



# Special Council Meeting Minutes 25<sup>th</sup> July 2018

## CONFIRMATION OF MINUTES

I hereby certify that the Minutes of the Ordinary Council Meeting held on 25 July 2018 are a true and accurate record of the proceedings contained therein.

.....  
Matthew Niikkula  
Shire President

.....  
23/08/2018

Dated

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# SPECIAL COUNCIL MEETING 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/ANNOUNCEMENT OF VISITORS

The Shire President welcomed the gallery and declared the meeting open at 4:03 pm.

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/APPROVED LEAVE OF ABSENCE

Councillor M (Matthew) Niikkula

Councillor G (Gary) Mounsey

Councillor B (Ben) Dixon

Councillor H (Heather) Lake

Councillor M (Mark) Lucas

Councillor G (Gavin) Penfold

Mr C Woods

Mr K Woodward

Mr M Bird

Mrs M Head/Mrs V Shales

Shire President

Deputy Shire President

Chief Executive Officer

Deputy Chief Executive Officer

Executive Manger Commercial and Community

Minute Clerk

**GALLERY** 4

**APOLOGIES** Mr K Wilson Executive Manager Corporate Services

**LEAVE OF ABSENCE** Nil

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

Nil

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

In accordance with section 5.24 of the *Local Government Act 1995*, a 15 minute public question time is made available to allow members of the public the opportunity of questioning Council on matters concerning them.

Council Consideration Towards Public

When public questions necessitate resolutions of Council, out of courtesy and at the President discretion the matter is to be dealt with immediately to allow the public to observe the determination of the matter (obviates the need for the public to wait an undetermined period of time).

When a matter is listed on the Agenda and member/s of the public are in attendance to observe the determination of the matter, out of courtesy and at the discretion of the President the matter is to be brought forward on the agenda and dealt with immediately to allow the public to observe the determination of the matter (again this obviates the need for the public to wait an indeterminate period of time).

Nil

### **5. DECLARATIONS OF INTEREST**

Nil

### **6. APPLICATIONS FOR LEAVE OF ABSENCE**

The Local Government Act 1995 (Section 2.25) provides that a Council may, by resolution, grant leave of absence to a member for Ordinary Council Meetings. A member who is absent, without first obtaining leave of the Council, throughout three consecutive Ordinary meetings of the Council is disqualified from continuing his or her membership of the Council.

Disqualification from membership of the Council for failure to attend Ordinary Meetings of the Council will be avoided so long as the Council grants leave prior to the member being absent. The leave cannot be granted retrospectively. An apology for non-attendance at a meeting is not an application for leave of absence.

Nil

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

That the Minutes of the Ordinary Meeting of the Shire of Exmouth held on the 28 June 2018 be confirmed as a true and correct record of proceedings.

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### **COUNCIL RESOLUTION**

**ITEM 7**

**Res No: 01-0718**

**MOVED: Cr Lucas**

**SECONDED: Cr Penfold**

**That the Minutes of the Ordinary Meeting of the Shire of Exmouth held on the 28 June 2018 be confirmed as a true and correct record of proceedings.**

**CARRIED 6/0**

## **8. ANNOUNCEMENTS BY THE PRECIDING PERSON**

Nil

## **9. PETITIONS, DEPUTATION, PRESENTATOINS AND SUBMISSIONS**

Nil

## **10. MATTERS ARISING FROM COMMITTEES OF COUNCIL**

Nil

## **11. REPORTS OF COUNCILLORS**

Nil

## **12. REPORTS OF OFFICERS**

Nil

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

Nil

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

Nil

## 15. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS

As the following report was a matter to be considered behind closed doors the Shire President asked the gallery to please leave the Chambers at 4:07 pm.

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### COUNCIL RESOLUTION

**ITEM 15.1**

**Res No:** 02-0718

**MOVED:** Cr Lucas

**SECONDED:** Cr Mounsey

That Council move Behind Closed Doors at 4:07 pm in accordance with the Local Government Act 1995 section 5.23 (2) (C) (D) and (E) ii:

- Legal/Contractual Agreement/Information that has a commercial value.

**CARRIED 6/0**

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## 15.1 NINGALOO CENTRE LEASES - RELEASE DOCUMENT AND THE RELEASE DEED

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### COUNCIL RESOLUTION

**ITEM 15.1**

**Res No:** 03-0718

**MOVED:** Cr Lake

**SECONDED:** Cr Penfold

***That Council:***

- 1. Rescind Council resolution 10 October 2017 resolution number 07-1017 regarding the lease between the Shire and the University of Western Australia.***
- 2. Accept the financial compensation from the University of Western Australia as outlined in the confidential 'release document' and execute the 'release deed'.***
- 3. Authorise the CEO to prepare a new lease for Council consideration based on the general agreed terms with the entity, as outlined in the confidential attachment for the Ningaloo Centres research facilities on Lot 300 Deposited Plan 408720 Murat Road Exmouth. (UWA Lease Footprint).***

**CARRIED 6/0**

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**COUNCIL RESOLUTION****ITEM 15.1****Res No: 04-0718****MOVED: Cr Mounsey****SECONDED: Cr Lake****That Council return from Behind Closed Doors at 4:20 pm.****CARRIED 6/0**

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*Prior to the meeting closing the Shire President read out the behind closed doors resolution to the gallery:*

*That Council:*

- 1. Rescind Council resolution 10 October 2017 resolution number 07-1017 regarding the lease between the Shire and the University of Western Australia.*
- 2. Accept the financial compensation from the University of Western Australia as outlined in the confidential 'release document' and execute the 'release deed'.*
- 3. Authorise the CEO to prepare a new lease for Council consideration based on the general agreed terms with the entity, as outlined in the confidential attachment for the Ningaloo Centres research facilities on Lot 300 Deposited Plan 408720 Murat Road Exmouth. (UWA Lease Footprint).*

**CARRIED 6/0**

## **16. CLOSURE OF MEETING**

The Shire President closed the meeting at 4:25 pm.