

Shire of Exmouth

ORDINARY COUNCIL MEETING

AGENDA



30 June 2022

NOTICE OF MEETING

Notice is hereby given that the next Ordinary Council Meeting of the Shire of Exmouth will be held on **Thursday 30 June 2022**, in the Mandu Mandu Function Room, Ningaloo Centre, 2 Truscott Crescent, Exmouth Commencing at 4.00 pm.



Ben Lewis
Chief Executive Officer
30 June 2022

Disclaimer

The advice and information contained herein is 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 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.

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.](#)

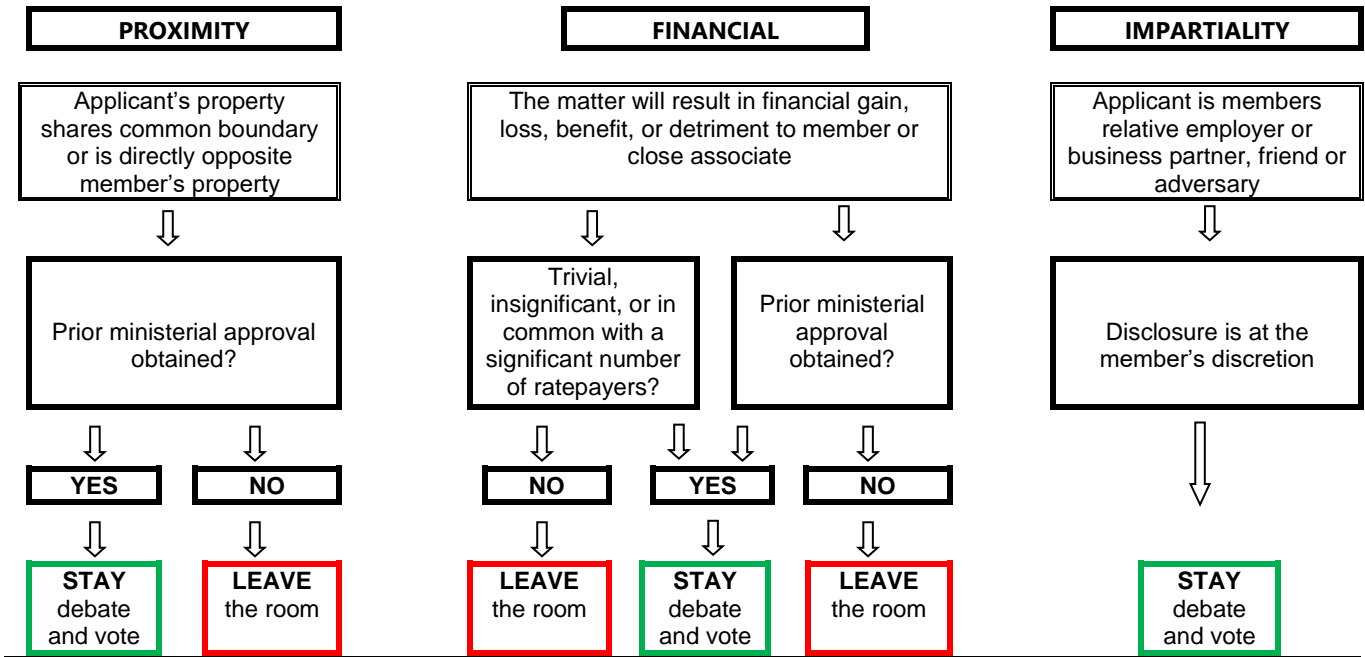
- **Note 1** - Elected Members/ Committee Members/Employees refer to the Disclosure of Interest Declaration card when disclosure is being read out at Council or Committee Meeting.
- **Note 2**: For Ordinary meetings of the Council, elected members and employees are requested to submit this completed 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 association.

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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 Presidents 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).

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 leave of absence.

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 26 May 2022 confirmed as a true and correct record of proceedings.

8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS

9. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

10. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

11. MATTERS ARISING FROM COMMITTEES OF COUNCIL

Nil

12. REPORTS OF OFFICERS

EXECUTIVE SERVICES

12.1.1 ANNUAL REVIEW – COUNCIL POLICY MANUAL

File Reference:	CM.PO.6
Reporting Officer:	Chief Executive Officer
Responsible Officer:	As above
Date of Report:	10 June 2022
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none"> 1. Policy – 1.12 Council Vehicle Fleet 2. Policy - 1.14 Council Employees Housing and Housing Allowances 3. Policy – 2.7 Procurement Policy

PURPOSE

1. That Council approve the annual review of the current Council Policy Manual dated 30 June 2022.

BACKGROUND

2. An annual review (financial year) of all Council policies is undertaken to adhere to the Shire of Exmouth Compliance Calendar, which is the basis of the Compliance Audit Return submitted to the Department of Local Government, Sport and Cultural Industries annually.
3. The objectives of the Council’s Policy Manual are:
 - To provide Council with a formal written record of all policy decisions;
 - To provide staff with precise guidelines in which to act in accordance with Council’s wishes;
 - To enable staff to act promptly in accordance with Council’s requirements, but without continual reference to Council;
 - To enable Councillors to adequately handle enquiries from electors without undue reference to staff or Council;
 - To enable Council to maintain a continual review of Council Policy decisions and to ensure they are in keeping with community expectations, current trends and circumstances;
 - To enable ratepayers to obtain immediate advice on matters of Council Policy.
4. On the 26 November 2020 Council approved by *Absolute Majority* recommendations regarding policy that required rescinding or modifying, creation of a new and noting those without change.

COUNCIL RESOLUTION ITEM 12.1.1

Res No: 03-1120

That Council APPROVE to:

1. RESCIND the following policy:

- **5.4 Water Tanks – Building Control;**

2. ADOPT the following modified policies:

- **1.14 Council Employees Housing**
- **2.7 Procurement Policy**
- **2.10 Debt Recovery**
- **2.12 Regional Price Preference**
- **4.1 Sponsorship Policy; and**

3. ACCEPT that the remaining Council policies have been reviewed without amendments made.

CARRIED by ABSOLUTE MAJORITY 6/0

5. Subsequent minor reviews have been approved by Council since the previous review and are detailed in the table below:

Policy	Policy Name	Action	Details (Include OCM date & Council Decision No.)
1.13	Call Out Volunteer Employees (Emergency Services) Policy	New	OCM 26/11/2020 Council Decision 14-1220
1.18	Code of Conduct for Employee, Elected Members and Committee Member	Rescind	OCM 25/02/2021 Council Decision 22-0221
1.25	Shire of Exmouth Standards for CEO Recruitment, Performance and Termination	New	OCM 22/04/21 Council Decision 03-0421
1.26	Shire of Exmouth Code of Conduct for Councillors, Committee Members and Candidates	New	Council Decision 04-0421
6.9	Itinerant Trading	Modified	Council Decision 05-0421
6.2	Colour Palette for Developments	Modified	OCM 27/05/21 Council Decision 02-0521
6.8	Advertising Signs, Town Centre Public Space & Outdoor Easting Permits	Modified	Council Decision 03-0521
6.26	Public Art Contributions	New	OCM 24/06/21 Council Decision 09-0621

6. An annual desktop review was undertaken which identified minor updates to position titles, Act and legislation references, and grammatical and formatting errors that have also been made to ensure the manual remains current.

COMMENT

7. The process associated with a Council Policy Manual review has historically looked at the following sections for consideration:

- *Rescind* redundant policies;
- Adopt *modified/new* policies;
- *Note* policies reviewed and no changes recommended.

8. There have been no redundant policies identified during this review.

9. Three policies have been modified for adoption by Council; the proposed changes are captured in Attachments 1-3:

- 1.12 Council Vehicle Fleet
- 1.14 Council Employees Housing and Housing Allowances
- 2.7 Procurement Policy

10. An external consultant is currently undertaking a major review of the organisations governance framework which includes a review and statutory compliance of the policy manual. This will result in a major overhaul of the policy manual which will come back to Council for formal adoption in the next financial year.

CONSULTATION

11. Executive Management Team
12. External consultant undertaking statutory compliance audit

STATUTORY ENVIRONMENT

13. Section 2.7 (2) (b) of the *Local Government Act 1995* states that one of the roles of a Council is to determine the Local Government's policies.

POLICY IMPLICATIONS

14. Nil.

FINANCIAL IMPLICATIONS

15. Nil.

RISK MANAGEMENT

16. Identified risks implications

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance/ Reputational (operational) Non-compliance with LGA Act 1995; annual review of policy.	Almost certain	Moderate	High	Undertake an annual review of all council policies.

ALTERNATE OPTIONS

17. Council may consider declining the recommendation provided by the reporting officer.

STRATEGIC ALIGNMENT

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

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

- 4.1 To provide proactive, collaborative and transparent leadership
- 4.2 A local government that is respected and accountable.
- 4.3 To be a champion for our community

VOTING REQUIREMENTS

19. Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.1.1

That Council APPROVE the annual review of the current Council Policy Manual dated 30 June 2022.

12.1.2 LEASE TRANSFER DEED – BRISTOW HELICOPTERS AUSTRALIA PTY LTD TO LVW AVIATION PTY LTD

File Reference:	R32867/1
Reporting Officer:	Chief Executive Officer
Responsible Officer:	As above
Date of Report:	14 June 2022
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. CONFIDENTIAL -Deed of Agreement

PURPOSE

1. To seek Council approval to transfer the lease from Bristow Helicopters Australia Pty Ltd (Bristow) to LVW Aviation Pty Ltd for Lease Area Lot 12, at Exmouth Aerodrome via a Deed of Assignment of Lease.

BACKGROUND

2. Lease Area Lot 12, being a Portion of Lot 73 on Deposited Plan 211885, Exmouth Aerodrome was originally leased to Bristow 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. Bristow advised the shire on 3 June 2022 that they have entered into a contract of sale of the premises located at Lot 12 Exmouth Aerodrome with to LVW Aviation Pty Ltd who will take over the existing lease area and operate from Lease Area Lot 12.
4. The Bristow hanger has been sitting unused for a number of years and gradually deteriorating. The resolution of this deed of assignment will allow LVW Aviation to take ownership of the premise where they are intending to undertake major works to demolish the old office dongas and install new updated modern facilities in order to meet the needs of PHI and Woodside for the Scarborough Project.

COMMENT

5. Transferring the lease will be via a Deed of Assignment which will bind LVW Aviation 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 increase by CPI, with the next increase coming into effect on 01/01/2023.

CONSULTATION

7. Senior Airport Staff.

STATUTORY ENVIRONMENT

8. The Deed of Assignment is required to be endorsed by the Minister for Lands.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

11. 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

12. Identified risks implications

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	Low	Resolve to approve the transfer of deed to support the increased activity within Exmouth Aerodrome

ALTERNATE OPTIONS

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

STRATEGIC ALIGNMENT

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

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

- 1.1 A diverse and environmentally aware local economy that can attract business investment and provide employment opportunities
- 1.3 Enable the provision of essential infrastructure that will support investment and diversify our economy.

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

- 4.1 To provide proactive, collaborative and transparent leadership

VOTING REQUIREMENTS

15. Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.1.2

That Council:

- Approve to transfer the current lease from Bristow Helicopters Australia Pty Ltd (Bristow) to LVW Aviation Pty Ltd for Lease Area Lot 12, at Exmouth Aerodrome via a Deed of Assignment of Lease (CONFIDENTIAL – Attachment 1).
- Authorise the Chief Executive Officer to apply the Shire of Exmouth Common Seal to the Deed of Agreement.

DEVELOPMENT SERVICES

12.2.1 PROPOSED NEW LOCAL PLANNING POLICY: TEMPORARY ACCOMMODATION – NINGALOO ECLIPSE EVENT

File Reference:	CM.PO.12
Reporting Officer:	Senior Planning Officer
Responsible Officer:	Executive Manager Development Services
Date of Report:	10 June 2022
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Proposed Local Planning Policy -Temporary Accommodation – Ningaloo Eclipse Event

PURPOSE

1. That Council consider to finally approve and proceed with the draft Local Planning Policy 6.27 – Temporary Accommodation – Ningaloo Eclipse Event.

BACKGROUND

2. At its 28 April 2022 Ordinary Council Meeting, Council resolved to prepare the Temporary Accommodation – Total Solar Eclipse Event Policy and proceed with advertising the draft Policy.

Res No: 05-0422

That Council, in accordance with Division 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, RESOLVES to:

1. ***PREPARE Local Planning Policy Temporary Accommodation – Total Solar Eclipse Event Policy (as set out in Attachment 1).***
2. ***ADVERTISE the Local Planning Policy (Attachment 1) in accordance with clause 87 of the Planning and Development (Local Planning Scheme) Regulations 2015, in order to seek public comment.***

CARRIED 5/0

3. For consistency with latest terminology, the Policy has been renamed from 'Total Solar Eclipse' has been changed to 'Ningaloo'. The Policy is now titled Temporary Accommodation – Ningaloo Eclipse Event (the Policy).
4. The Policy seeks to provide guidance around temporary accommodation options such as short-term accommodation in existing residences and caravanning and camping for the Ningaloo Eclipse event.
5. The objectives of the Policy are:
 - To coordinate and provide temporary accommodation options in and around the Exmouth Townsite to cater for and facilitate the Ningaloo Eclipse.

- To minimise impacts and manage issues on the local amenity by ensuring the location and siting of the temporary accommodation in the context of surrounding land uses.
- To streamline registration approval processes for temporary accommodation during the Ningaloo Eclipse Event.

COMMENT

6. The Policy was advertised for public comment for a period of twenty-one (21) days between 17 May 2022 to 7 June 2022 on the Shires website, Local Notice Boards and referred to all landowner’s subject of where the Policy is intended to apply.
7. No submissions were received during the notice period.
8. In addition to renaming, the Policy has also been modified to remove the requirement for a minimum 6m front setback for camp sites in the residential zone. All camp sites will need to be fully contained within the lot boundaries.
9. The modified Policy is presented to Council for their consideration (refer Attachment 1).
10. It is recommended that Council resolve to approve and proceed with the draft Policy, subject to the abovementioned modifications as outlined in Attachment 1.

CONSULTATION

11. As mentioned above, the draft Policy was advertised for public comment for a period of twenty-one (21) days between 17 May 2022 to 7 June 2022 on the Shires website, local notice boards, and referred to all landowners of the residential areas where the Policy is intended to apply to.
12. No submissions were received during the notice period.

STATUTORY ENVIRONMENT

13. *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 for making an LPP.

POLICY IMPLICATIONS

14. Nil.

FINANCIAL IMPLICATIONS

15. There were minor costs associated with advertising the Policy.

RISK MANAGEMENT

16. The risk identification and categorisation rely on the Shire’s Policy 2.13 – Risk Management Policy.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Environmental – Unmanaged TSE event is likely to result in wide spread environmental damage due to illegal camping amongst other activities	Likely	Moderate	High	Providing temporary accommodation options in a controlled manner will assist with mitigating likely environmental damage.

ALTERNATE OPTIONS

17. Council has the following alternative options in relation to this item, which are:
 - To resolve to proceed with the Policy with further modifications; or
 - To resolve to not proceed with the Policy.

STRATEGIC ALIGNMENT

18. 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.

2.1 A strong focus on environmental conservation and sustainable management of our natural environment

2.2 Strive to achieve a balance between the preservation of our unique environment and the delivery of sustainable economic growth.

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.

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

4.1 To provide proactive, collaborative and transparent leadership

4.2 A local government that is respected and accountable.

4.3 To be a champion for our community

VOTING REQUIREMENTS

19. Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.2.1

That Council, in accordance with Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, RESOLVES to APPROVE and PROCEED with Local Planning Policy 6.27 Temporary Accommodation – Ningaloo Eclipse Event as set out in Attachment 1 of this item.

CORPORATE SERVICES

12.4.1 FINANCIAL STATEMENTS FOR PERIOD ENDING 31 MAY 2022

File Reference:	FM.FI.0
Reporting Officer:	Manager Finance
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	14 June 2022
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Monthly Financial Report as at 31 May 2022

PURPOSE

1. That Council accepts the financial report for the financial period ending 31 May 2022.

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 to be presented at ordinary meeting of council within 2 months of the period end date (Attachment 1).

COMMENT

3. As at 31 May 2022, the operating revenue is below target by \$87,890 (0.59%). Variances are mainly due to the timing of the Financial Assistance Grant, Ningaloo Visitor Centre commissions and recovery of outgoings. The Airport Security Screening Grant also affected the timing of airport fees & charges.
4. Operating expenditure is under budget by \$1,518,305 (9.57%). Variances are mainly due to the timing of various operational projects and current vacant positions.
5. A total of \$3,430,328 has been spent to date for capital projects within the Financial Year 2021/2022. This includes the purchase of executive housing, Murat Road and Yardie Creek road edge repairs, as well works for the Town Beach upgrade. Building of staff housing and the plant replacement program are in progress. The Youth Park Precinct and Bike Park projects are completed.
6. Rate notices were issued on 30 July 2021. Rates collected as at 31 May 2022 were 95% compared to 93% 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

12. Risks implications identified

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

13. Nil.

STRATEGIC ALIGNMENT

14. 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

15. Simple Majority

OFFICER’S RECOMMENDATION

ITEM 12.4.1

That Council RECEIVES the financial report for the financial period ending 31 May 2022.

12.4.2 LIST OF ACCOUNTS FOR PERIOD ENDING 31 MAY 2022

File Reference:	FM.FI.0
Reporting Officer:	Manager Finance
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	14 June 2022
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. List of Accounts for the period ending 31 May 2022

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 be presented at the next Ordinary meeting of Council.
3. It has been customary practice that whilst being a leader in the community, we meet our terms of credit as established between suppliers and aspire to obtain discounts where practicable. Payments have been approved by authorised officers in accordance with agreed delegations and policy frameworks.

COMMENT

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

Payments

Municipal Fund totalling \$1,459,619.61
Incorporating cheques, direct debits, electronic payments, and credit cards.

Trust Fund totalling \$NIL
Incorporating electronic payments.

Total Payments: \$1,459,619.61

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. 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

8. 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

9. 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

10. Nil

STRATEGIC ALIGNMENT

11. 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

12. 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 May 2022 (totalling \$1,459,619.61).

12.4.3 SHIRE OF EXMOUTH BUDGET 2022/23

File Reference:	FM.FI.1
Reporting Officer:	Executive Manager Corporate Services
Responsible Officer:	As above
Date of Report:	30 June 2022
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none"> 1. 2022/23 Annual Budget 2. 2022/23 Fees & Charges Schedule 3. 2022/23 Projects 4. Statement of objects and reasons for proposed rates 5. Long Term Financial Plan 2022-2032

PURPOSE

1. That Council adopt the 2022/23 Annual Budget, Fees & Charges and Projects as presented in Attachments 1-3. The report also seeks the adoption of the revised Long Term Financial Plan for the 2022-2032 period.

BACKGROUND

2. Council is required to prepare and adopt by absolute majority and in the form and manner prescribed, an annual budget for the financial year ending on the 30 June by no later than 31 August each year in accordance with Section 6.2 of the *Local Government Act 1995*.
3. As per section 6.2(4) the annual budget is to incorporate:
 - a) Estimated expenditure proposed to be incurred;
 - b) Information relating to the rates and service charges that will apply;
 - c) Fees and charges proposed to be imposed;
 - d) Particulars of borrowings and other financial accommodation proposed to be entered into;
 - e) Amounts to be set aside, or used from reserve accounts;
 - f) Particulars of proposed land transactions and trading undertakings;
 - g) Other matters as are prescribed.

COMMENT

Rates and Minimum Payments 2022/23

4. The Shire of Exmouth may impose differential general rates on rateable land within the Municipality of Exmouth in accordance with Section 6.33 of the *Local Government Act 1995*. At the April Ordinary Council meeting council resolved the following:

Res No: 10-0422

That Council

1. ***ENDORSE the following proposed differential rates and minimum payments for the 2022/23 financial year, for the purpose of giving local public notice of its intention to impose differential general rates and minimum payments for the 2022/23 financial year; and***

Rate Category	Rate in the Dollar \$	Minimum payment \$
GRV General	0.0825	995

GRV Marina Developed	0.1113	995
GRV Holiday Homes	0.1143	995
GRV Vacant Land	0.1649	785
UV Mining	0.1756	260
UV Rural	0.0878	785

Rate Category	Rate in the Dollar	Minimum payment
	\$	\$
GRV Specified Area Rate	0.0147	Nil

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

CARRIED 5/0

5. The budget has been prepared with these ratings to ensure a sustainable outcome for Council in the long term as evident in the long term financial plan.

Payment Options of Rates and Due Dates:

6. Set the due dates for the payment of rate instalments as follows:
- a. Option 1 – Single payment due no later than 5 September 2022
 - b. Option 2 – Two equal instalments
 - i. First instalment due no later than 5 September 2022
 - ii. Second instalment due no later than 17 November 2022
 - c. Option 4 – Four instalments
 - i. First instalment due no later than 5 September 2022
 - ii. Second instalment due no later than 17 November 2022
 - iii. Third instalment due no later than 23 January 2023
 - iv. Fourth instalment due no later than 3 April 2023
7. An administration charge of \$15 is proposed for rate payers electing to pay via instalments and 5.5% instalment interest charge. The penalty interest rate on charges that remain overdue after the due date is reduced to 7%.
8. The penalty interest rate will not apply to ratepayers who apply for the financial hardship and enter into a payment arrangement with Council as set out in Council Policy 2.18 Financial Hardship Policy – COVID-19.
9. The Shire of Exmouth acts as a collection agent on behalf of the State Government in collecting the Emergency Services Levy that is levied on ratepayers. These rates are set by State Government, and a penalty rate of 7% has been set on overdue ESL amounts.

Fees and Charges 2022/23

10. The majority of the fees and charges have been increased by CPI, and statutory fees and charges have remained the same or increased as per the relevant legislation.

Capital Works and Borrowings 2022/23

11. The Shire’s planned capital works budget for 2022/23 is \$5.56m. These projects are funded through grants, reserves, borrowings and general revenue as per table 1 and table 2 below.

Table 1: Capital Works 2022/23 by Funding Source

Capital Expenditure	Grants & Contributions	Reserves	General Revenue	Total
Buildings – Non-Specialised	-	-	30,000	30,000
Buildings – Specialised	-	-	300,000	300,000
Plant and equipment	-	965,000	-	965,000
Infrastructure – Roads*	2,672,000	-	343,000	3,015,000
Infrastructure - Other	470,000	200,000	580,000	1,250,000
Total	3,142,000	1,165,000	1,253,000	5,560,000

*includes financial assistance funding - roads

Table 2: Capital Works 2022/23

Capital Expenditure	New/Upgrade	Renewal	Total
Buildings – Non-Specialised	30,000	-	30,000
Buildings – Specialised	100,000	200,000	300,000
Plant and equipment	-	965,000	965,000
Infrastructure – Roads	-	3,015,000	3,015,000
Infrastructure - Other	1,115,000	135,000	1,250,000
Total	1,245,000	4,315,000	5,560,000

12. The capital works budget is mainly directed at renewal works of \$4.315m. The main projects are \$1.6m allocated towards the disaster recovery road works with an additional \$1.4m being invested into road and footpath renewals.
13. There are no borrowings proposed for the 2022/23 financial year.
14. Table 3 lists the capital projects budgeted for the 2022/23 financial year.

Table 3: Capital Works and Funding Sources

Project Name	Budgeted Project Cost	Specify Revenue Source to match total project cost			
		Grants & Contributions	Reserve Transfer	New Loan	General Revenue
Projects Carried Forward					
Depot Office Expansion	100,000				100,000
Sentinel Chicken Pen Upgrades	15,000				15,000
Ingleton Housing Landscaping	30,000				30,000
Youth Precinct	45,000		45,000		
Tip Shop	20,000		20,000		

Waste Site Setup	30,000		30,000		
Waste Compactor	245,000		245,000		
Recycling bins & bring it recycling centre	55,000		55,000		
Illegal Camping Prevention	250,000				250,000
Chlorine Storage	45,000				45,000
New Projects					
Depot Workshop Door Renewal	30,000				30,000
Footpath Program	200,000				200,000
Hallway Pier with Interactive Flooring	45,000				45,000
Lagoon Aquarium	95,000				95,000
Town Beach Upgrade Stage 1B	470,000	470,000			
Waste Water Irrigation Pond	50,000				50,000
Disaster Recovery Works	1,600,000	1,600,000			
Mildura Wreck Road	75,000	75,000			
Murat Road	643,000	584,000			59,000
Yardie Creek Road	252,000	168,000			84,000
Road Asphalt Overlays	150,000	150,000			
Spray Park Renewal	40,000				40,000
Tantabiddi Floodway Upgrade	95,000	95,000			
Qualing Scarp Fencing	50,000		50,000		
Solar Eclipse - Dump Point	40,000				40,000
Property Renewal	170,000				170,000
Plant Replacement	720,000		720,000		
Total	5,560,000	3,142,000	1,165,000	-	1,253,000

Reserves 2022/23

15. The Shire intends to keep their existing reserves and transfer \$1.77m into reserves which includes interest earned on investing these reserves. Council intends to utilise \$1.56m to fund projects in the 2022/23 financial year. This will result in an estimated closing balance of \$11.4m at 30 June 2023.

Material Variance Reporting for 2022/23

16. Each financial year a Local Government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances. It is recommended that this be set at \$25,000 or 10%.

Budget 2022/23

17. Table 4 below provides a summary of the proposed budget.

Table 4: Rate Setting Statement by Nature and Type

	2022/23 Budget	2021/22 Est. Actual	2021/22 Budget
	\$	\$	\$
OPERATING ACTIVITIES			
Net current assets at start of financial year - surplus/(deficit)	1,772,556	1,388,551	2,887,155
Revenue from operating activities (excluding rates)	11,421,000	12,227,504	11,410,000
Expenditure from operating activities	(17,424,000)	(16,146,408)	(16,698,500)
Non-cash amounts excluded from operating activities	3,675,000	3,656,137	3,666,000
Amount attributable to operating activities	(555,444)	1,125,784	1,264,655
INVESTING ACTIVITIES			
Non-operating grants, subsidies and contributions	2,717,000	2,479,718	2,783,000
Payments for property, plant and equipment	(1,050,000)	(2,652,000)	(3,005,000)
Payments for construction of infrastructure	(4,510,000)	(3,574,000)	(8,093,000)
Proceeds from disposal of assets	146,000	124,315	110,000
Amount attributable to investing activities	(2,697,000)	(3,621,967)	(8,205,000)
Amount attributable to investing activities	(2,697,000)	(3,621,967)	(8,205,000)
FINANCING ACTIVITIES			
Repayment of borrowings	(354,000)	(290,665)	(290,500)
Proceeds from community loans	12,000	12,000	15,000
Principal elements of finance lease payments	(6,000)	(134,745)	(135,000)
Proceeds from new borrowings	0	1,660,000	4,800,000
Transfers to cash backed reserves (restricted assets)	(1,771,000)	(2,592,000)	(3,857,000)
Transfers from cash backed reserves (restricted assets)	1,561,000	1,979,375	2,793,000
Amount attributable to financing activities	(558,000)	633,965	3,325,500
Budgeted deficiency before general rates	(3,810,444)	(1,862,218)	(3,614,845)
Estimated amount to be raised from general rates	3,822,000	3,634,774	3,628,000
Net current assets at end of financial year - surplus/(deficit)	11,556	1,772,556	13,155

18. The proposed budget for 2022/23 has a surplus of \$11,556. The budget is financially prudent and has been built bearing in mind the adverse trends of Council's ratios with funds being allocated to Shire

reserves for the future preservation of Shire assets. Operational costs have been kept to a reasonable level in comparison to the 2020/21 budget.

19. Inflation has had a significant impact on Council's costs with insurance, materials and utilities having significant increases. The Shire of Exmouth has a large asset base and inflation has a substantial impact on Council's ability to continue to renew its assets to ensure assets are kept at an acceptable condition.
20. WALGA produces the Local Government Cost Index (LGCI) to track costs relevant to Local Governments in WA. The LGCI has identified that construction has been the fastest growing sector for Local Government costs. Building construction costs has increased by 14.5% in WA in the last year and more than 5% in the December quarter alone. Another area that has a significant impact on Council's costs is road and bridge construction which grew more than 9% in the last year ending December 2021.
21. Revenue from operating activities is trending stable currently and is mainly fluctuating as a result of available operational grant funding and the early payment of Financial Assistance Grants. Learmonth Airport continues to be a large contributor to Council's revenue with 35% of Council's income being generated from its operations. Council is significantly impacted by fluctuation in travellers moving through Learmonth Airport.
22. Council continues to look for opportunities to expand and ensure the Airport continued operations to ensure it continues to make major contributions to Council's revenue to reduce the impact this council activities have on rate payers. Currently rates only contribute 25% of Council's revenue.
23. The 22/23 budget has a 1.9% increase to wages as per the Workplace Agreement and will also see an increase to the superannuation guarantee moving from 10% to 10.5%.

Long Term Financial Plan 2022-2032

24. The purpose of the Long Term Financial Plan (LTFP) is to present a financial analysis of all strategic objectives and goals set out in the integrated planning framework documents over a ten-year period. It is an integral part of Council's strategic planning process and is aligned to other core planning documents, including the Strategic Community Plan (2018/19 to 2027/28) and the Shire's Corporate Business Plan (2018/19). Information contained in other strategic plans including the Asset Management and Workforce Plans have informed the Long Term Financial Plan which is the basis for the preparation of the Shire's Annual Budget.
25. This plan addresses the operating and capital needs placed on the Shire over the next ten years. It also enhances the transparency and accountability of the Shire to the community.
26. The Long Term Financial Plan guides the Shire's financial management in a responsible and sustainable manner. The Shire's financial sustainability is fostered by maintaining adequate financial reserves to meet long term needs, seeking alternative funding sources and partnerships from the community and other levels of government. The Shire will continue to explore funding innovations as a means to improve services and infrastructure.
27. It is important for Council to continually look at the financial requirements of the long term. The purpose is to ensure Council has a sustainable cash flow, can meet community expectations and ensure maximum lives from its assets.

CONSULTATION

28. Ratepayers
29. Councillors
30. Staff
31. Public notice is mandatory under section 6.36 of the *Local Government Act 1995*, before imposing any differential rates or minimum payments.

32. An elector or ratepayer has 21 days from the date of public notice to make submissions in respect of the proposed rates and minimum payments and any related matters. Council is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.
33. Council may resolve to impose rates or minimum payments different from those published in the local public notices, and if it does so, is obliged to publish the reasons for doing so, as part of its formally adopted budget.
34. Council have not received any submissions.

STATUTORY ENVIRONMENT

35. *Local Government Act 1995*
36. *Local Government (Financial Management) Regulations 1996*
37. *Local Government (COVID-19 Response) Amendment Order 2021*

POLICY IMPLICATIONS

38. Nil.

FINANCIAL IMPLICATIONS

39. The budget outlines the financial plans for the Shire during the 2022/23 financial year and contains estimated revenue and expenditure which is monitored throughout the year with an estimated closing surplus of \$11,556.

RISK MANAGEMENT

40. Identified risks implications

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance (operational) – Council is required to prepare and adopt a budget by 31 August., in the form and manner prescribed, a budget for its municipal fund for the financial year ending on 30 June next following that 31 August	Unlikely	Moderate	Medium	Council to adopt the budget before 31 August

ALTERNATE OPTIONS

41. Council may adopt the 2022/23 Annual Budget and list any changes in the resolution.
42. Council may defer the adoption of the 2022/23 Annual Budget to a later date and list the reasons.

STRATEGIC ALIGNMENT

43. 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

44. Absolute Majority

OFFICER’S RECOMMENDATION

ITEM 12.4.3

That Council RESOLVES to:

1. Rates & Minimum Payments 2022/23

- a. ADOPT the following differential general rates and minimum payments on rateable land within the Shire of Exmouth in accordance with Section 6.33 of the *Local Government Act 1995* the following schedule of differential rates:

Rate Category	Rate in the Dollar \$	Minimum payment \$
GRV General	0.0825	995
GRV Marina Developed	0.1113	995
GRV Holiday Homes	0.1143	995
GRV Vacant Land	0.1649	785
UV Mining	0.1756	260
UV Rural	0.0878	785

- b. ADOPT the following specified area rates on rateable land within the Shire of Exmouth in accordance with Section 6.33 of the *Local Government Act 1995* the following schedule of differential rates:

Rate Category	Rate in the Dollar \$	Minimum payment \$
GRV Specified Area Rate	0.0147	Nil

- c. ADOPT the following Payment Options:
 - i. Option 1 – Single payment due no later than 5 September 2022
 - ii. Option 2 – Two equal instalments
 - 1. First instalment due no later than 5 September 2022
 - 2. Second instalment due no later than 17 November 2022
 - iii. Option 4 – Four instalments
 - 1. First instalment due no later than 5 September 2022
 - 2. Second instalment due no later than 17 November 2022
 - 3. Third instalment due no later than 23 January 2023
 - 4. Fourth instalment due no later than 3 April 2023
- d. ADOPT the Statement of Objects and Reasons for Proposed Rates and Minimum Payments as per attachment 4.
- e. NOTE that Council did not receive any public submissions in relation to the published notice of intention to impose rates. All Councillors were provided with details of these submissions to enable them to consider it prior to the adoption of the 2022/23 annual budget.
- f. ADOPT an administration charge of \$15 per rate instalment notice where the ratepayer has elected to pay rates by instalment.
- g. ADOPT an additional charge by way of interest of 5.5% where the ratepayer has elected to pay rates by instalment.
- h. ADOPT an interest rate of 7% as a penalty interest for any outstanding rates and charges that remain overdue after the due date.

- i. NOTE that Council cannot charge penalty interest where a ratepayer is in financial hardship, and have entered into a payment arrangement with Council as set out in Council Policy 2.18 Financial Hardship Policy – COVID-19.
 - j. NOTE that the Emergency Services Levy (ESL) rates are set by the State Government and Council acts as a collection agent for the funds on behalf of the State Government. The interest rate set by the State Government for late payment of ESL by property owners is 7% per annum and will be charged 30 days after the due date.
- 2. Fees and Charges 2022/23
 - a. ADOPT the schedule of Fees and Charges as per attachment 2 for the Financial Year ending 30 June 2023.
 - 3. Capital Works 2022/23
 - a. ADOPT the Capital Works and Operational Projects Budget for 2022/23 as per attachment 3.
 - 4. Reserves 2022/23
 - a. ADOPT the Reserve purposes and movements as set out in the 2022/23 annual budget.
 - 5. Material Variance Reporting For 2022/23
 - a. ADOPT a materiality reporting variance of greater than \$25,000 or 10%.
 - 6. Budget 2022/23
 - a. ADOPT the 2022/23 Annual Budget for the Shire of Exmouth for the year ending 30 June 2023 as per attachment 1.
 - 7. Long Term Financial Plan 2022-2032
 - a. ADOPT the revised Long Term Financial Plan 2022-2032.

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

Nil

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

Nil

15. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS

Nil

16. CLOSURE OF MEETING

The Shire President declared the meeting closed at