 Madaffari Drive	Single dwelling	Approved	20/03/21
21/31	02/03/21	307	22 Gnulli Court	Floating jetty, gangway & piles	Approved	06/03/21
21/33	02/03/21	500	1 Nimitz Street	Enclosed camp kitchen & patio BBQ area	Approved	08/03/21
21/34	09/03/21	394	11 Corella Court	Floating jetty & gangway	Approved	20/03/21
21/35	11/03/21	10	110 Madaffari Drive	Single house and swimming pool	Approved	16/03/21
21/36	17/03/21	963	27 Patterson Way	Ablution block	Approved	14/04/21
21/37	17/03/21	139	21 Tuckey Street	Commercial warehouse	Approved	20/03/21
21/38	17/03/21	27	52 Mortiss Street	Retaining wall & swimming pool	Approved	20/03/21
21/39	22/03/21	1	1 Truscott Crescent	Illuminated sign	Approved	30/03/21
21/40	25/03/21	234	28 Carpenter Street	Ancillary dwelling and garage	Processing	
21/41	26/03/21	97	21 Bluefin Cove	Single dwelling	Processing	
21/42	29/03/21		Overflow camp ground	2 x temporary ablution buildings & screening fencing	Approved	07/04/21
21/43	30/03/21	212	6 Dugong Close	Single dwelling	Processing	
21/44	30/03/21	102	3 Snapper Loop	Outbuilding	Processing	
21/45	31/03/21	649	22 Hall Street	Ancillary dwelling	Processing	

Planning Decisions Issued

Summary of the planning decisions issued under delegation or outstanding up to 31 March 2021.

App #	Date Received	Lot	Property Address	Description.	Decision	Decision Date
PA32/19	13/03/19			Scheme Amendment 1 to LPS4	Deferred	07/06/19
DA54/20	12/08/20			Scheme Amendment No.2 to LPS4 - re-zoning of part Crown Reserve R50806 into 13 Koolinda Way	Processing	21/12/20
DA89/20	23/10/20	198	Yardie Creek Road	16 new eco tent sites within existing Yardie caravan park	Withdrawn	23/03/21
DA101/20	17/11/20	1	Heron Way	Single, ancillary dwelling, outbuilding	Deferred	17/11/20
DA113/20	08/12/20	460	12 Osprey Way	Single dwelling, Ancillary Dwelling and Outbuilding	Deferred	06/01/21
DA122/20	24/12/20	417	54 Madaffari Drive	Floating jetty	Deferred	20/01/21
DA124/20	24/12/20	410	34 Madaffari Drive	Single House - Addition - Floating Jetty	Deferred	24/12/20
DA8/21	29/01/21	103	5 Snapper Loop	Carport	Approved	12/03/21
DA9/21	02/02/21	33	9 Learmonth Street	Patio extension and carport	Processing	
DA10/21	04/02/21	318	Minilya-Exmouth Road	Ancillary dwelling	Deferred	
DA11/21	05/02/21	1	1 Truscott Crescent	Signage on Murat Road	Approved	16/03/21
DA14/21	08/02/21	458	8 Osprey Way	Single dwelling	Approved	24/03/21
DA15/21	16/02/21	136	5 Redfin Court	Existing Use – B&B (1 room)	Approved	19/03/21
LP.PL.4.4	18/02/21			Service Commercial Zone Scheme Amendment No.4	Processing	
DA19/21	24/02/21	187	35 Cobia Close	Single dwelling	Deferred	
DA17/21	03/03/21	963	27 Patterson Way	Brewery additions and alterations	Approved	19/03/21
DA18/21	02/03/21	162	7 Maidstone Crescent	Playground Equipment	Approved	25/03/21
DA20/21	26/03/21	207	40 Cobia Close	WAPC Survey Strata Subdivision Application – 233-21	Approval Recommended	30/03/21
DA21/21	11/03/21	24	10 Learmonth Street	Carport Addition	Processing	
DA22/21	16/03/21	922	15 Ningaloo Street	Bed & Breakfast - 1 bedroom	Processing	
DA23/21	18/03/21	52	25 Lockwood Street	Existing Use – B&B (2 Bedrooms)	Processing	
DA24/21	18/03/21	319	19 Gnulli Court	Single dwelling and pool	Processing	
DA25/21	26/03/21	501	30 Ingleton Street	Single dwelling and ancillary dwelling	Processing	
DA26/21	31/03/21	151	27 Dugong Close	retaining & fencing	Deferred	

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

App #	Date Received	Description.	Decision	Permit issued
PE8/21	03/03/21	Exmouth Anglican Community Church - Easter dawn service at the Lighthouse - 04/04/2021	Issued	15/03/21
PE9/21	15/03/21	Exmouth Yacht Club - 23 March 2021 - Wake Service	Issued	15/03/21
PE10/21	15/03/21	Telstra Corporation -Telstra van - 20-24 April	Issued	29/03/21
PE11/21	24/03/21	Kool Budz Mobile Ice cream Van April 2-May 9, 2021	Issued	01/04/21

OFFICER'S RECOMMENDATION

ITEM 12.5.1

That Council note the following information items:

- Register of Documents Stamped with the Shire of Exmouth Common Seal;

- Building Decisions Issued up to 31 March 2021; and
- Planning Decisions Issued up to 31 March 2021.

COUNCIL RESOLUTION

ITEM 12.5.1

Res No: 08-0421

MOVED: Cr Niikkula

SECONDED: Cr Dixon

That Council note the following information items:

- **Register of Documents Stamped with the Shire of Exmouth Common Seal;**
- **Building Decisions Issued up to 31 March 2021; and**
- **Planning Decisions Issued up to 31 March 2021.**

CARRIED 6/0

12.2.2 AWARD OF TENDER - RFT 07/2021 NINGALOO ROAD MAINTENANCE AND REFORMATION

File Reference:	CM.TE.07.2021
Reporting Officer:	Executive Manager Development Services
Responsible Officer:	As Above
Date of Report:	9 April 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. CONFIDENTIAL Interagency Agreement 2. CONFIDENTIAL Tender Evaluation Report

PURPOSE

1. That Council award Tender RFT 07/2021 Ningaloo Road Maintenance and Reformation as per the recommendation of the confidential tender evaluation report.

BACKGROUND

2. At its meeting 18 November 2019 Council approved the following resolution:

Res No: 08-1119

That Council resolves to APPROVE the progression of the permanent closure of Ningaloo Road, Exmouth and for the purposes of preparing and delivering a request under section 58(2) of the Land Administration Act 1997 and forward a request to the Minister by:

- a) Formally request that Ningaloo Road, be registered by Deed Poll, be closed as a public road and an 'Access' easement be created over the land parcel and that it reverts to Unallocated Crown Land;***
- b) Provide written confirmation that the local government has resolved to make the request, details of the date when the relevant resolution was passed and any other information relating to that resolution that the Minister may require;***
- c) Provide sketch plans showing the location of the road and the proposed future disposition of the land comprising the road after it has been closed;***
- d) Provide copies of any submissions relating to the request that, after complying with the requirement to publish the relevant notice of motion under section 58(3) of the Act, the local government has received, and the local government's comments on those submissions;***
- e) Provide a copy of the relevant notice of motion referred to in paragraph (c); and***
- f) Provide written confirmation that the local government has complied with section 58(2) and (3) of the Act.***

3. Shire staff have progressed the road closure, but the matter remains unresolved with Department Planning Lands and Heritage (DPLH) and during this time the Shire still retains the management responsibilities for the road.

4. Ningaloo Road also services the Department of Biodiversity, Conservation and Attractions (DBCA) campsites on its Ningaloo Coastal Reserve and DBCA is keen to improve the trafficability to its reserve.
5. Whilst the future management of the thoroughfare is determined, DBCA have been successful in attracting \$350,000 (excluding gst) funding through the State Recovery Plan as a one-off payment to carryout repairs and upgrades to the road.
6. DBCA have since approached the Shire to undertake the works on their behalf and an Interagency Agreement has been entered by both parties (Confidential Attachment 1).
7. In March 2021 the Shire advertised a Request for Tender for the works to be undertaken.

COMMENT

8. The Request for Tender was advertised 15 March 2021 through the WALGA Preferred Supplier Panel, West Australia Newspaper, Pilbara News, Shire public notice boards, Shire website and social media platforms with a closing date of Monday 6 April 2021.
9. At the close of tender 3 submissions were received and then evaluated by the Executive Manager Development Services and the Manager Works.

CONSULTATION

10. Department of Biodiversity, Conservation and Attractions
Department of Planning, Lands and Heritage

STATUTORY ENVIRONMENT

11. Section 3.57 of the *Local Government Act 1995* and the *Local Government (Function and General) Regulation 1996* Part 4, Division 2 Section 11 – 24.

POLICY IMPLICATIONS

12.
 - Council Policy 2.7 - Procurement Policy
 - Council Policy 2.12 - Regional Price Preference Policy
 - Council Policy 2.13 - Risk Management Policy
 - Council Policy 2.14 - Asset Management Policy

FINANCIAL IMPLICATIONS

13. Works to the value of \$350,000 will be funded as per the terms of the interagency agreement with DBCA at the following milestones:
 - 80% upon execution of the agreement
 - 20% upon awarding of RFT

RISK MANAGEMENT

14. Identified risks

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance (operational) Unsafe road	Almost certain	Major	High	Proposed works will improve the safety of the road

Financial Shire could be required to pay for road improvements	Likely	Major	High	DBCA have provided funds to undertake the road works
Reputational Poor road conditions will generate community and visitor complaints	Almost certain	Major	High	Road works will improve road conditions and reduce complaints

ALTERNATE OPTIONS

15. Council may refuse to award the tender.

STRATEGIC ALIGNMENT

16. 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.
- 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.
- 3.3 Champion self-supporting community clubs and associations.

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

17. Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.2.2

That Council:

1. RECEIVES funding for the contract of \$350,000 (excluding gst) as per the Interagency Agreement with Department of Biodiversity, Conservation and Attractions; and
2. AWARD the contract for Tender RFT 07/2021 Ningaloo Road Maintenance and Reformation as per the Confidential Evaluation Report; and
3. RECORD the recommendation for Tender RFT 07/2021 Ningaloo Road Maintenance and Reformation as provided in the Confidential Evaluation Report in the meeting minutes.

COUNCIL RESOLUTION

ITEM 12.2.2

Res No: 09-0421

MOVED: Cr Lake

SECONDED: Cr Mounsey

That Council:

1. **RECEIVES funding for the contract of \$350,000 (excluding gst) as per the Interagency Agreement with Department of Biodiversity, Conservation and Attractions; and**
2. **AWARD the contract for Tender RFT 07/2021 Ningaloo Road Maintenance and Reformation as per the Confidential Evaluation Report; and**
3. **Tender RFT 07/2021 Ningaloo Road Maintenance and Reformation as per the recommendation in the Confidential Evaluation Report be awarded to Exmouth Civil.**

CARRIED by ABSOLUTE MAJORITY 6/0

12.2.3 PROPOSED FINANCIAL CONTRIBUTION TO PACE RETREAT ROADWORKS

File Reference:	RD.LI.1
Reporting Officer:	Executive Manager Development Services
Responsible Officer:	As Above
Date of Report:	9 April 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. CONFIDENTIAL Attachment - Correspondence

PURPOSE

1. That Council approve unallocated budget for bitumen repairs to Pace Retreat and receive funds from Yardie Homestead Caravan Park for the work to be undertaken.

BACKGROUND

2. At its meeting 18 November 2019 Council approved the following resolution:

Res No: 09-1119

That Council resolves to APPROVE the progression of the permanent closure of Pace Retreat, Exmouth and for the purposes of preparing and delivering a request under section 58(2) of the Land Administration Act 1997 and forward a request to the Minister:

- a) Formally request that Pace Retreat, be registered by Deed Poll, be closed as a public road, an 'Access' easement be created over the land parcel and that it reverts to Unallocated Crown Land;***
- b) Provide written confirmation that the local government has resolved to make the request, details of the date when the relevant resolution was passed and any other information relating to that resolution that the Minister may require;***
- c) Provide sketch plans showing the location of the road and the proposed future disposition of the land comprising the road after it has been closed;***
- d) Provide copies of any submissions relating to the request that, after complying with the requirement to publish the relevant notice of motion under section 58(3) of the Act, the local government has received, and the local government's comments on those submissions;***
- e) Provide a copy of the relevant notice of motion referred to in paragraph (c); and***
- f) Provide written confirmation that the local government has complied with section 58(2) and (3) of the Act.***

CARRIED 6/0

3. Shire staff commenced the proposed road closure and Department of Planning Lands and Heritage (DPLH) have since provided advice they will not support the closure unless the affected landholder Yardie Homestead Caravan Park agrees to the proposal.

4. Yardie Homestead Caravan Park have previously lodged submissions opposing the closure of Pace Retreat.

COMMENT

5. As matters stand, Pace Retreat remains a local road under the management of the Shire of Exmouth. The Shire continues to have a duty of care over the road to ensure it is maintained in a safe and useable condition for public use.
6. The road is currently in poor condition with the bitumen seal badly degraded.
7. In November 2020 Shire staff planned to remove the remaining seal and revert the road back to a reformed gravel surface as a viable option to improve its trafficability and safety but these works have been delayed due to opposition from Yardie Homestead Caravan Park.
8. Recent discussions have been held with the owner of the caravan park regarding alternative road works and they have agreed to pay for repairs to the bitumen seal using the contractor the Shire has engaged for its Yardie Creek Rd works. (refer Attachment 1)
9. If Council were to endorse the proposal the Shire would fund the works and on charge the cost to Yardie Homestead who, as a condition of agreement, would need to make full payment prior to the works commencing.
10. The quotation forwarded to Yardie Homestead is \$47,500 (excluding gst).
11. Repairs to the bitumen seal would consist of reinstatement of the edges to return the road to its original one carriageway width.

CONSULTATION

12. Discussion and correspondence with DPLH regarding the proposed closure of Pace Retreat.
13. Discussion and correspondence with the Director/Manager of Ningaloo Escape Pty Ltd T/A Yardie Homestead Caravan Park regarding the proposed works.

STATUTORY ENVIRONMENT

14. Nil

POLICY IMPLICATIONS

15. Council Policy 7.8 – Alterations or Damage to Council Street Infrastructure
16. Council Policy 7.10 – Private works

FINANCIAL IMPLICATIONS

17. Yardie Homestead Caravan Park will be invoiced the sum of \$47,500 (excluding gst) and payment is to be received by the Shire prior to works commencing and no later than 2 May 2021. Works will not be undertaken if payment is not received prior to this deadline.

RISK MANAGEMENT

18. Identified risks:

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
------	------------	-------------	---------------	------------

Performance (operational) Unsafe road	Almost certain	Major	High	Proposed works will repair unsafe road condition
Financial Shire will be required to pay for repairs to the road	Almost certain	Major	High	Major cost of repairs will be borne by Yardie Homestead
Reputational Poor road conditions will generate community complaints	Almost certain	Major	High	Proposed works will improve road conditions

ALTERNATE OPTIONS

19. Council may choose not to accept Yardie Creek Homestead Caravan Parks offer to pay for bitumen repairs to Pace Retreat.

STRATEGIC ALIGNMENT

20. 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

2.2 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

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

21. Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.2.3

That Council APPROVE undertaking bitumen edge repairs to Pace Retreat on behalf of Yardie Homestead Caravan Park on the condition that full payment of \$47,500 (excluding gst) is received no later than 2 May 2021 from Yardie Homestead Caravan Park prior to the commencement of works.

COUNCIL RESOLUTION

ITEM 12.2.3

Res No: 10-0421

MOVED: Cr Lucas

SECONDED: Cr McCarrol

That Council APPROVE undertaking bitumen edge repairs to Pace Retreat on behalf of Yardie Homestead Caravan Park on the condition that full payment of \$47,500 (excluding gst) is received no later than 2 May 2021 from Yardie Homestead Caravan Park prior to the commencement of works.

CARRIED by ABSOLUTE MAJORITY 6/0

COMMERCIAL AND COMMUNITY

12.3.1 2021 GASCOYNE GAMES

File Reference:	RC.LI. 0
Reporting Officer:	Acting Executive Manager Commercial and Community
Responsible Officer:	As above
Date of Report:	13 April 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. CONFIDENTIAL Attachment – Event Proposal

PURPOSE

1. That Council supports the Shire of Exmouth hosting and organising the multi-sport Gascoyne Games in the Exmouth township from 22 to 24 October 2021.

BACKGROUND

2. At the Ordinary Council Meeting of 25 February 2021, Council Resolution Item 12.3.5
-

Res No: 12-0221
MOVED: Cr Niikkula
SECONDED: Cr Lucas

That Council provide preliminary endorsement for the hosting and organising of the Gascoyne Games in Exmouth during 2021 and request the Shire CEO to prepare and present a detailed event proposal including timing and required resourcing.

CARRIED 5/0

COMMENT

3. The Gascoyne Games is a multi-sport games event that has occurred in the Western Australian administrative region of Gascoyne since the inaugural event was held in 1994 in the Exmouth township.
4. The last Gascoyne Games that was hosted by the Shire of Exmouth was in 2009 with Shire staff coordinating the organisation of the Games with assistance from community volunteers. The most recent Gascoyne Games held in 2015 was organised by the Shire of Carnarvon.
5. Shire of Exmouth's Community Services Team has sought to reinvigorate these Games and has recommended for the Shire of Exmouth to host the Gascoyne Games from 22 to 24 October 2021.
6. This event proposal provides details about the Gascoyne Games and its scope and organisation, the timing of the Games in 2021, and required resourcing. (Confidential Attachment)

CONSULTATION

7. Shires in the Gascoyne Region
8. Exmouth Sporting Associations/Clubs
9. State Sporting Associations
10. Department of Local Government Sport and Cultural Industries
11. Stephen Michael Foundation

STATUTORY ENVIRONMENT

12. Nil

POLICY IMPLICATIONS

13. Nil

FINANCIAL IMPLICATIONS

14. The budget recommended for a Gascoyne Games to be held in Exmouth in 2021 is \$45,000 (excluding gst). \$35,000 (excluding gst) of this budget is to be sought from external sources, i.e. sponsorship and grant funding, with the Shire of Exmouth contributing \$10,000 (excluding gst).

RISK MANAGEMENT

- 15.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance (operational)	Possible	Minor	Low	Performance control will be put in place through regular meetings of the Games Organising Committee.
Financial	Unlikely	Minor	Low	Financial control will be put in place by both the Shire of Exmouth and through regular meetings of the Games Organising Committee.
Reputational	Unlikely	Minor	Low	Potential reputational harm will be minimised through the development of procedures for this event project, including risk management procedures and producing a Games organising procedures manual.

ALTERNATE OPTIONS

16. Alternate options include but are not limited to:
 - a) Council not supporting the hosting of a Gascoyne Games;
 - b) Council supporting the hosting of a Gascoyne Games in another year;
 - c) Council supporting the hosting of a Gascoyne Games in 2021 with an increased scope of activities and an increased budget;
 - d) Council supporting the hosting of a Gascoyne Games in 2021 with a reduced scope of activities;
 - e) Council supporting the hosting of a Gascoyne Games in 2021 with a reduced scope of activities and a reduced budget.

STRATEGIC ALIGNMENT

17. 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.

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

18. Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.3.1

That Council:

1. APPROVES the Shire of Exmouth hosting and organising the Gascoyne Games from 22 to 24 October 2021 for an event budget of \$45,000 (excluding gst); and
2. SUPPORTS the sourcing of sponsorship and grant funding for \$35,000 (excluding gst) to organise these Games.

COUNCIL RESOLUTION

ITEM 12.3.1

Res No: 11-0421

MOVED: Cr Lucas

SECONDED: Cr Lake

That Council:

1. **APPROVES the Shire of Exmouth hosting and organising the Gascoyne Games from 22 to 24 October 2021 for an event budget of \$45,000 (excluding gst); and**
2. **SUPPORTS the sourcing of sponsorship and grant funding for \$35,000 (excluding gst) to organise these Games.**

CARRIED by ABSOLUTE MAJORITY 6/0

Acting Executive Manager Commercial and Community thanked both Tracey Cooper, Community Development Officer and Jaci Cutler, Events Coordinator for their work towards this report and the Event Proposal.

Shire President, Councillor Lucas and Councillor Lake all expressed thanks to the Acting Executive Manager Commercial and Community and the Community Services team for their efforts progressing this great initiative.

CORPORATE SERVICES

Councillor Lucas declared a financial interest in the following reported and departed the Chambers at 5.15pm.

12.4.3 SALE OF LOT 72 (1) MARLIN TERRACE, LOT 38 (1) BENNETT STREET AND LOT 1416 (1) LEARMONTH STREET

File Reference:	FM.FI.0
Reporting Officer:	Executive Manager Corporate Services
Responsible Officer:	As above
Date of Report:	14 April 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none">1. CONFIDENTIAL - Valuation Report Lot 72, (1) Marlin Terrace2. CONFIDENTIAL - Valuation Report Lot 38, (1) Bennett Street3. CONFIDENTIAL - Valuation Report Lot 1416, (1) Learmonth Street4. CONFIDENTIAL - Legal advice

PURPOSE

1. That Council acknowledges that Lot 72 (1) Marlin Terrace, Lot 38 (1) Bennett Street and Lot 1416 (1) Learmonth Street are not required to be retained for strategic purposes and approves going to an expression of interest for the sale of:
 - a. Lot 72 (1) Marlin Terrace and
 - b. Lot 38 (1) Bennett Street and Lot 1416 (1) Learmonth Street, with the condition that a development agreement will be secured with a caveat lodged on the certificate of title with the stated conditions.

BACKGROUND

2. In February 2019 Council were provided with a strategic briefing titled: "Land and Building Acquisition and Rationalisation Strategy". This document provided Council with options to rationalise shire building and land assets and to identify strategic land holding which could advance the achievement of the Exmouth Town Centre and Foreshore Revitalisation Plan and to improve financial sustainability of the Shire. This strategy was adopted at the October 2019 Ordinary Council Meeting (Council Resolution 14-1019).
3. It has now been identified that it is a good time for Council to put both Lot 38 (1) Bennett Street and Lot 1416 (1) Learmonth Street on the market. Both these properties are zoned Commercial – Mixed Use C2. The two properties are also adjacent to each other providing the opportunity for a larger development to occur, potentially creating a more vibrant CBD.

4. Lot 72 (1) Marlin Terrace is an unimproved site in the Exmouth Marina with a potential of 8 jetties, not yet constructed but a tender has been awarded by Council at the Special Council Meeting held in March 2021. This property is zoned Special Use 6 (SU6).
5. Under S3.58 of *Local Government Act 1995*, Council is required to dispose of a property either by public auction, or by public tender. Local Government can also dispose of property by giving public notice before agreeing to dispose of the property and consider any submissions made to it.
6. The Shire of Exmouth has gone out with RFQ 33-2020 Sale of Commercial Land, with Ray White Exmouth coming in as the preferred supplier to advise on the process to get Council the best return for these properties.

Property Details

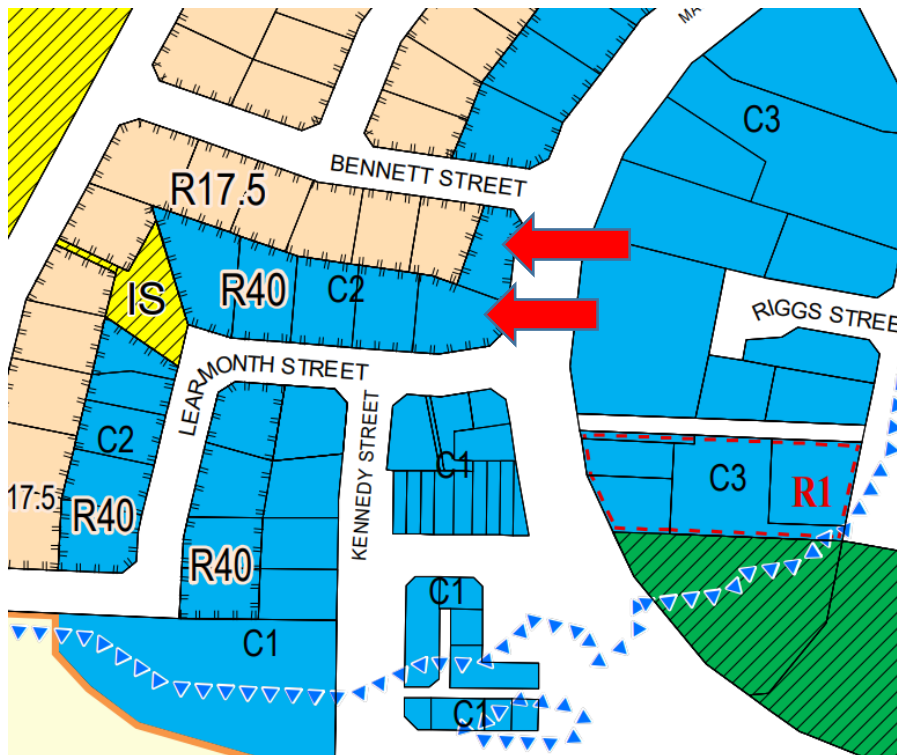
7. Lot 72 (1) Marlin Terrace on Deposited Plan 56044 as contained within Certificate of Title Volume 2725 Folio 812. This property is located in the Marina and is 4,621m².



8. Lot 38 on Deposited Plan 209501 as contained within Certificate of Title Volume 1319 Folio 575. This property is located on the corner of Maidstone Crescent and Bennett Street and is 823m².



9. Lot 1416 on Deposited Plan 209501 as contained within Certificate of Title Volume 2990 Folio 539. This property is located on the corner of Maidstone Crescent and Learmonth Street and is 1,174m².



COMMENT

Lot 72 (1) Marlin Terrace

10. At the March 2021 Special Council Meeting council resolved the following in relation to building jetties on Lot 72 (1) Marlin Terrace:

COUNCIL RESOLUTION **ITEM 12.3.2**

Res No: **02-0321**

That Council:

- 1. Award the contract for Tender 05 -2020 as per the recommendation in the Confidential Evaluation Report – RFT 05-2020;**
- 2. Approve the allocation of additional funds to cover the shortfall of revised RFT cost including recommended widening of gangways to 1000mm;**
- 3. Authorise the Chief Executive Officer to approve variations not exceeding 10% of the project budget; and**
- 4. Tender RFT 05-2020 – Public Jetties and Gangways Exmouth Marina Village as per the recommendation in the Confidential Evaluation Report be awarded to Walcon Marine.**

CARRIED by ABSOLUTE MAJORITY 4/0

11. This effectively added 9 Jetties to Council properties and 8 of them being on Lot 72 (1) Marlin Terrace. Council has the option to sell the property with the jetties, or council could keep the jetties to get a commercial return on, or have a combination of both approaches.

12. This property is identified in the Land and Building Acquisition and Rationalisation Strategy, which was adopted by Council at the October Ordinary Council Meeting. A future decision on the use of this property, whether to retain or dispose the property to stimulate development and activation of the Marina and decide whether or not Council is to build marine infrastructure on the property.

Lot 38 (1) Bennett Street and Lot 1416 (1) Learmonth Street

13. Lot 38 (1) Bennett Street and Lot 1416 (1) Learmonth Street are identified in Land and Building Acquisition and Rationalisation Strategy to be used for future CBD development.
14. These properties are adjacent to each other and is zoned Commercial Mixed Use and has the potential to be effectively used to activate and develop the CBD further. It also has the potential to have residential accommodation build on the second level.
15. The disposal of these two properties is recommended with the following conditions set on the sale based on legal advice (Confidential Attachment 4) received.
- a. Lot 38 (1) Bennett Street and Lot 1416 (1) Learmonth Street are to be amalgamated into one commercial property.
 - b. Developer is required to finish construction of the whole development(s) within two and a half years after sale is finalised.
 - c. Buildings are required to be at least two storeys, with a component of residential accommodation on the upper level. Also needs to include car parking for residential users on site.
 - d. For Lot 38 (1) Bennett Street and Lot 1416 (1) Learmonth Street, the power along Maidstone Crescent is to be rerouted underground.

16. The recommendation is for the real estate agent to do a marketing campaign and an expression of interest process be run. This will potentially provide Council with a range of options on the disposal of the properties.
17. On conclusion of the expression of interest process, a further report will be presented to Council to dispose the property as per the requirements set under s3.58 of the *Local Government Act 1995*.

CONSULTATION

18. Ray White Exmouth

STATUTORY ENVIRONMENT

19. Local Government (Functions and General) Regulations 1996 s30.

20. *Disposing of property s3.58*

- (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.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
 - (a) *it gives local public notice of the proposed disposition —*
 - (i) *describing the property concerned; and*
 - (ii) *giving details of the proposed disposition; and*
 - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
 - and*
 - (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
 - (a) *the names of all other parties concerned; and*
 - (b) *the consideration to be received by the local government for the disposition; and*
 - (c) *the market value of the disposition —*
 - (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
 - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

POLICY IMPLICATIONS

21. Property use needs to comply with the Local Planning Scheme No.4.

FINANCIAL IMPLICATIONS

22. \$3,600 will be required for marketing for the disposal of Lot 72 (1) Marlin Terrace, Lot 38 (1) Bennett Street and Lot 1416 (1) Learmonth Street commission on the sale.

RISK MANAGEMENT

23. Nil

ALTERNATE OPTIONS

24. Council may resolve to retain the property.
25. Council may resolve to dispose of the property in accordance with section 3.58 of the *Local Government Act 1995* by way of public auction or public tender.

STRATEGIC ALIGNMENT

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

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

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

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

VOTING REQUIREMENTS

27. Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.4.3

That Council:

1. ACKNOWLEDGES that Lot 72 (1) Marlin Terrace, Lot 38 (1) Bennett Street and Lot 1416 (1) Learmonth Street are not required to be retained for strategic purposes;
2. APPROVES going to an expression of interest for the sale Lot 72 (1) Marlin Terrace; and
3. APPROVES going to an expression of interest for the sale of Lot 38 (1) Bennett Street and Lot 1416 (1) Learmonth Street with the condition that a development agreement will be secured with a caveat lodged on the certificate of title with the following conditions:
 - a. Lot 38 (1) Bennett Street and Lot 1416 (1) Learmonth Street are to be amalgamated into one commercial property.
 - b. Developer is required to finish construction of the whole development(s) within two and a half years after sale is finalised.
 - c. Buildings are required to be at least two storeys, with a component of residential accommodation on the upper level. Also needs to include car parking for residential users on site.
 - d. For Lot 38 (1) Bennett Street and Lot 1416 (1) Learmonth Street, the power along Maidstone Crescent is to be rerouted underground.

COUNCIL RESOLUTION

ITEM 12.4.3

Res No: 12-0421

MOVED: Cr Lake

SECONDED: Cr McCarrol

That Council:

- 1. ACKNOWLEDGES that Lot 72 (1) Marlin Terrace, Lot 38 (1) Bennett Street and Lot 1416 (1) Learmonth Street are not required to be retained for strategic purposes;**
- 2. APPROVES going to an expression of interest for the sale Lot 72 (1) Marlin Terrace; and**
- 3. APPROVES going to an expression of interest for the sale of Lot 38 (1) Bennett Street and Lot 1416 (1) Learmonth Street with the condition that a development agreement will be secured with a caveat lodged on the certificate of title with the following conditions:**
 - e. Lot 38 (1) Bennett Street and Lot 1416 (1) Learmonth Street are to be amalgamated into one commercial property.**
 - f. Developer is required to finish construction of the whole development(s) within two and a half years after sale is finalised.**
 - g. Buildings are required to be at least two storeys, with a component of residential accommodation on the upper level. Also needs to include car parking for residential users on site.**
 - h. For Lot 38 (1) Bennett Street and Lot 1416 (1) Learmonth Street, the power along Maidstone Crescent is to be rerouted underground.**

CARRIED 5/0

Councillor Lucas returned to Chambers at 5.20pm.

12.4.4 2021/22 NOTICE OF INTENTION TO IMPOSE DIFFERENTIAL RATES

File Reference:	FM.FI.0
Reporting Officer:	Executive Manager Corporate Services
Responsible Officer:	As above
Date of Report:	14 April 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Statement of objects and reasons for proposed rates 2.. Public Notice – Intention to Levy Differential Rates 2021/22

PURPOSE

1. That Council endorse to give public notice of its intention to impose the proposed differential rates and minimum payments for the 2021/22 financial year.

BACKGROUND

2. The purpose of this report is to seek Council's endorsement to give public notice of its intention to impose the proposed differential rates and minimum payments for the 2021/22 financial year.
3. The public notice is mandatory under section 6.36 of the *Local Government Act 1995*, before imposing any differential rates or minimum payments.
4. Such notice is to be published within a period of two (2) months preceding the commencement of the new financial year, inviting public submissions on the proposed rates or minimum payments.
5. An elector or ratepayer has 21 days from date of public notice to make submissions in respect of the proposed rates and minimum payments and any related matters. Council is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.
6. Council may resolve to impose rates or minimum payments different from those published in the local public notices, and if it does so, is obliged to publish the reasons for doing so, as part of its formally adopted budget.
7. Table 1 and Table 2 below details the current 2020/21 differential rates and minimum payments. The 2020/21 budget was prepared on the basis of zero rates in the dollar increase for all rating categories.

8. Table 1: Schedule of 2020/21 Differential Rates:

Rate Category	Rate in the Dollar \$	Minimum payment \$
GRV General	0.0751	930
GRV Marina Developed	0.1013	930
GRV Holiday Homes	0.1041	930
GRV Vacant Land	0.1501	735
UV Mining	0.1599	230
UV Rural	0.0800	735

9. Table 2: Schedule of 2020/21 Specified Area Rates:

Rate Category	Rate in the Dollar \$	Minimum payment \$
GRV Specified Area Rate	0.01339	Nil

COMMENT

10. Analysis of rating increases over the last 5 years have indicated that rates have not been increasing in line with the financial requirements as set out in the Long Term Financial Plan (LTFP).

YEAR	2016/17	2017/18	2018/19	2019/20	2020/21
% Rates increase	0.33%	0.66%	4.84%	0.73%	0.46%

11. This shows that over the last 5 years rates has only had 1 increase, and as rates is a cumulative revenue it does require an increase to catch up.

12. The LTFP is a useful tool for Council to keep track of its long term financial responsibilities and requirements and should be utilised by Councillors for decision making. The LTFP includes the effect of COVID-19 and Council’s response in assisting the community has had on Council’s finances.

13. The LTFP proposes a 4.8% rates increase in 2021/22 before reverting back to the 2.5% p.a. as per the original LTFP requirements. This will be reviewed each financial year as Council experiences changes in economic conditions and services it provides. As Council only derives 26% of its revenue from rates, this will not be able to close the gap on the deficiency and will require other options to be reviewed as well. These include finding new revenue sources, reducing services currently being provided or reviewing its capital spending and focussing on renewing its current asset base.

14. The Office of the Auditor General audits the Shire’s financial statements annually and has had an adverse finding on the operating surplus ratio for a number of years. This ratio measures Council’s ability to contain operating expenditure within operational revenue. For Council to address this ratio, it needs to effectively manage its finances on a net operating result of 0 or better.

15. As per the 2019/20 audited financial statements it was -0.24 and the 2020/21 budget is indicating -0.29. The suggested threshold for financial sustainability for this ratio is 0 to 15.
16. As the LTFP indicates this ratio is trending towards 0, however on the current trend will not reach the 0 minimum in the next 10 years.
17. To get this down to acceptable levels in the next 10 years council would need to look at multiple options to get the ratio down. These include increasing rates to catch up where there haven't been any increases, reducing services currently being provided and seeking additional revenue sources to close the current gap.
18. Table 3 and 4 below details the proposed 2021/22 differential rates and minimum rates. This is an increase of 4.8% across all ratings, including the specified area rating. There has not been a GRV valuation completed this year, so the only change to property values would be if there has been a change to the property.

19. Table 3: Schedule of Proposed 2021/22 Differential Rates:

Rate Category	Rate in the Dollar \$	Minimum payment \$
GRV General	0.0787	950
GRV Marina Developed	0.1062	950
GRV Holiday Homes	0.1091	950
GRV Vacant Land	0.1573	750
UV Mining	0.1676	250
UV Rural	0.0838	750

20. Table 4: Schedule of Proposed 2021/22 Specified Area Rates:

Rate Category	Rate in the Dollar \$	Minimum payment \$
GRV Specified Area Rate	0.0140	Nil

21. This would result in rates being raised of \$3.6m, which accounts for 26% of the operational revenue.

CONSULTATION

22. Nil

STATUTORY ENVIRONMENT

23. *Local Government Act 1995* section 6.36

POLICY IMPLICATIONS

24. Nil

FINANCIAL IMPLICATIONS

25. The requirement set out in s6.36 of the *Local Government Act 1995* requires Council to give local public notice. This notice may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply and needs to provide electors and ratepayers a minimum of 21 days to make submission.

26. The local government is then required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.

RISK MANAGEMENT

27. Identified risks implications

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance (operational) Failure to comply with S6.36 of the <i>Local Government Act 1995</i>	Unlikely	Major	Medium	This report mitigates this risk

ALTERNATE OPTIONS

28. Alternative rate increases may be developed and reviewed as part of Council’s final budget adoption process.

STRATEGIC ALIGNMENT

29. 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

30. Simple Majority

OFFICER’S RECOMMENDATION

ITEM 12.4.4

That Council:

1. ENDORSE the following proposed differential rates and minimum payments for the 2021/22 financial year for the purpose of giving local public notice of its intention to impose differential general rates and minimum payments for the 2021/22 financial year; and

Category	Rate in the Dollar \$	Minimum payment \$
General	0.0787	950
Marina Developed	0.1062	950
Holiday Homes	0.1091	950
Vacant Land	0.1573	750
Mining	0.1676	250
Rural	0.0838	750

Category	Rate in the Dollar \$	Minimum payment \$
Specified Area Rate	0.0140	Nil

2. INVITE submissions from electors and ratepayers on the proposed rates and minimum payments and any related matters, as required under section 6.36 of the *Local Government Act 1995*.

COUNCIL RESOLUTION**ITEM 12.4.4****Res No: 13-0421****MOVED: Cr Mounsey****SECONDED: Cr Dixon****That Council:**

1. **ENDORSE** the following proposed differential rates and minimum payments for the 2021/22 financial year for the purpose of giving local public notice of its intention to impose differential general rates and minimum payments for the 2021/22 financial year; and

Rate Category	Rate in the Dollar \$	Minimum payment \$
GRV General	0.0787	950
GRV Marina Developed	0.1062	950
GRV Holiday Homes	0.1091	950
GRV Vacant Land	0.1573	750
UV Mining	0.1676	250
UV Rural	0.0838	750

Rate Category	Rate in the Dollar \$	Minimum payment \$
GRV Specified Area Rate	0.0140	Nil

2. **INVITE** submissions from electors and ratepayers on the proposed rates and minimum payments and any related matters, as required under section 6.36 of the *Local Government Act 1995*.

CARRIED 6/0

Councillor Mounsey and the Shire President expressed thanks to the Executive Manager Corporate Services and the Corporate Services team for all the work, included the information presented to Council.

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

Nil

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

The Acting Chief Executive Officer expressed his apologies to Council for the inclusion of the following late items. He acknowledged the great work from Carla Webster, Environmental Health Officer for providing this following report.

14.1.1 CARAVAN PARK AND CAMPING GROUND LICENCE – NINGALOO CARAVAN AND HOLIDAY RESORT

File Reference:	LE.RE.5
Reporting Officer:	Environmental Health Officer
Responsible Officer:	Acting Chief Executive Officer
Date of Report:	19 April 2021
Applicant/Proponent:	Richard Fowler - Phobos Nominees Pty Ltd as Trustee for Phobos No 2 Unit Trust
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none">1. CONFIDENTIAL – Licence for Ningaloo Caravan and Holiday Resort – Expiry 30 September 2021.2. CONFIDENTIAL – Site map annotated.

PURPOSE

1. That Council approve the review and issuing of the Caravan Parks and Camping Grounds Licence for Ningaloo Caravan and Holiday Resort, expiry 30 September 2021 for signing by the Acting Chief Executive Officer.

BACKGROUND

2. Under the *Caravan Parks and Camping Grounds Regulations 1997* (Regs), a licence holder is to ensure more sites are not allocated or used at the facility than the maximum number of sites endorsed on the licence. Therefore prior to the construction of the sites approval of the proposed changes will need to be obtained from Council.

COMMENT

3. The applicant submitted a request for review of *Caravan Parks and Camping Grounds Act 1995* licence on the 14 April 2021 for 29 Overflow Sites.
4. The application has been assessed based on the information provided.
5. The issuing of the licence is subject to the development application process and won't be signed and issued unless development approval is received.

6. Due to some of the proposed sites being located outside the lease boundary, as per **Attachment 2**, these sites can't be considered under this current review. Therefore only 14 of the additional 29 sites requested can be considered for review at this time.
7. The following items do need to be actioned prior to the sites being used:
 - Updated surveyed plan to be submitted once all proposed works are completed.
 - Gravel road access to proposed area B will need to be widened to 6m, currently at 5m.
 - Fire hose reels or fire extinguishers to be installed to ensure adequate fire safety coverage of the new proposed areas.
 - 1 additional camp washing up facility is to be provided as per R31(3).

CONSULTATION

8. Nil

STATUTORY ENVIRONMENT

9. *Caravan Parks and Camping Grounds Act 1995*
10. *Caravan Parks and Camping Ground Regulations 1997*

POLICY IMPLICATIONS

11. Nil

FINANCIAL IMPLICATIONS

12. Nil

RISK MANAGEMENT

13. Identified risks implications

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Financial	Unlikely	Minor	Low	Standard procedures relating to invoicing and debt recovery.

ALTERNATE OPTIONS

14. Nil

STRATEGIC ALIGNMENT

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

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.

4.2 A local government that is respected and accountable.

VOTING REQUIREMENTS

16. Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 14.1.1

That Council APPROVE the issuing of the Temporary Caravan Parks and Camping Grounds Licence and Site Map as annotated for Ningaloo Caravan Park and Holiday Resort, expiry 30 September 2021 for signing by the Acting Chief Executive Officer, subject to receiving Development Application approval.

COUNCIL RESOLUTION

ITEM 14.1.1

Res No: 14-0421

MOVED: Cr Lucas

SECONDED: Cr McCarrol

That Council APPROVE the issuing of the Temporary Caravan Parks and Camping Grounds Licence and Site Map as annotated for Ningaloo Caravan Park and Holiday Resort, expiry 30 September 2021 for signing by the Acting Chief Executive Officer, subject to receiving Development Application approval.

CARRIED by ABSOLUTE MAJORITY 6/0

Acting Chief Executive Officer acknowledged the great work from Carla Webster, Environmental Health Officer providing this report to Council at such short notice.

14.1.2 EXMOUTH EAGLES FOOTBALL CLUB INC – APPLICATION FOR INTEREST FREE LOAN

File Reference:	FM.LO.0
Reporting Officer:	Acting Executive Manager Commercial and Community
Responsible Officer:	As above
Date of Report:	22 April 2021
Applicant/Proponent:	Exmouth Eagles Football Club Inc
Disclosure of Interest:	Nil
Attachment(s):	1. CONFIDENTIAL Attachment – Application for Shire of Exmouth Interest Free Loan

PURPOSE

1. That Council consider the granting of an interest free loan to the Exmouth Eagles Football Club Inc which will be drawn from the Community Interest Free Loans Reserve.

BACKGROUND

2. The Exmouth Eagles Football Club Inc (EEFC) is seeking from the Shire of Exmouth an interest free loan to contribute to the costs for the purchase of a 25-seat bus to assist the travel of their senior and junior football players outside the Shire of Exmouth.
3. The EEFC has sought external funding to assist with the purchase of the bus and is waiting for approvals.
4. The EEFC intends to also make this bus available to other community groups within the Shire of Exmouth when not required for football purposes.
5. Council Policy 2.2 Interest Loans to Clubs and Organisations details the guidelines and process for local clubs and organisations to access interest free loans via the Community Interest Free Loans Reserve, including an application fee of 5% which will be charged on any new loan application and can be paid over the term of the loan but needs to be treated separately from the loan amount.

COMMENT

6. The EEFC is seeking Council support for an interest free loan of \$45,000 to be repaid over 10 years in order to purchase a bus in time for commencement of their first away competition game scheduled for Saturday 15 May for the 2021 Gascoyne Football Association's season.
7. As per Council Policy 2.2 Interest Free Loans to Clubs and Organisations, the EEFC meets the eligibility and loan criteria as detailed.

8. The EEFC is a long-time established sporting group within the Shire of Exmouth which originally had as its primary focus to participate in the senior's competition of the Gascoyne Football Association.
9. In 2019, the EEFC committee decided to take on the organisation and development of youth aged football development and competition in the Exmouth township. In 2020, the EEFC picked up the organisation and development of the Auskick program when the Exmouth PCYC closed. EEFC held its first home GFA grand final for the GFA senior's competition in 2020. This event was well planned with the biggest crowd ever of spectators for a GFA grand final that committee members of the EEFC can recall.
10. The EEFC's committee has made significant advances and improvements in its governance and organisation of the club's activities. The committee continues to seek guidance and support through the Shire of Exmouth's club development program.
11. As per Council Policy 2.2 Interest Free Loans to Clubs and Organisations, the loan assessment criteria include: the ability to repay the loan; having no more than one interest free loan at a time unless there is demonstrated ability to repay both; total loans not to exceed \$100,000; demonstrated wider community benefits; a stabilised member base; and a long trading history. The Shire's policy also refers to the use of funding being for a capital purchase.
12. The EEFC was established in 1993 and became incorporated in 1996. Membership within the EEFC numbered 229 in 2020 with 29 senior players, 110 junior players aged from 8 to 17 years and 90 Auskick players.
13. Sufficient funds exist in the Community Interest Free Loans Reserve to permit this request of \$45,000 leaving a balance of \$277,610.65.
14. As per the policy, the Executive Manager of Corporate Services and the Acting Executive Manager of Commercial and Community have reviewed the loan application against the assessment criteria and support the club's request for the interest free loan and for it to be repaid over a ten-year period. (Refer Confidential Attachment)

CONSULTATION

15. Exmouth Eagles Football Club Inc
16. Acting Chief Executive Officer, Shire of Exmouth
17. Executive Manager Corporate Services, Shire of Exmouth

STATUTORY ENVIRONMENT

18. Nil

POLICY IMPLICATIONS

19. Council Policy 2.2 Interest Free Loans to Clubs and Organisations

FINANCIAL IMPLICATIONS

20. If approved, an amount of \$45,000 (including gst) will be transferred from the Community Interest Free Loans Reserve via a loan agreement between the Shire and EEFC. The EEFC in their loan application is seeking for the loan to be repaid over 10 years. Payment of the administrative fee of 5% can be paid up front or via instalments over the term of the loan.

RISK MANAGEMENT

21. Identified risk implications

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance (operational)	Unlikely	Minor	Low	Maintain open communication with EEFC to ensure compliance.
Financial	Unlikely	Moderate	Moderate	Monitor ongoing annual payments to ensure compliance.
Reputational	Unlikely	Insignificant	Low	Ensuring Shire Policy 2.2 is followed

ALTERNATE OPTIONS

22. Alternate options include but are not limited to:

- a) Council not supporting the granting of a loan to the EEFC.
- b) Council amending the terms of conditions of a loan to the EEFC.

STRATEGIC ALIGNMENT

23. This item is relevant to the Council's 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

24. Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 14.1.2

That Council APPROVE the granting of an interest free loan of \$45,000 to the Exmouth Eagles Football Club as per Policy requirements on the condition that the approval of the loan does not disqualify the club from receiving external funding for the purchase of the bus.

COUNCIL RESOLUTION

ITEM 14.1.2

Res No: 15-0421

MOVED: Cr Dixon

SECONDED: Cr Mounsey

That Council APPROVE the granting of an interest free loan of \$45,000 to the Exmouth Eagles Football Club as per Policy requirements on the condition that the approval of the loan does not disqualify the club from receiving external funding for the purchase of the bus.

CARRIED by ABSOLUTE MAJORITY 6/0

Acting Chief Executive Officer acknowledged the great work from Acting Executive Manager, Commercial and Community and Community Development Officer for providing this report at such short notice.

Acting Executive Manager, Commercial and Community commended the work by Tracy Cooper, Community Development Officer for the assistance she provided to the Exmouth Eagles football club in lodging the application.

Councillor Mounsey went on to also acknowledged Tracy Cooper, Community Development Officer for the ongoing valuable support she continues to provide to Exmouth sporting clubs. The positive feedback he has received from community members has been very pleasing to hear.

15. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS

Nil

16. CLOSURE OF MEETING

The Shire President thanked the gallery for their attendance and closed the meeting at 5.35pm.



Gascoyne Gateway Limited

Ordinary Council Meeting

Project update

Presenters:

Denise Goldsworthy – GGL Chair

Michael Edwards - GGL Managing Director/CEO

In attendance: Daniel Jackson – Chief Operating Officer

Gascoyne Gateway single jetty deep-water port

- A new single jetty deep-water port is proposed to provide the Exmouth Gulf's existing marine traffic with a better place to berth, including tourist vessels, and enabling the Royal Australian Navy to bring its vessels to Exmouth.
- The jetty will be funded, built and operated by Gascoyne Gateway Limited, a wholly Australian-owned company, led by people with decades of experience in responsible port management.
- Once constructed, the port will be immediately viable and deliver a net environmental benefit by introducing better regulation to existing marine traffic in the Gulf.
- There will also be the opportunity to support other sectors, creating jobs in industries as diverse as agriculture, renewable energy, water and logistics.
- The project is set to create new jobs in a diverse range of regional industries, with more than 70 ongoing full-time jobs for Exmouth locals, and many more indirectly, but the contribution to the community will be much more.

10km South of Exmouth

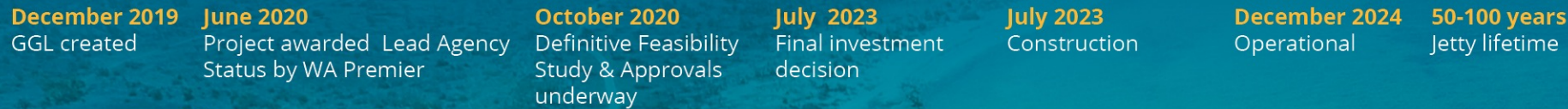
70+ Direct full-time jobs at jetty

130 Additional full-time jobs created in Exmouth

\$60M Annual revenue

\$34M Per annum into local Exmouth economy

TIMELINE



GASCOYNE GATEWAY POTENTIAL JETTY USERS COULD INCLUDE:



Existing Gulf traffic



Cruise ships and tourism opportunities



Large private yachts and adventure cruises



NAVY
Ships and submarines to allow for provisions



BORDER FORCE
Australian Border Force patrol boats and cutters



Project update

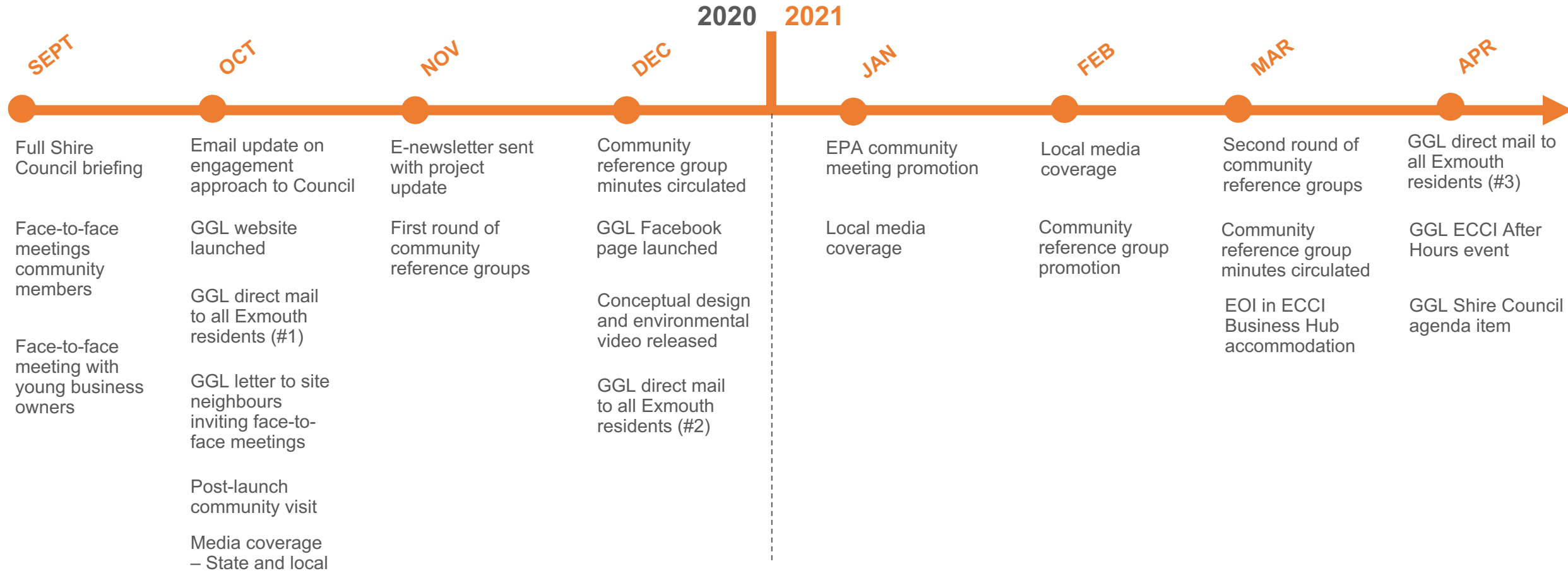
	Objective	Latest status	Next steps
Viability	Gascoyne Gateway will achieve what many proposals in the region haven't – an economically viable facility with multiple revenue streams.	<ul style="list-style-type: none"> Experienced and respected Board has been established 'Lead Agency Status' awarded by Premier Bankable Feasibility Study currently underway Positive capital raise activity undertaken in 2020 	<ul style="list-style-type: none"> Finalising Tranche 2 Information Memorandum for capital raise Commence further detailed work towards Bankable Feasibility Study (BFS). Further talks with MINDEF, MINDI and key Federal Ministers, including Melissa Price
Environment	Gascoyne Gateway will be Australia's first 'green' port, with multiple regenerative development initiatives.	<ul style="list-style-type: none"> Environmental baseline studies in progress Professor Newman, AO endorsed Ray Steedman (Ex-EPA Chair) endorsed Evaluation of PhD project case study group. In consultation with professional services on renewable innovation and strategic alignment. 	<ul style="list-style-type: none"> Engaging with EPA as part of Cumulative Impact Assessment. Environmental Section 38 referral submission imminent.. Meeting with Cabinet Ministers to provide project overview Development of DFS studies in support of likely environmental approval requirements.
Community	Gascoyne Gateway will boost economic diversification, create jobs and drive regional investment.	<ul style="list-style-type: none"> Strong support through ECCI, Gascoyne Development Commission and a number of local business owners Community engagement activities well underway Formal engagement with Shire of Exmouth underway Second round of Community Reference Groups held – constructive feedback 	<ul style="list-style-type: none"> Continue regular community engagement, including stakeholder meetings, reference groups and communication activities Second round of community reference groups ECCI Business After Hours event taking place
Land Assembly	10km from Exmouth Township, the site is a combination of GGL owned freehold, UCL and Shire leased land adjacent to a Zoned Industrial Area	<ul style="list-style-type: none"> Lead Agency Status – JTSI working group established and regular meetings held Land and seabed lease enquiry underway Statutory planning process progressing with Shire and DPLH 	<ul style="list-style-type: none"> Construction is expected to start end 2023 and will take 18-24 months Achieve further land acquisition and lease facilitation to meet operational and customer need for land Progress statutory planning approvals
Indigenous	Gascoyne Gateway wants to establish an intergenerational partnership with the Traditional Owners that will continue for the 100 year lifetime of the facility.	<ul style="list-style-type: none"> Engagement underway with the Traditional Owners Advice received from DPC Aboriginal Policy Unit on ILUA process Engaged trusted Heritage and Native Title advisors Native Title and Heritage roadmap being developed Traditional Owner site visit – November 2020 	<ul style="list-style-type: none"> Continue steps along roadmap towards Heritage Agreement and ILUA

Community engagement timeline

Gascoyne Gateway's community engagement approach is focusing on providing the broader Exmouth community with information about the project through multiple channels to ensure all community members are reached.

Gascoyne Gateway aims to build community and stakeholder support for the project through:

- The regular communication of accurate information about the project, when it becomes available; and
- Providing early and ongoing opportunities for the community and stakeholders to influence project outcomes.

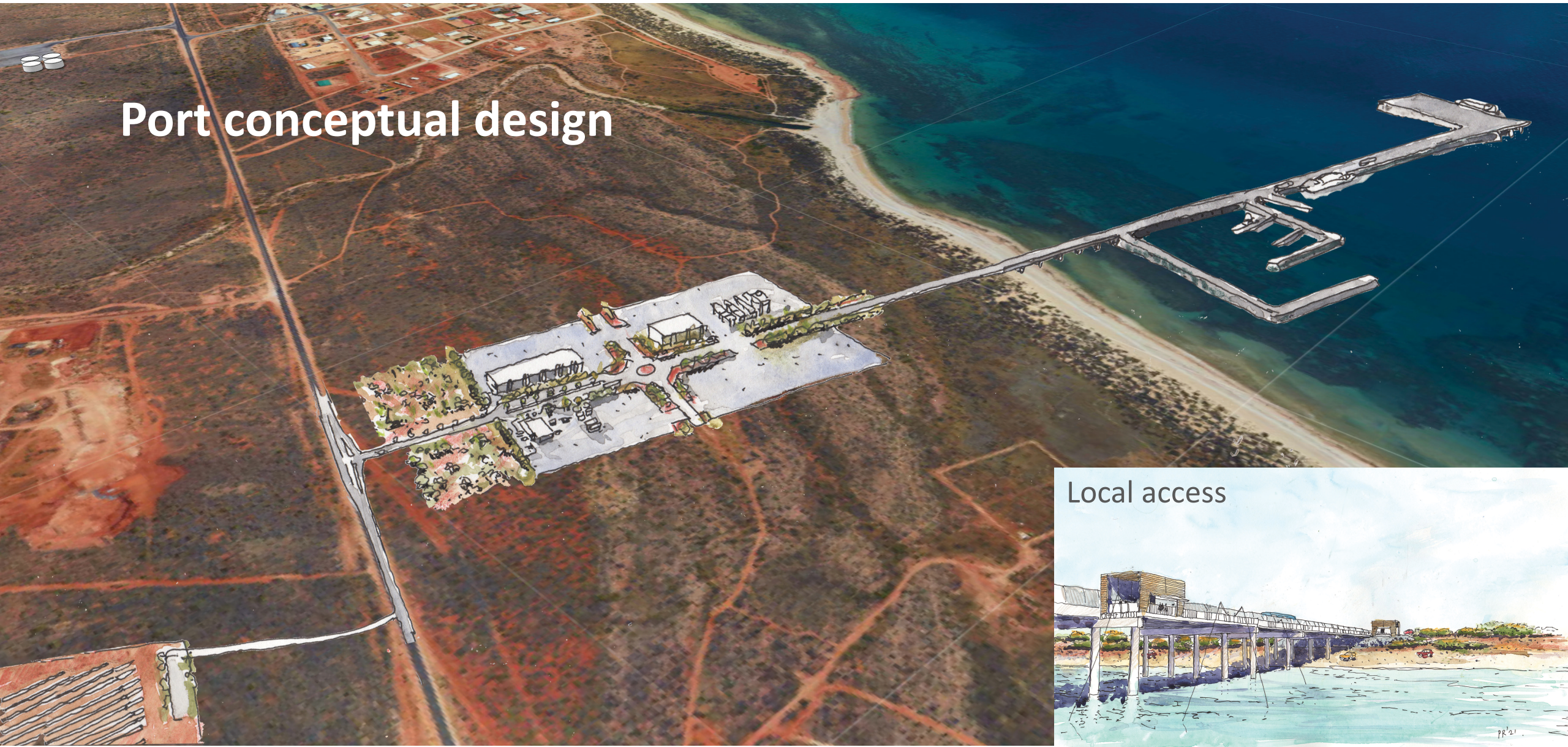


Community views

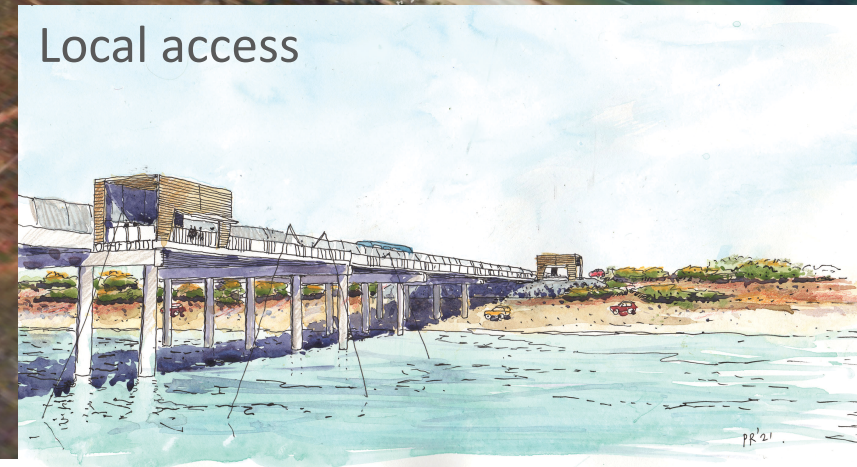
Gascoyne Gateway has held two rounds of community reference groups and had many conversations with different members of the community. Below are the common themes that we have heard from community members who are both supportive or currently opposed to the project as well as clarity around our response to each theme.

Key themes	Community views	GGL response
Jobs and economic diversification	We understand that many local business owners and residents are excited by the prospect of career opportunities for their children and year-round industry, reducing the over-reliance on tourism.	GGL has committed to a Buy Local procurement approach, 70 direct full-time jobs and 130 indirect full-time jobs in Exmouth can be directly attributed to the project and the multi-use nature of the proposal ensures that year-round industry is created.
Environmental impacts	The primary concerns raised by community members when discussing the project is the potential interaction to the mega fauna of the Gulf, and ultimately the impact this would have on the Ningaloo Reef.	GGL believes that its proposal will result in a net environmental benefit for both the Gulf and Ningaloo Reef, by repairing damage that currently exists, removing current risks to the Ningaloo Reef (such as Point Murat fuelling) and by committing to leave the Gulf better than when it was before. Ultimately, the EPA is the body that will review the science behind these claims and GGL expects to be held to the highest levels of environmental assessment – which it welcomes.
Renewables/regenerative initiatives	We believe that many residents are excited by the prospect of making Exmouth a renewable town and believe this should have happened years ago. The situation with the depletion of the local aquifers does concern many residents and there is a real desire to understand more about the opportunity to regenerate the Gulf.	GGL's renewables hub, including solar power, waste to energy, desalination and potentially green hydrogen will help Exmouth in its ambition to become 100 per renewable. The current situation is both unsustainable and incredibly damaging to the environment. GGL is working with a range of academic institutions and experts to deliver twelve regenerative environmental initiatives.
Baseline damage in the Gulf	Since the EPA's cumulative impact assessment was launched GGL has noticed that many residents have become more aware of the damage that currently exists in the Gulf through unregulated vessels and tourism, as well as damage from unregulated pedestrian and 4WD traffic at Qualing Pool.	GGL is committed to helping repair some of the baseline damage that currently exists in the Gulf through regulation of vessels, renewables and seagrass planting. Without intervention of this sort, damage will continue within the Gulf and surrounding wilderness areas with no clear plan on how to regenerate this important area.
Local access	The community have raised concerns about the impact the GGL land footprint would have on important community activities such as 4WDing, fishing, diving, trail riding and the CARE wildlife work. A number of residents have also raised the importance of Qualing Pool to the community.	GGL have listened to community feedback and understand that these activities are important to the community. GGL have considered how these can be factored into the conceptual design of the port and have enabled access for 4WDing under the jetty, allowed for a viewing platform and/or artificial reef for diving and environmental studies. The work of CARE and many of the current trails that exist in the Wilderness Estate will be either in the large allocated buffer areas or in strategic land holdings for potential growth in decades to come. Qualing Pool will also be protected with boardwalks and a focus on heritage/eco-tourism.

Port conceptual design



Local access



Local direct and indirect employment



Direct employment

70 ongoing full-time jobs will be created directly at the port

- Administration (reception, accounts, HSE, HR, community relations)
- Security
- Operations (marine, land, Emergency Spill Response, technical support)
- Maintenance (facility management, warehousing)
- Grounds/Office Services (cleaning, landscaping, IT support)
- Management/Supervision



Indirect employment

More than 130 ongoing additional jobs will be created in Exmouth

Contractors

Specialist contractors will be required for the project at various stages.

Main contractors will need to engage subcontractors to perform various types of work.

- Electrical
- Plumbing
- Civil
- Dredging
- Marine and land transport
- Safety management
- Traffic management
- Environmental monitoring
- Daily labour



Consultants

Consultants will provide services who may be available in Exmouth or surrounding areas.

- Surveyors
- Geotechnical
- Investigations
- Traffic management OH&S advisors
- Site attendants

Buy Local procurement policy



Buy Local procurement policy

Our ambitious Buy Local procurement policy seeks to:

- Build relationships and work in partnership with local businesses
- Build capability and capacity across the local supply chain
- Deliver regional economic benefits

Benefits for local business and regional businesses by:

We will support local and regional businesses by:

- Supporting competitive bidding for tenders
- Streamlining procurement and payment processes
- Building capacity programs in line with timeline

Buy Local tiers

- Tier 1** Companies owned and operated in Exmouth and surrounding regional areas
- Tier 2** Companies owned and operated in Western Australia
- Tier 3** Companies owned and operated in Australia
- Tier 4** Companies owned overseas

Tender requirements

Tenderers will be required to demonstrate how they will achieve certain requirements, including:

- Engagement of local industry for supply of materials and subcontract services
- Indigenous engagement directly by the contractor on this project
- Engagement with indigenous operated subcontractors
- Diversity within their organisation

Local material supply

There will be a need to obtain locally supplied materials such as:

- Stone
- Concrete
- Road base and bitumen
- Warehouses
- Water tanks
- Steel work
- Electrical supplies and equipment
- Plumbing supplies and equipment
- Hire equipment

Highest preference will be given to tier 1 and 2.

Preference will also be given to companies who demonstrate that they employ or support veterans and veteran affairs.

Environmental initiatives



	Initiative	Desired outcomes
1 2	Design	
	'At risk' species studies	'At risk' species identified and regenerational habitat options funded.
	Port buffer zones	Design 'buffers' to reduce noise, light and fauna/flora protection zones.
3 4	Construction	
	Carbon offset construction	Reduction of greenhouse gases by using less cement or carbon offset cement during construction.
	Optimal seabed depth – minimal dredging	All material will be brought ashore or used to construct the jetty - removing the risk of sand or silt escaping into the Gulf.
5 6 7 8 9 10 11 12	Operations	
	Desalinated water production	Desalination plant to produce potable water for the local community, reducing the load on local aquifers and helping them replenish over time.
	World Heritage risk mitigation	Point Murat fuelling could be transferred away from the Ningaloo World Heritage Marine Park. 'Recommended' courses and speeds for larger vessels on charts and regulated through Port Authorities Act and the provision of pilotage.
	Seagrass community replenishment	Determine long-term damage done to seabed grass fields throughout the Gulf through survey and co-fund an annual grass seeding program to increase carbon storage capacity.
	Renewable energy	Provide Exmouth with access to renewable energy. The port would run on renewable energy generated through a proposed solar plant and storage grid, as well as a waste-to-energy plant.
	Community values	Contribution to priority environmental projects in Exmouth. Provision of potable water to the community. Assistance in modernising waste recycling/composting/mulch.
	Conservation and scientific agency partnerships	Co-contribute to research organisations for the protection and enhancement of the natural environment.
	Research reef	Installation of a marine structure that encourages corals to grow, increasing their natural habitat and providing research opportunities.
	Heritage significance	'Identify areas of significance and undertake partnership with Traditional Owners to protect, promote and educate through cultural-tourism opportunities, such as Qualing Pool.

Shire of Exmouth Ordinary Council Meeting 22 April 2021

Gascoyne Gateway Limited Deputation

presented by

Michael Edwards– Managing Director/CEO, and Denise Goldsworthy, Chair, Board of Directors

Chair, Denise Goldsworthy raised the followed points during the deputation:

- Concerns raised by GGL in relation to the community poll methodology.

"We appreciate the independent nature of the community poll that the Shire will shortly embark on about our project and would not want to influence the outcome of this poll in any way. However, we would request early sight of the questions and date when it will be in-field so that we can make our preparations".

- Letter of support to the Shire from Melissa Price MP.

"We have engaged with Minister Melissa Price our Local Federal Member for Durack from the beginning of the project and have endeavoured to keep her abreast of our project's progress. You will recall that the Minister wrote to the Shire Council in February 2021 regarding our project, outlining the economic benefits it could potentially offer the region".

Mr Daniel Jackson – Chief Operating Officer, and Mrs Fern Dyball – Chief Financial Officer Gascoyne Gateway Limited were also in attendance.

MINDEROO EXMOUTH RESEARCH LAB (MERL)



MERL Research capacity

++

Support up to 18 projects per annum with varying sized research teams. Total: ~180 researchers per year

Three permanent staff plus one seasonal. Total: 4
Plus exploring Indigenous Training options.

Two boats and two vehicles available full time to support research. Plus world-class aquariums and lab facilities.

Support for artists in residence and local community groups.

Support for research conferences, hosted within the Visitor Centre facilities (potentially 200-400 researchers and associates to the region).



MERL Research

Research commenced October 2020 with 11 starting projects

- Exmouth Gulf (5)
- Ghost crab predation of turtles
- Irukandji jellyfish
- Whaleshark eDNA
- Coral reef resilience
- Coral Spawning
- Long term monitoring – smart buoys

EOI for second set of projects (8) consistent with Minderoo research priorities and management

Next focus – key partnerships

- MoU with AIMS for RRAP
- Reef resilience project – MARS stars



Impact

Research impact

Publications

Innovation (Genomics, Seasim)

Better data → better decisions

Community

Local spend

Resilience through better marine management

Community interactions (fb, events, emails)

Indigenous collaborations

Environment

Direct management outcomes – Wave buoys

Restoration projects



Accommodation for visiting scientists

- Accommodation for up 12 researchers at any one time
- Close proximity to the labs given the need to monitor round-the-clock experiments, access labs at night
- Meeting/collaboration space
- Storage for 2x boats and 2x vehicles
- Options include:
 - Building adjacent to MERL and/or
 - Purchase of existing property

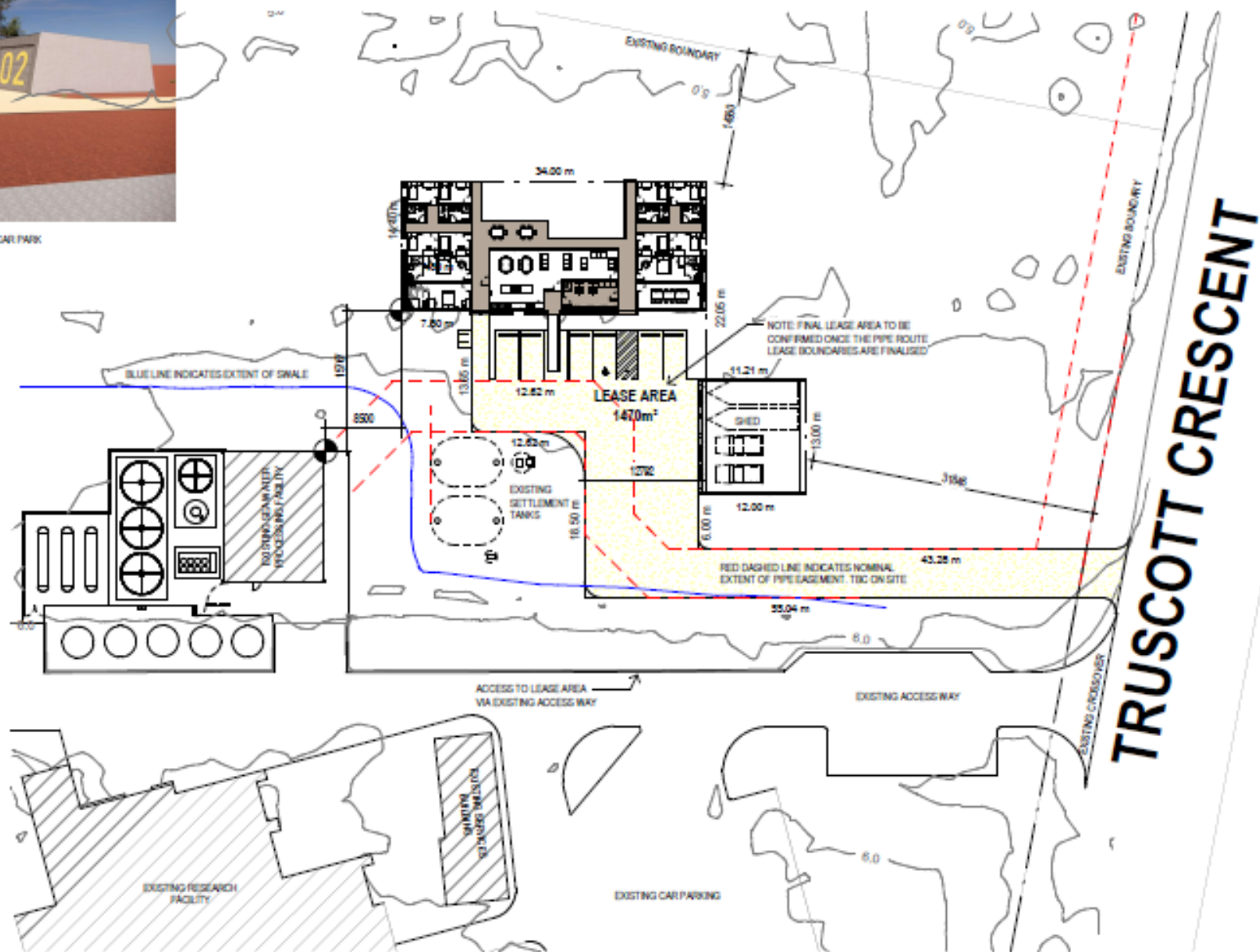


CONCEPT DESIGN - MERL ACCOMMODATION TRUSCOTT WY, EXMOUTH





SKETCH PERSPECTIVE VIEW OF ACCOMMODATION AND BOAT SHED FROM THE EXISTING CAR PARK



Site
1:500

Thank you

