

Shire of Exmouth

# ORDINARY COUNCIL MEETING MINUTES

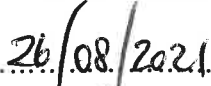


22 July 2021

## CONFIRMATION OF MINUTES

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

  
.....  
Matthew Niikkula  
Shire President

  
.....  
Dated

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# MINUTES

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

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

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Our Strategic Objectives                      

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

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

The Shire President declared the meeting open at 4.00pm.

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 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 M Head	Minute Clerk

<b>GALLERY</b>	20
<b>APOLOGIES</b>	Councillor M (Mark) Lucas
<b>LEAVE OF ABSENCE</b>	Nil

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

Nil

### **4. PUBLIC QUESTIONS TIME**

Questions received by Ty Matek

1. *Is the Shire any closer to establishing a footpath on Warne Street connecting town to town beach?*

Executive Manager Development Services responded by advising the footpath has been identified in the current capital works program and will run from Murat Road along Warne Street to Town Beach.

2. *Can Horizon Power be contacted to get some street lights along Reid Street? The amount of foot and cycle traffic, particularly going to the Whalebone establishment at night time (50-60km area) there has been numerous near misses. There is no lighting along that whole stretch of road.*

Shire President committed to taking this matter up with Horizon Power.

3. *The area between town beach and golf club; will the footpath be reinstated to its former glory once these current works are completed?*

Executive Manager Development Services responded by advising that the rehabilitation around the area in question has recently been confirmed with the contractor. The footpath being one component of the remediation after the works. The footpath will be reinstated, not on the same alignment, but will be reinstated to approx. 2m wide road base path.

4. *Has there been any further developments regarding the asbestos investigation in this same area?*

Executive Manager Development Services responded by advising due to complexities around land ownership, the Shire is still working with Department of Planning Lands Heritage to come to terms with how this is to be managed. The Shire is still negotiating how to reopen the path whilst relying on other stakeholders to complete their part before anything further can be done.

Ty passed on thanks the Shire for the recent media release pertaining to the beautification of Town Beach. It is most welcomed by the community.

The Acting Chief Executive Officer advised the Town Beach beautician project was in partnership with Exmouth Chamber of Commerce and Industry who gained funding from resources companies and contributed to this project.

**5. DECLARATIONS OF INTEREST**

Nil

**6. APPLICATIONS FOR LEAVE OF ABSENCE**

The following leave requests have been received:

- Councillor Dixon from 28 August until 8 September inclusive.
- Councillor Mounsey from 30 August until 3 September inclusive and 19 September until 25 September inclusive.

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**COUNCIL RESOLUTION**

**ITEM 6**

**Res No: 01-0721**

**MOVED: Cr Niikkula**

**SECONDED: Cr Lake**

**The following leave requests have been received:**

- **Councillor Dixon from 28 August until 8 September inclusive.**
- **Councillor Mounsey from 30 August until 3 September inclusive and 19 September until 25 September inclusive.**

**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 24 June 2021 be confirmed as a true and correct record of proceedings.

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**COUNCIL RESOLUTION**

**ITEM 7**

**Res No: 02-0721**

**MOVED: Cr Mounsey**

**SECONDED: Cr Dixon**

**That the Minutes and associated attachments of the Ordinary Meeting of the Shire of Exmouth held on the 24 June 2021 be confirmed as a true and correct record of proceedings.**

**CARRIED 5/0**

**8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS**

Councillor Dixon	Attended the Gascoyne Zone and Regional Road Group Meetings via Zoom.
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**9. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**

Nil

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

The following presented a deputation to Council:

- Exmouth Chamber of Commerce and Industry by Sarah Booth; and
- Gascoyne Gateway Limited (GGL) by Daniel Jackson, Chief Operating Officer (GGL) and Rachel Chapman, Director Taylor Burrell Burnett.

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

### **EXECUTIVE SERVICES**

The following reports were recommended enbloc 12.1.2, 12.4.1, 12.4.2, 12.5.1

#### **12.1.2 REQUEST FOR ITINERANT TRADING LICENCE - KOOL BUDZ**

File Reference:	LP.PE.0.2021
Reporting Officer:	Acting Chief Executive Officer
Responsible Officer:	As above
Date of Report:	12 July 2021
Applicant/Proponent:	Kool Budz
Disclosure of Interest:	Nil
Attachment(s):	Nil

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#### **PURPOSE**

1. That Council APPROVE a new licence agreement with Kool Budz ice cream van operator for use of one designated space at the turn off Yardie Creek Road and Murat Road (figure 1).



Figure 1 (The location is as approved under the current policy - 6.9 Itinerant Trading)

#### **BACKGROUND**

2. Kool Budz is a local ice cream van operator that has been operating at the turn off of Yardie Creek Road and Murat Road on a seasonal basis since 2013.
3. Kool Budz is owned and operated by Svenja Cheetham.

4. Kool Budz have been operating under annual itinerant trading permits and are now seeking approval for a licence approach to operate the ice cream van at the turn off of Yardie Creek Road and Murat Road.

**COMMENT**

5. 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**

6. 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:

*“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)

7. The intent behind this addition was to acknowledge the difference between local Exmouth residents who wish to operate an itinerant trading type of business within the Shire of Exmouth and those itinerant traders who do not reside in Exmouth and visit and trade on a seasonal and adhoc basis.

8. Also stated in the May 2020 version of the Policy is:

*“A license 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)

9. 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.

10. Kool Budz has been operating within Exmouth on a seasonal basis since 2013. 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 Kool Budz.



## CONSULTATION

11. A licence arrangement does not require public advertising under the *Local Government Act 1995* section 3.58.

## STATUTORY ENVIRONMENT

12. *Land Administration Act 1997*  
 13. Shire of Exmouth Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.  
 14. The leasing and licensing of Shire property is governed by the *Local Government Act 1995*, section 3.58.  
 15. 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

16. 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

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

## RISK MANAGEMENT

18. Identified risks

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance If approved, Kool Budz 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:

19. Council not support the granting of a licence agreement to Kool Budz, they would then need to continue to operate under the annual permit approach  
 20. Council to change the terms and conditions of the licence agreement including term and/or fees payable.

## STRATEGIC ALIGNMENT

21. 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**

22. Absolute Majority

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### **OFFICER'S RECOMMENDATION**

**ITEM 12.1.2**

That Council:

1. APPROVE Kool Budz to operate at one designated space at the turn off of Yardie Creek Road and Murat Road location under an Itinerant Trading licence; and
2. AUTHORISE the Acting 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.

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### **COUNCIL RESOLUTION**

**ITEM 12.1.2**

**Res No: 03-0721**

**MOVED: Cr Niikkula**

**SECONDED: Cr Dixon**

That Council:

1. **APPROVE Kool Budz to operate at one designated space at the turn off of Yardie Creek Road and Murat Road location under an Itinerant Trading licence; and**
2. **AUTHORISE the Acting 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 5/0**

## **CORPORATE SERVICES**

The following reports were recommended enbloc 12.1.2, 12.4.1, 12.4.2, 12.5.1

### **12.4.1 FINANCIAL STATEMENT FOR PERIOD ENDING 30 JUNE 2021**

File Reference:	FM.FI.0
Reporting Officer:	Manager Finance
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	13 July 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Monthly Financial Report as at 30 Jun 2021

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#### **PURPOSE**

1. That Council accepts the financial report for the financial period ending 30 June 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 (refer Attachment 12.4.1).

#### **COMMENT**

3. As at 30 June 2021, the operating revenue is above target by \$1,990,461 (15.75%). Variances are due to timing of Financial Assistance Grant and aviation revenue, exhibition admissions and waste site revenue being over budget. Ningaloo Visitor Centre merchandise sales and building and town planning applications are also over budget. The interest revenue is under budget.
4. Operating expenditure is under budget by \$658,822 (4.14%). Variances are mainly due to other expenditures and utility charges being under budget. Applications for stimulus packages have been received and are yet to be claimed. Material and contracts are also under budget.
5. A total of \$4,950,859 has been spent to date for capital projects. This 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 panel programme has commenced and the roadworks programme at Ningaloo Road, Murat Road and Yardie Creek Road is completed.
6. Rate notices were issued on 30 July 2020. Rates collected as at 30 June 2021 were 94% compared to 87.7% for the same period last year.
7. General Debtors is \$2,178,233 with \$1,222,955 being for aviation operations.

#### **CONSULTATION**

8. Nil

## STATUTORY ENVIRONMENT

9. Section 6.4 of the *Local Government Act 1995* provides for the preparation of financial reports.
10. 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

11. Nil

## FINANCIAL IMPLICATIONS

12. Nil

## RISK MANAGEMENT

13. 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

14. Nil

## STRATEGIC ALIGNMENT

15. 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

16. Simple Majority

## OFFICER'S RECOMMENDATION

**ITEM 12.4.1**

That Council RECEIVES the Financial Report for the financial period ending 30 Jun 2021.

## COUNCIL RESOLUTION

**ITEM 12.4.1**

**Res No: 04-0721**

**MOVED: Cr Niikkula**

**SECONDED: Cr Dixon**

**That Council RECEIVES the Financial Report for the financial period ending 30 Jun 2021.**

**CARRIED 5/0**

The following reports were recommended enbloc 12.1.2, 12.4.1, 12.4.2, 12.5.1

## 12.4.2 LIST OF ACCOUNTS FOR PERIOD ENDING 30 JUNE 2021

File Reference:	FM.FI.0
Reporting Officer:	Manager Finance
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	13 July 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. List of Accounts for period ending 30 Jun 2021

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### PURPOSE

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

### BACKGROUND

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

### COMMENT

4. Council has given delegated authority that allows the Chief Executive Officer to approve payments from Council's bank accounts either via cheque or through electronic lodgement. (refer Attachment 12.4.2).
5. May Payments  
Municipal Fund totalling \$1,073,824.64  
Incorporating cheques, direct debits, electronic payments and credit cards.  
  
Trust Fund totalling \$NIL  
Incorporating electronic payments.  
  
Total Payments: \$1,073,824.64

### 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 June 2021 (*totalling \$1,073,824.64*).

**COUNCIL RESOLUTION**

**ITEM 12.4.2**

**Res No: 05-0721**

**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 June 2021 (*totalling \$1,073,824.64*).**

**CARRIED 5/0**

## **ITEMS FOR INFORMATION ONLY**

The following reports were recommended enbloc 12.1.2, 12.4.1, 12.4.2, 12.5.1

### **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.

<b>DATE</b>	<b>DOCUMENT</b>
17/06/21	Subleases: Shire of Exmouth, Exmouth Chamber of Commerce and Gascoyne Gateway, ST Hypnotherapy, Connect Psychotherapy (Council Decision 09-1120)
	Registration of Lease with Landgate: Shire of Exmouth and LVW Aviation (Council Decision 07-0819)
18/06/21	Minor Works Contract – Shire of Exmouth and Acero Construction (Council Decision 08-0521)
24/06/21	Contract: Shire of Exmouth and Exmouth Bus Charter (Council Decision 17-0221)
01/07/21	Lease: Shire of Exmouth and Centacare (Council Decision 08-1120)
06/07/21	Local Planning Scheme No.4 Amendment 2 (Council Decision 05-0621)

#### 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 **30 June 2021**.

<b>App #</b>	<b>Date Received</b>	<b>Lot</b>	<b>Property Address</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
21/47	14/04/21	348 & 349	31 & 29 Kestrel Place	Floating jetty	Pending	
21/60	21/05/21	1354	41 Tambor Drive	Single dwelling	Approved	18/06/21
21/63	03/06/21	458	Lot 458 (8) Osprey Way	Single storey dwelling	Approved	10/06/21
21/65	03/06/21	112	23 Snapper Loop	Shed	Approved	08/06/21
21/66	02/06/21	951	1 Welch Street	Block retaining wall and fencing	Approved	15/06/21
21/67	04/06/21		R27288 - Cape Range National Park	Telecommunications Tower	Approved	11/06/21
21/68	08/06/21	2	34 Tambor Drive	Boundary fence	Approved	19/06/21
21/69	09/06/21	187	35 Cobia Close	Two storey dwelling & store	Approved	19/06/21
21/70	09/06/21	2	34A Tambor Drive	Swimming pool installation & barrier fencing	Approved	18/06/21
21/71	10/06/21	2	2 Truscott Crescent	Alteration storage building	Approved	12/06/21

21/72	14/06/21	458	8 Osprey Way	Swimming pool installation & barrier fencing	Approved	19/06/21
21/73	18/06/21	949	8 Griffiths Way	Alterations to existing building	Approved	30/06/21
21/74	23/06/21	39	14 Searaven Crescent	Addition rear verandah	Approved	24/06/21
21/75	29/06/21	1326	21 Salmon Loop	Swimming pool installation & barrier fencing	Processing	
21/76	30/06/21	1376	40 Preston Street	Ancillary dwelling and Swimming pool installation & barrier fencing	Processing	

### Planning Decisions Issued

Summary of the planning decisions issued under delegation or outstanding up to **30 June 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
DA101/20	17/11/20	1	Heron Way	Single, ancillary dwelling, outbuilding	Approved	03/06/21
LP.PL.4.4	18/02/21	Service Commercial Zone			Scheme Amendment No.4	Processing
DA23/21	18/03/21	52	25 Lockwood Street	Existing Use – B&B (2 Bedrooms)	Deferred	30/04/21
DA24/21	18/03/21	319	19 Gnulli Court	Single dwelling and pool	Approved	04/06/21
DA26/21	31/03/21	151	27 Dugong Close	Retaining & fencing	Approved	30/06/21
DA27/21	07/04/21	1308	18 Tambor Drive	Holiday House	Approved	09/06/21
DA29/21	29/04/21	1103	3 Campbell Way	Approval for Existing Use - Holiday House	Approved	24/06/21
DA31/21	09/04/21	12	2/12 Christie Street	Approval for Existing Use – B&B	Approved	17/06/21
DA33/21	14/04/21	207	40 Cobia Close	Grouped dwellings x 2	Approved	21/06/21
DA38/21	23/04/21	838	5 Carter Road	Caretakers dwelling - Addition	Processing	
DA40/21	27/04/21	190	5 Grenadier Street	Ancillary dwelling	Approved	03/06/21
DA41/21	28/04/21	410	10 Farley Street	Single House - Outbuilding	Processing	
DA42/21	29/04/21	1376	40 Preston Street	Ancillary dwelling and pool	Approved	16/06/21
DA43/21	06/05/21		14 Welch Street	Use not Listed - Power Station - Additions (Battery Storage System)	Approved	02/06/21
DA44/21	12/05/21	11	202 Catalina Close	Single Dwelling	Deferred	12/05/21
DA45/21	17/05/21	260	4 Davidson Street	Approval for existing use - Holiday House	Approved	17/06/21
DA46/21	14/05/21	104	35 Bluefin Cove	Holiday House	Processing	
DA47/21	19/05/21	1148	39 Welch Street	Addition to existing warehouse - awning for undercover parking	Processing	
DA48/21	21/05/21	1412	18 Payne Street	Club Premises- Additions and Approval for Existing Development - Earthworks	Processing	
DA49/21	21/05/21	34	7 Learmonth Street	Existing Holiday House	Processing	
DA50/21	24/05/21	411	8 Farley Street	Single House - Additions	Processing	
160865	17/06/21	216	19 Carpenter Street	Subdivision WAPC e-Referral	Processing	
DA51/21	04/06/21	2, 557	Yardie Creek Road	Tourist Development, Caravan Park, Shop, Restaurant/Cafe, Small Bar & Service Station	Processing	
DA52/21	02/06/21	369	10 Corella Court	Development - Jetty	Approved	14/06/21
DA53/21	04/06/21	370	12 Corella Court	Development - Jetty	Approved	14/06/21
DA54/21	21/06/21	1	Unit 1, 1 Coral Way	Shop – hair salon	Processing	
DA55/21	09/06/21	500	1 Nimitz Street	Caravan Park - Additions (14 sites)	Approved	30/06/21
DA56/21	10/06/21	443	24 Osprey Way	Written Planning Advice	Issued	23/06/21
DA57/21	15/06/21	402	18 Madaffari Drive	Development - Jetty	Processing	
DA58/21	15/06/21	424	68 Madaffari Drive	Development - Jetty	Processing	
DA59/21	17/06/21	1214	7 Skipjack Circle	Holiday House	Processing	
DA60/21	23/06/21		2 Welch Street	Holiday Accommodation	Processing	



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

App #	Date Received	Description.	Decision	Permit issued
PE20/21	04/06/21	Cocoa Blue ice cream cart 01/07 - 05/09/2021 (excluding 6/07 and 7/07) - 4pm- 8pm daily at Town Beach	Cancelled	30/06/21
PE21/21	09/06/2021	Lions Outback mobile optometry (non for profit) van 12-14 July 2021 at ECAC	Issued	14/06/21
PE22/21	17/06/2021	Kool Budz ice cream van – 24/06- 01/08/2021 (part of 3 year licence application seasonal (June-October) 24.06.21-20.10.23) – at turn off Yardie Cr Rd & Murat Rd	Issued	24/06/21
PE23/21	17/06/2021	Idaho Boutique clothing sale marquee in the Ross Street Mall - 5-9 July (5 days) 8.30 to 5pm daily	Issued	23/06/21
PE24/21	23/06/2021	Latina WA food van (South American street food) Tantabiddi boat ramp 29/06 - 02/07, 7am to 12pm, Town Beach 05-07/07/2021, 5-9pm	Issued	24/06/21
PE25/21	23/06/21	Cape Hideaway Surf shop clothing sale - 8-10 July at Kennedy Street mall	Issued	01/07/21

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**OFFICER’S RECOMMENDATION**

**ITEM 12.5.1**

That Council note the following information items:

- Register of Documents Stamped with the Shire of Exmouth Common Seal;
- Building Decisions issued for up to 30 June 2021; and
- Planning Decisions issued for up to 30 June 2021.

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**COUNCIL RESOLUTION**

**ITEM 12.5.1**

**Res No: 06-0721**

**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 for up to 30 June 2021; and**
- **Planning Decisions issued for up to 30 June 2021.**

**CARRIED 5/0**

### 12.1.1 SHIRE OF EXMOUTH WORKFORCE PLAN 2021 - 2026

File Reference:	CM.IP.4
Reporting Officer:	Acting Chief Executive Officer
Responsible Officer:	Manager Human Resources and Governance
Date of Report:	9 July 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. CONFIDENTIAL Shire of Exmouth Workforce Plan 2021 - 2026

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#### **PURPOSE**

1. That Council receive the Shire of Exmouth Workforce Plan 2021 – 2026.

#### **BACKGROUND**

2. The Workforce Plan 2021 – 2026 assists the Shire to respond to its workforce challenges in a strategic way to ensure the Shire has the right people, in the right place at the right time to achieve the objectives set out in the Shire’s Strategic Community Plan.
3. Workforce Planning assists management to identify the important issues driving workforce activity and implement the strategies to support positive workforce development and strategic outcomes.
4. Workforce planning responds to the requirements of the State Integrated Planning and Reporting Framework which is a planning obligation on all local governments in Western Australia. The four elements of the framework are:
  - Strategic Community Planning;
  - Corporate Business Planning;
  - Annual Budget; and
  - Informing Strategies.

#### **COMMENT**

5. The Shire’s previous Workforce Plan 2013 was received by Council at the Ordinary Council meeting held in June 2013, with the adoption of the Corporate Business Plan 2013-2017 (Council Decision – 07-0613 – 10.2.4)

#### **CONSULTATION**

6. Local Government Insurance Services (LGIS).

#### **STATUTORY ENVIRONMENT**

7. Local Government Act 1995, Part 5, Division 5, s5.56
8. Local Government (Administration) Regulations 1996, Part 5, Division 3, s19DA (3) (c)

**POLICY IMPLICATIONS**

9. Nil

**FINANCIAL IMPLICATIONS**

10. Nil

**RISK MANAGEMENT**

11. Identified risks implications

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance (operational)	Possible	Moderate	Medium	Receive the workforce plan and implement objectives.

**ALTERNATE OPTIONS**

12. Do not receive the Shire of Exmouth Workforce Plan 2021 – 2026.

**STRATEGIC ALIGNMENT**

13. 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

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. Simple Majority

**OFFICER’S RECOMMENDATION**

**ITEM 12.1.1**

That Council RECEIVE the Shire of Exmouth Workforce Plan 2021 – 2026.

**COUNCIL RESOLUTION**

**ITEM 12.1.1**

**Res No: 07-0721**

**MOVED: Cr Mounsey**

**SECONDED: Cr McCarrol**

**That Council RECEIVE the Shire of Exmouth Workforce Plan 2021 – 2026.**

**CARRIED 5/0**

*The Acting Chief Executive Officer, Shire President and Councillor Mounsey commended the work by the Manager Human Resources and Governance preparing the Shire of Exmouth Workforce Plan.*

### 12.4.3 EXECUTIVE STAFF HOUSING

File Reference:	CP.AD.0
Reporting Officer:	Executive Manager Corporate Services
Responsible Officer:	As above
Date of Report:	July 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. CONFIDENTIAL Contract for sale

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#### PURPOSE

1. That Council APPROVE to expand the stock of available staff housing and purchase the property identified in the confidential attachment for \$860,000.

#### BACKGROUND

2. Council has identified that it has a requirement to employ appropriately qualified staff to provide effective services to the Shire of Exmouth. These skills are not always locally available and requires Council to consider measures that it can take to attract and retain these skills. As Council is not located close to a larger metropolitan area and cannot afford to pay salaries comparable to other local governments it needs to provide other incentives to attract and retain key technical and senior staff.
3. One of the incentives that Council provides to appropriately levelled staff is the provision of low cost or no cost accommodation. These benefits are exempt from FBT and do not cost Council an additional tax to provide this benefit. The only cost Council incurs is the actual cost of the property, interest if applicable and maintenance as required.
4. Council has developed and adopted Policy (1.14 – Council Employees Housing) that recognises the need for the provision of staff housing and rent subsidies to attract and retain key staff. The Policy sets out guidelines in relation to standards of accommodation and provides the CEO with discretion in the allocation of housing and housing subsidies so that appropriate staff can be attracted and retained to deliver on corporate objectives.

#### COMMENT

5. Council currently owns three houses at an executive standard and is renting a fourth. It has been identified that the rental property addresses the short term situation, but a longer term solution was needed.
6. Building accommodation requires a capital outlay funded through reserves or borrowings. This has a large initial capital outlay, but does provide Council with an asset investment that could serve Council for multiple years.
7. Purchasing a house also has a capital outlay, however the property is already built and is ready to occupy immediately.

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

## CONSULTATION

9. Nil

## STATUTORY ENVIRONMENT

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

## POLICY IMPLICATIONS

11. Council Policy 1.14 – Council Employees Housing
12. Council Policy 2.7 – Procurement Policy

## FINANCIAL IMPLICATIONS

13. Purchase of the property would incur a price of \$860,000 and there is a need to upgrade some of the features of the property. There is \$1m allocated in 2020/21 annual budget to fund this purchase.
14. As this is an asset that would benefit the Council over a long term and as interest rates are currently low, it would benefit Council to take out a borrowing over 10 years to fund this purchase.

## RISK MANAGEMENT

15. Identified risks implications

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance (operational) Inability of Council to attract and retain appropriate levelled staff	Likely	Major	High	Set competitive remuneration packages.

## ALTERNATE OPTIONS

16. Council could deem this property unsuitable and request we continue to see what comes on the market. This could include an option of buying a vacant block and building a suitable house.

## STRATEGIC ALIGNMENT

17. 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

18. Absolute Majority

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**OFFICER'S RECOMMENDATION**

**ITEM 12.4.3**

That Council APPROVE to:

1. PURCHASE the property identified in the confidential contract attached for \$860,000;
2. BORROW \$860,000 over 10 years; and
3. REPAY the borrowing through reserves.

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**COUNCIL RESOLUTION**

**ITEM 12.4.3**

**Res No: 08-0721**

**MOVED: Cr Mounsey**

**SECONDED: Cr Lake**

That Council APPROVE to:

1. PURCHASE the property identified in the confidential contract attached for \$860,000;
2. BORROW \$860,000 over 10 years; and
3. REPAY the borrowing through reserves.

**CARRIED by ABSOLUTE MAJORITY 5/0**

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

Nil

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

### 14.1.1 REQUEST FOR TENDER – RFT 01-2021 EXMOUTH BIKE PARK

File Reference:	CM.TE.01.2021
Reporting Officer:	Acting Executive Manager Commercial and Community
Responsible Officer:	As above
Date of Report:	21 July 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. CONFIDENTIAL Recommendation Report: RFT 01/2021 2. Letter from Cape Range Riders Inc

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#### PURPOSE

1. That Council consider the outcome of the Exmouth Bike Park Tender (RFT 01/2021) as per the confidential tender evaluation report, Attachment 1.

#### BACKGROUND

2. At the Ordinary Council Meeting held on 22 October 2020, the following decision was approved.

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#### **COUNCIL RESOLUTION**

**ITEM 12.3.1**

**Res No: 16-1020**

#### ***That Council;***

1. ***APPROVE the design presented as per Attachment 1 of a multi-use bike facility presently titled "Exmouth Bike Park" that is to be located at the Exmouth Recreation Precinct, and***
2. ***AUTHORISE the Chief Executive Officer to undertake Request for Tender documentation and procurement within Council's approved budget of \$350,000 ex GST.***

**CARRIED 6/0**

3. The approval (Council Resolution above) to undertake a tender for the Exmouth Bike Park followed from the outcome of the adoption of the Ningaloo Trails Masterplan at the Ordinary Council Meeting held on 24 May 2018. Specifically, points two and three referenced work to be undertaken "for the planning and construction of the multipurpose bike facility as outlined in the Ningaloo Trails Masterplan".



**COUNCIL RESOLUTION ITEM 14.1**

**Res No: 02-0518**

**That Council:**

- 1. Adopt the Ningaloo Trails Masterplan and endorse the strategy outlined for strategic development of trails within the Shire of Exmouth.**
- 2. Allocates \$30,000 in the 2018/19 budget for the planning of the priority multipurpose bike facility.**
- 3. Include an allocation of \$30,000 in the long-term financial plan (2019/20) for the construction of the multipurpose bike facility as outlined in the Ningaloo Trails Masterplan.**
- 4. Authorises the CEO to resolve the land tenure matters and enter into discussions with the Cape Range Riders to determine the preferred management model for the multipurpose bike facility and develop and implement the necessary agreements to formalise this model.**
- 5. Authorises the CEO to investigate alternative funding opportunities and seek support from external agencies for the development of trails identified in the Ningaloo Trails Masterplan.**
- 6. Work with the Department of Biodiversity, Conservation and Attraction, Department of Defence and Department of Water and Environment to resolve land access and use issues which support the development of trails as outlined in the Ningaloo Trails Masterplan.**

**CARRIED 6/0**

4. Guidance on timeframes for development of the trails was considered within the Ningaloo Trails Masterplan. Trails were prioritised as being short term (1-3 years), medium term (3-5 years) or long term (5-10 years). Five trails were identified in the short-term with three of these trails being within the Cape Range National Park and the responsibility of Department of Biodiversity Conservation and Attractions (DBCA) as the land manager.
5. Two of the prioritised short-term trails were the responsibility of the Shire of Exmouth as they were within the Shire’s boundaries as per table below.

<b>Trail Name within the boundaries of the Shire of Exmouth</b>	<b>Priority term</b>	<b>Development term</b>	<b>Estimated cost</b>
Develop a Mountain Bike Skills Park and cycling activity area including Pump, Jump and BMX tracks	High	1-3 years	\$362,500
Exmouth town loops and connections	High	1-3 years	\$686,000

6. Of these two short-term high priorities identified trail projects, the design and development of a “Mountain Bike Skills Park and cycling activity area including Pump, Jump and BMX tracks” was identified as financially achievable providing there was sufficient funding able to be externally sourced. (Note: A major supporter and financial sponsor has since been identified for this project.)
7. At a meeting held on 18 June 2018 with a Councillor, Shire staff, and members of the Cape Range Riders club to discuss a range of matters to commence the Mountain Bike Skills Park project (presently named Exmouth Bike Park), one of the matters discussed was the scope of works for a Consultancy Request for Quote (RFQ) for the planning and design of the facility. At this meeting it was decided that for this project the scope of works would be confined to pump track design and development with consideration for a BMX track in the future once a BMX club develops.

8. The Ningaloo Trails Masterplan referred to why it is important to have a mountain bike hub.

*“There is great community benefit in the establishment of mountain bike trails that have an emphasis on skill development and introduction to the new riders particularly children to the sport. Promotion of outdoor activity is an essential component of healthy communities. Community pride is also a benefit from the development of mountain biking experiences in and around the town”.*

Source: Ningaloo Trails Masterplan

9. Recognition of the invaluable role and support of the members of the Cape Range Riders Inc as stakeholders in, firstly, the development of a Ningaloo Trails Masterplan and, then, with their involvement and continued input into the design of the Exmouth Bike Park needs to be highlighted and noted.

10. A driving force within the Shire of Exmouth community for trails development and also a bike park, the Cape Range Riders members have sought over a number of years for opportunities to develop facilities for riding and learning to ride in the Exmouth township for bike riders of all ages so that they may be prepared for riding on trails within the nearby Cape Range (Attachment 2 – letter from Cape Range Riders))

11. At the Good Sports Award ceremony celebrating the 2020 award winners that was held at Parliament House, Canberra in February of this year the Cape Range Riders were recognised as the 2020 Club of the Year for Western Australia.

*“The Good Sports Club of the Year Award goes to a club who has reached the top level of the Good Sports program. Inspiring positive change and building a healthier, more family-friendly club environment where everyone feels welcome. This club is a champion within their community and has made their club the very best it can be by committing to, and going above and beyond, the core requirements of the Good Sports program.”*

Source: Good Sports website

12. In February 2019, following an RFQ process, the Shire of Exmouth appointed Common Grounds Trails Pty Ltd to design a pump track, jump line and skills loop to be located at the Exmouth Recreation Precinct.

13. The Bike Park RFQ consisted of a three-part design:

- a) Pump Track: asphalt surface and designed so that riders can “pump” around the track as opposed to pedalling.
- b) Jump Line: gravel, compacted surface for the more adventurous bike riders and has BMX-style jumps and berms.
- c) Skills Loop: gravel, compacted surface designed to introduce riders to similar terrain they may find on longer bike rides in rural settings.

14. The technical components stated to be included in the design were:

- Site infrastructure including but not limited to shelters and car and bike parking;
- Landscaping, drainage and restoration;
- Design of trail head including signage, any structural elements etc;
- Design of skills track within the allocated area;

- Design of pump track within the allocated area;
  - Design of jump lines within the allocated area;
  - Design and location of each element including safety and recommended use;
  - The skills, pump and jump lines to be designed to divert and allow filtration of stormwater runoff through the area;
  - Full landscaping designs to support the integrity of the trail and structural elements;
  - Signage. Design of an overall precinct map showing use direction, safety, emergency contacts and sponsorship/funding partners, respect for the environment, user etiquette and Code of Conduct for the three components of the facility;
  - Identification of appropriate companies to tender for construction; and
  - Development of tender documents in consultation with the Shire.
15. For budgetary considerations and within the RFQ, the Shire sought final engineered design drawings to allow for a staged development of the project to be phased, possibly, over a number of construction periods, so as to be able to ensure each stage was fully funded.
16. As per the RFQ, the required outcomes sought by the Shire to be delivered by Common Ground Pty Ltd from this project included;
- *“The skills park being recognised as an exceptional signature experience for a wide range of users, including children and youth, with users being able to expand their skills through cycling by utilising a new recreational activity placed in the Exmouth Recreation Precinct that assists those users with their riding skills later in the greater Exmouth Cape area,*
  - *Visitors to Exmouth enjoying challenging cycling experiences whilst recognising a practical approach to their safety,*
  - *Local skills development integrated through the construction process (e.g. trail building, trail management),*
  - *Minimise maintenance and maximise trail and facility sustainability through best practice trail construction and modelling; and*
  - *Capacity for future growth in the multi-use mountain bike skills park and event participation.”*
- Source: RFQ Exmouth Multipurpose Bike Facility
17. By February 2021, Common Ground Pty Ltd had produced final design documents (see Figure 1 below) for the Exmouth Bike Park following an extensive consultation and feedback process over the past couple of years involved Shire staff, members of the Cape Range Riders and community members to finalise the design which was then taken to the Ordinary Council meeting of 22 October 2020 for approval.



Figure 1: Design of the Exmouth Bike Park to be undertaken in separable portions and/or stages (with separate Pump Track, Jump Lines and Skills Loop)

18. The site location for the Exmouth Bike Park is the area bounded by Willersdorf Road to the east, Exmouth Community Garden to the north, Exmouth Tennis Club to the south and additional playing fields to the west.
19. Presently, the Exmouth Dog Agility Group Inc (DAG) is using the former outdoor netball site which is in the middle of the Bike Park's location. DAG does not have a lease or licence for this site. The club is aware that they will need to be relocated to an alternate site prior to commencement of any construction works at the Bike Park. Previously, the DAG committee had accepted being relocated to near the Men's Shed but in communications recently have determined this site is not suitable to their needs. Shire staff will work with the club's committee members to identify a suitable location.

**COMMENT**

20. The past five years has seen an increase in the popularity, design, development and building of bike parks (and specifically Pump Tracks) in Australia, and predominantly here in Western Australia. For instance, the Shires of Dwellingup and Irwin (and the cities of Karratha, Geraldton and Albany) are just some of the communities that now have a skills park with an emphasis on a pump track.

21. The Shire of Exmouth’s tender document (RFT 01/2021) referred to four separable costed portions within the summary of tender prices for the Exmouth Bike Park:
  - Separable Portion 1 – Pump Track
  - Separable Portion 2 – Jump Lines
  - Separable Portion 3 – Northern Skills Loop
  - Separable Portion 4 – Southern Skills Loop
22. Tenderers were asked to submit individual prices for the four portions (and any alternate tender) for a total tender submission price in reference to the fixed budget of \$350,000 (ex GST).
23. 13 companies were forwarded tender documents on request when the tender became available.
24. One addendum was issued prior to the tender closing and it was acknowledged by all companies that had been forwarded documents.
25. Two tenders were received by the tender deadline of 2pm on 9 March 2021.
26. The tenders were evaluated by a three-person panel of Shire officers comprising:
  - Acting Chief Executive Officer
  - Acting Executive Manager Commercial and Community
  - Building Surveyor
27. The tender documents were assessed for compliance against the tender’s requirements and against the qualitative criteria that were weighed as follows:

<b>Criteria</b>	<b>Weighting %</b>
Tender Price	40.00
Relevant Experience	25.00
Key Personnel	10.00
Tenderers Resource	10.00
Demonstrated Understanding	15.00
<b>Total</b>	<b>100.00</b>

28. The assessment panel then adopted a best value for money approach.
29. The confidential tender Recommendation Report is included as Attachment 1.

## **CONSULTATION**

30. The RFT was publicly advertised via Pilbara News and the West Australian newspapers as per local government regulations as well via the Shire of Exmouth’s noticeboards and website.

## **STATUTORY ENVIRONMENT**

31. *Local Government Act 1995 s3.57 and s5.23 subsection 2*
32. *Local Government (Functions & General) Regulations 1996 Part 4 Division 2*

## **POLICY IMPLICATIONS**

33. Council Policy 2.7 – Purchasing Policy
34. Council Policy 2.12 – Regional Price Preference Policy

## FINANCIAL IMPLICATIONS

35. A capital budget of \$350,000 (ex GST) has been allocated by Council for the construction of a bike park in the 2020/2021 financial year. An external funder has indicated that it will contribute \$300,000 (ex GST) for a sponsorship grant and the Shire providing \$50,000 (ex GST) from general revenue.
36. Annual Maintenance costs are expected to be approximately \$35,000 (ex GST) annually.
37. The Shire has already spent \$43,640 (ex GST) for design and construction documentation for an RFT for a bike park.
38. To assist with the costs for removal of the former netball courts facilities (fence line, light poles and bitumen court surface) that are located in the middle of the site for the bike park, \$18,000 (ex GST) is sought to be provided from the Community Development Fund Reserve which had a closing balance of \$1,381,384 as at 30 June 2021.

## RISK MANAGEMENT

39. Risk implications identified for this project to construct a Bike Park at the Exmouth Recreation Precinct:

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Technical nature of project requires specialist knowledge and review.	Likely	Major	High	Shire of Exmouth requires an experienced bike park construction company for the Exmouth Bike Park project.
Financial costs more than agreed project budget for the separable portions of the project to be undertaken	Possible	Moderate	Medium	Construction of the separable portions for the Exmouth Bike Park project will be limited to the fixed budget agreed by Council and the funding that is available before the project commences. To undertake the project within a fixed budget and to minimise the Shire of Exmouth's capital costs exposure, an external funder has indicated a commitment of funding to support 86% of the capital funds (\$300,000 ex GST) required for construction with the Shire providing 14%. (\$50,000 ex GST)
Reputational damage from not implementing the Ningaloo Trails Masterplan recommendations involving the Shire of Exmouth	Likely	Major	Medium	The Bike Park is a high priority, short term project. The Shire of Exmouth has been involved with trails planning during the past decade. Finalising a short term identified priority project will assist providing a variety of recreational opportunities within the Shire.
Ongoing additional operational maintenance costs not considered in the planning of this project	Likely	Minor	Low	A maintenance program is to be put in place for the bike park and included in annual budgeting. The Cape Range Riders club members may assist with some ongoing maintenance aspects.

## ALTERNATE OPTIONS

40. Council may decide not to award a contract for all or a portion of the Exmouth Bike Park project.

## STRATEGIC ALIGNMENT

41. 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.

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

- 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

42. Absolute Majority

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### OFFICER'S RECOMMENDATION

### ITEM 14.1.1

That Council:

1. AWARD the contract for Tender RFT 01-2021 Exmouth Bike Park as per the recommendation in the Confidential Evaluation Report – RFT 01-2021; subject to the Shire of Exmouth entering an agreement with an external funder confirming a sponsorship of \$300,000 (ex GST);
2. AUTHORISE the Chief Executive Officer to sign the contract with the successful tendering company for Tender RFT 01-2021 and to make any minor changes to the scope of works with the price of works to not exceed 10% of the project budget of \$350,000 (ex GST);
3. RECORD the recommendation for Tender RFT 01-2021 as provided in the Confidential Evaluation Report in the OCM's minutes for the meeting;
4. AUTHORISE the Chief Executive Officer to sign the sponsorship contract with the nominated external funder for their contribution of \$300,000 (ex GST) for the bike park project;
5. APPROVE \$18,000 (ex GST) from the Shire's Community Development Fund Reserve to assist with the removal of the former netball court's facilities that are located in the middle of the site for the bike park; and
6. AUTHORISE the Chief Executive Officer to work with the Exmouth Dog Agility Group to find a suitable location for their club.

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**COUNCIL RESOLUTION****ITEM 14.1.1****Res No: 09-0721****MOVED: Cr Mounsey****SECONDED: Cr Dixon****That Council:**

- 1. AWARD the contract for Tender RFT 01-2021 Exmouth Bike Park as per the recommendation in the Confidential Evaluation Report – RFT 01-2021; subject to the Shire of Exmouth entering an agreement with an external funder confirming a sponsorship of \$300,000 (ex GST);**
- 2. AUTHORISE the Chief Executive Officer to sign the contract with the successful tendering company for Tender RFT 01-2021 and to make any minor changes to the scope of works with the price of works to not exceed 10% of the project budget of \$350,000 (ex GST);**
- 3. AWARD the contract for Tender RFT 01-2021 Exmouth Bike Park, to Common Ground Trails Pty Ltd, as provided in the Confidential Evaluation Report attachment;**
- 4. AUTHORISE the Chief Executive Officer to sign the sponsorship contract with the nominated external funder for their contribution of \$300,000 (ex GST) for the bike park project;**
- 5. APPROVE \$18,000 (ex GST) from the Shire’s Community Development Fund Reserve to assist with the removal of the former netball court’s facilities that are located in the middle of the site for the bike park; and**
- 6. AUTHORISE the Chief Executive Officer to work with the Exmouth Dog Agility Group to find a suitable location for their club.**

**CARRIED by ABSOLUTE MAJORITY 5/0**

*The Shire President commended the Acting Executive Manager Commercial and Community for the presentation he provided to Council at the recent Councillor Briefing session and also passed on this gratitude for putting together this report today in such a short time frame.*

*The Acting Executive Manager Commercial and Community thanked the Cape Range Riders Club for their vision and input into this project and the Shire’s Building Surveyor for his assistance throughout.*

*The Acting Chief Executive Officer commended the Acting Executive Manager Commercial and Community for the phenomenal effort he has put into this project.*



## 15. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS

The following Agenda item be considered under 15. Matters to be considered behind closed doors, in accordance with section 5.23(2) of the *Local Government Act 1995*.

The Shire President requested all retire from the Chambers except Councillors. He advised on returning from behind closed doors the meeting will be closed and proceeded to thank those in the gallery for their attendance, should they choose not to return.

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### COUNCIL RESOLUTION

ITEM 15.1.1

Res No: 10-0721

MOVED: Cr Niikkula

SECONDED: Cr Dixon

That Council MOVE Behind Closed Doors at 4.52pm in accordance with the *Local Government Act 1995* section 5.23 (2) (C) (D) and (E) ii.

CARRIED 5/0

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### 15.1.1 CEO RECRUITMENT PANEL – PREFERRED CANDIDATE, PROPOSED CONTRACT

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### COUNCIL RESOLUTION

Res No: 11-0721

MOVED: Cr Dixon

SECONDED: Cr Lake

That Council ACCEPT the panel's recommendation in report 15.1.1.

CARRIED by ABSOLUTE MAJORITY 5/0

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### COUNCIL RESOLUTION

Res No: 12-0721

MOVED: Cr McCarrol

SECONDED: Cr Mounsey

That Council return from Behind Closed Doors at 5.02 pm.

CARRIED 5/0

## 16. CLOSURE OF MEETING

The Shire President closed the meeting at 5.03pm and thanked everyone for their attendance.