



Agenda

Ordinary Council Meeting

22 February 2024

Notice of Meeting

Notice is hereby given that the next Ordinary Council Meeting of the Shire of Exmouth will be held on 22 February 2024, in the Mandu Function Room, Ningaloo Centre, 2 Truscott Crescent, Exmouth commencing at 4.00 pm.

A handwritten signature in black ink, appearing to be 'Ben Lewis', with a long horizontal stroke extending to the right.

Ben Lewis
CHIEF EXECUTIVE OFFICER

Disclaimer

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

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

No responsibility whatsoever is implied or accepted by the Shire of Exmouth for any act, omission, statement or intimation occurring during the Council/Committee meetings or during formal/informal conversations with staff. The Shire of Exmouth disclaims any liability for any loss whatsoever and however caused arising out of reliance by any person or legal entity on any such act, omission, statement or intimation. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broader disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Exmouth during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Exmouth. The Shire of Exmouth warns that anyone who has an application lodged with the Shire of Exmouth must obtain and should only rely on written confirmation of the outcome of the application, and any conditions attached to the decision made by the Shire of Exmouth in respect of the application.

SNAPSHOT

Strategic Community Plan 2023-2033



Your Choice. Our Future.

VISION

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

GOALS

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

SOCIAL

Nurture a friendly, safe and inclusive community spirit.

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



GOVERNANCE & LEADERSHIP

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

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



ECONOMY

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

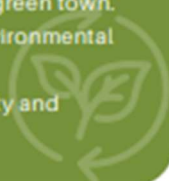
- Increase opportunities for smart and sustainable business ideas.
- Establish Exmouth as a vibrant, welcoming and environmentally aware destination.
- Promote Exmouth as a thriving economy based on its regional strength as a global environmental hotspot.



NATURAL ENVIRONMENT

Embrace natural sensitivities and promote positive change.

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



BUILT ENVIRONMENT

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

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



Disclosure of Interest Form

(Elected Members/Committee Members/Employees/Contractors)
Local Government Act 1995 (Section 5.65, 5.70, 5.71 & 5.71(B))

To: Chief Executive Officer

Name [Click here to enter text.](#)

Elected Member Committee Member Employee Contractor

Ordinary Council Meeting held on [Click here to enter text.](#)

Special Council Meeting held on [Click here to enter text.](#)

Committee Meeting held on [Click here to enter text.](#)

Other [Click here to enter text.](#)

Report No [Click here to enter text.](#)

Report Title [Click here to enter text.](#)

Type of Interest (*see overleaf for further information)

Proximity Financial Impartiality

Nature of Interest

[Click here to enter text.](#)

Extent of Interest (if intending to seek Council approval to be involved with debate and/or vote)

[Click here to enter text.](#)

Signed: _____ Date: [Click here to enter text.](#)

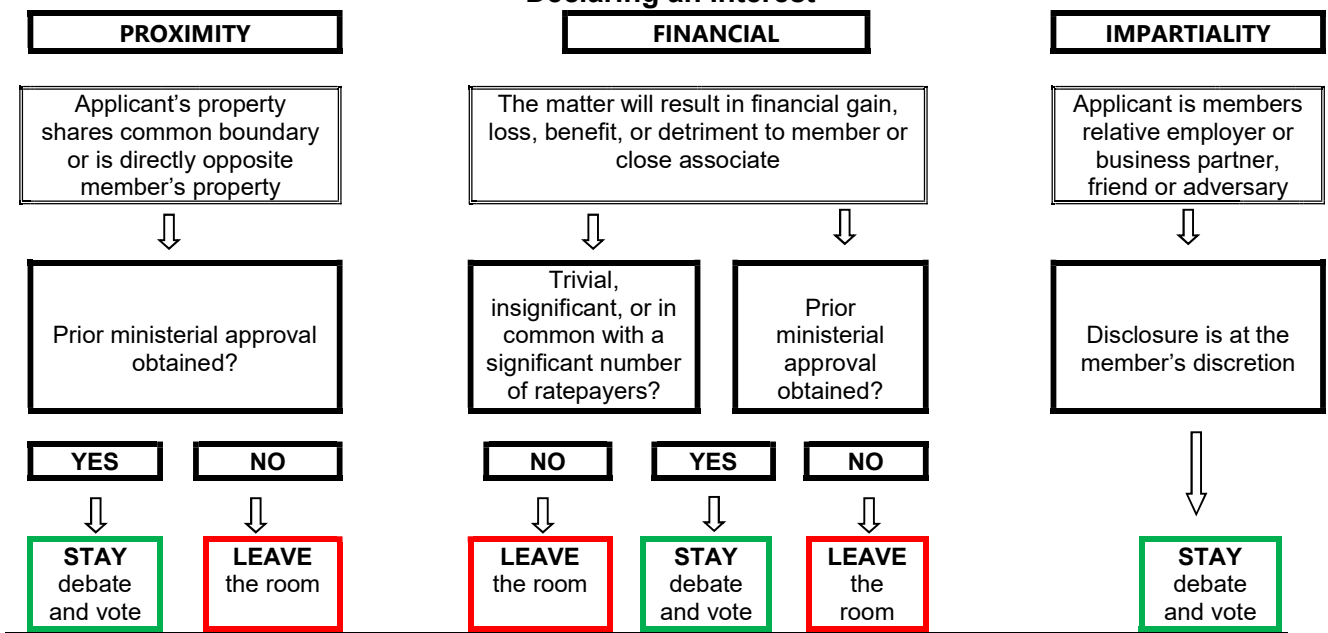
- **Note 1** - Elected Members/ Committee Members/Employees refer to the Disclosure of Interest Declaration card when disclosure is being read out at Council or Committee Meeting.
- **Note 2:** For Ordinary meetings of the Council, elected members and employees are requested to submit this completed form to the Chief Executive Officer prior to the meeting. Where this is not practicable, disclosure(s) must be given to the Chief Executive Officer prior to the matter being discussed.
- **Note 3:** Employees or Contractors disclosing an interest in any matter apart from at meetings, where there is a conflict of interest including disclosures required by s5.71 are required to submit this form to the CEO as soon as practicable.

CEO: _____ Signed: _____ Date: _____

OFFICE USE ONLY

Particulars recorded in Minutes Particulars recorded in Register

*** Declaring an Interest**



Local Government Act 1995 – Extract

s.5.60A - Financial Interest

A person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

s.5.60B – Proximity Interest

A person has a proximity interest in a matter if the matter concerns —
 (a) a proposed change to a planning scheme affecting land that adjoins the person's land; or
 (b) a proposed change to the zoning or use of land that adjoins the person's land; or
 (c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land.

5.65 - Members' interests in matters to be discussed at meetings to be disclosed.

- (1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest:
 (a) in a written notice given to the CEO before the meeting; or (b) at the meeting immediately before the matter is discussed. (Penalties apply).
- (2) It is a defence to a prosecution under this section if the member proves that he or she did not know: (a) that he or she had an interest in the matter; or (b) that the matter in which he or she had an interest would be discussed at the meeting.
- (3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

5.70 - Employees to disclose interests relating to advice or reports.

- (1) In this section: 'employee' includes a person who, under a contract for services with the local government, provides advice or a report on a matter.
- (2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.
- (3) An employee who discloses an interest under this section must if required to do so by the council or committee, as the case may be, disclose the extent of the interest. (Penalties apply).

5.71 - Employees to disclose interests relating to delegated functions.

If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and:
 (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter. (Penalties apply)

5.71A. - CEOs to disclose interests relating to gifts in connection with advice or reports

- (1) A CEO who has an interest relating to a gift in a matter in respect of which the CEO proposes to provide advice or a report, directly or indirectly, to the council or a committee must disclose the nature of the interest in a written notice given to the council.
- (2) A CEO who makes a disclosure under subsection (1) must not provide the advice or report unless the CEO is allowed to do so under section 5.71B(2) or (6).
- (3) A CEO who has an interest relating to a gift in a matter in respect of which another employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when the advice or report is provided.

Local Government (Administration) Regulations 1996 – Extract - In this clause and in accordance with Regulation 19AA "Interest" means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

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1. Declaration of Opening and Announcements

2. Attendance, Apologies and Approved Leave of Absence

Councillor M (Matthew) Niikkula	Shire President
Councillor J (Jackie) Brooks	Deputy Shire President
Councillor D (Darlene) Allston	
Councillor D (David) Gillespie	
Councillor T (Todd) Bennett	
Councillor K (Kristy) Devereux	
Mr Ben Lewis	Chief Executive Officer
Ms Michelle Head	Minute Taker

3. Response to Previous Public Questions Taken on Notice

4. Public Question 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 Shire President's 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 Shire 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).

5. Declarations of Interest

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 a leave of absence.

7. Confirmation of Minutes of Previous Meetings

Nil

8. Announcements/ Reports of Elected Members

9. Announcements by the Presiding Person without Discussion

10. Petitions/ Deputation/Presentations/ Submissions

Nil

11. Matters Arising from Committees of Council

12. Reports of Officers

EXECUTIVE SERVICES

12.1.1 AFFIXING COMMON SEAL UNDER DELEGATED AUTHORITY

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

Purpose

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

Background

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

Comment

3.

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

Consultation

4. Nil

Statutory Environment

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

Policy Implications

6. Nil

Financial Implications

7. Nil

Risk Management

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

Risk Matrix

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

Alternate Options

8. Nil

Strategic Alignment

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

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

10. Simple Majority

Officers Recommendation		Item 12.1.1
That Council accept that the common seal has been affixed under delegated authority to the following documents:		
Document	Details	Parties
Instrument of Agreement	RFT02/2023 Provision of Bituminous Spray and Sealing Works	Shire of Exmouth and Corps Pavement Group.
Instrument of Agreement	RFT04/2023 Design and Construct of skatepark bowl and landscaping	Shire of Exmouth and Convic Pty Ltd
Memorandum of Understanding	Waste water treatment for irrigation purposes	Shire of Exmouth and Exmouth Golf Club

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

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

Purpose

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

Background

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

Comment

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

Consultation

7. Council's Solicitors

Statutory Environment

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

Policy Implications

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

Financial Implications

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

Risk Management

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

Risk Matrix

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

Alternate Options

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

Strategic Alignment

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

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

Voting Requirements

15. Simple Majority

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

CORPORATE AND COMMERCIAL SERVICES

12.3.1 FINANCIAL STATEMENT FOR PERIOD ENDING 31 DECEMBER 2023

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

Purpose

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

Background

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

Comment

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

Consultation

7. Nil

Statutory Environment

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

Policy Implications

10. Nil

Financial Implications

11. Nil

Risk Management

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

Risk Matrix

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

Alternate Options

12. Nil

Strategic Alignment

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

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

14. Simple Majority

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

12.3.2 LIST OF ACCOUNTS FOR PERIOD ENDING 31 DECEMBER 2023

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

Purpose

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

Background

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

Comment

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

Payments

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

Trust Fund totalling \$NIL
Incorporating electronic payments.

Total Payments: \$1,420,429.61

Consultation

5. Nil

Statutory Environment

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

Policy Implications

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

Financial Implications

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

Risk Management

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

Risk Matrix

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

Alternate Options

13. Nil

Strategic Alignment

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

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

15. Simple Majority

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

12.3.3 FINANCIAL STATEMENT FOR PERIOD ENDING 31 JANUARY 2024

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

Purpose

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

Background

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

Comment

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

Consultation

7. Nil

Statutory Environment

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

Policy Implications

10. Nil

Financial Implications

11. Nil

Risk Management

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

Risk Matrix

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

Alternate Options

12. Nil

Strategic Alignment

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

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

14. Simple Majority

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

12.3.4 LIST OF ACCOUNTS FOR PERIOD ENDING 31 JANUARY 2024

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

Purpose

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

Background

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

Comment

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

Payments

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

Trust Fund totalling \$NIL
Incorporating electronic payments.

Total Payments: \$1,046,810.67

Consultation

5. Nil

Statutory Environment

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

Policy Implications

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

Financial Implications

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

Risk Management

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

Risk Matrix

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

Alternate Options

13. Nil

Strategic Alignment

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

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

15. Simple Majority

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

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

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

Purpose

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

Background

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

Comment

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

Consultation

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

Statutory Environment

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

Policy Implications

10. Nil

Financial Implications

11. Nil

Risk Management

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

Risk Matrix

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

Alternate Options

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

Strategic Alignment

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

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

Voting Requirements

14. Simple Majority

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

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

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

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

Purpose

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

Background

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

Comment

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

Consultation

8. Nil

Statutory Environment

9. *Local Government Act 1995*
 - 3.57. Tenders for providing goods or services
 - 1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
 - 2) Regulations may make provision about tenders
 - 3.58. Disposing of property
 - 1) In this section — dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not; property includes the whole or any part of the interest of a local government in property, but does not include money.

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

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

Policy Implications

11. CS001 Procurement

Financial Implications

12. Reduce Shire of Exmouth outgoings on 24 Maidstone Crescent.
 13. Proponent to take property on an 'as is' basis and be responsible for fit out including all relevant approvals.

Risk Management

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

Risk Matrix

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

Alternate Options

14. Council could choose not to award the tender.

Strategic Alignment

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

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

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

Voting Requirements

16. Absolute Majority

Officers Recommendation

Item 12.3.6

That Council:

1. Award the lease for RFT 12/2023 – Lease of 24 Maidstone Crescent – Childcare Facility, to GD & KJ Enterprises PTY LTD; and
2. Approve the Chief Executive Officer to apply the common seal of the Shire of Exmouth to the lease between the Shire of Exmouth and GD & KJ Enterprises PTY LTD.

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

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

15. Matters to be considered Behind Closed Doors

16. Closure of Meeting