

Shire of Exmouth

ORDINARY COUNCIL MEETING

AGENDA



27 October 2022

NOTICE OF MEETING

Notice is hereby given that the next Ordinary Council Meeting of the Shire of Exmouth will be held on **27 October 2022**, in the Mandu Function Room, Ningaloo Centre, 2 Truscott Crescent, Exmouth commencing at 4.00 pm.



Ben Lewis
Chief Executive Officer
27 October 2022

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.

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.

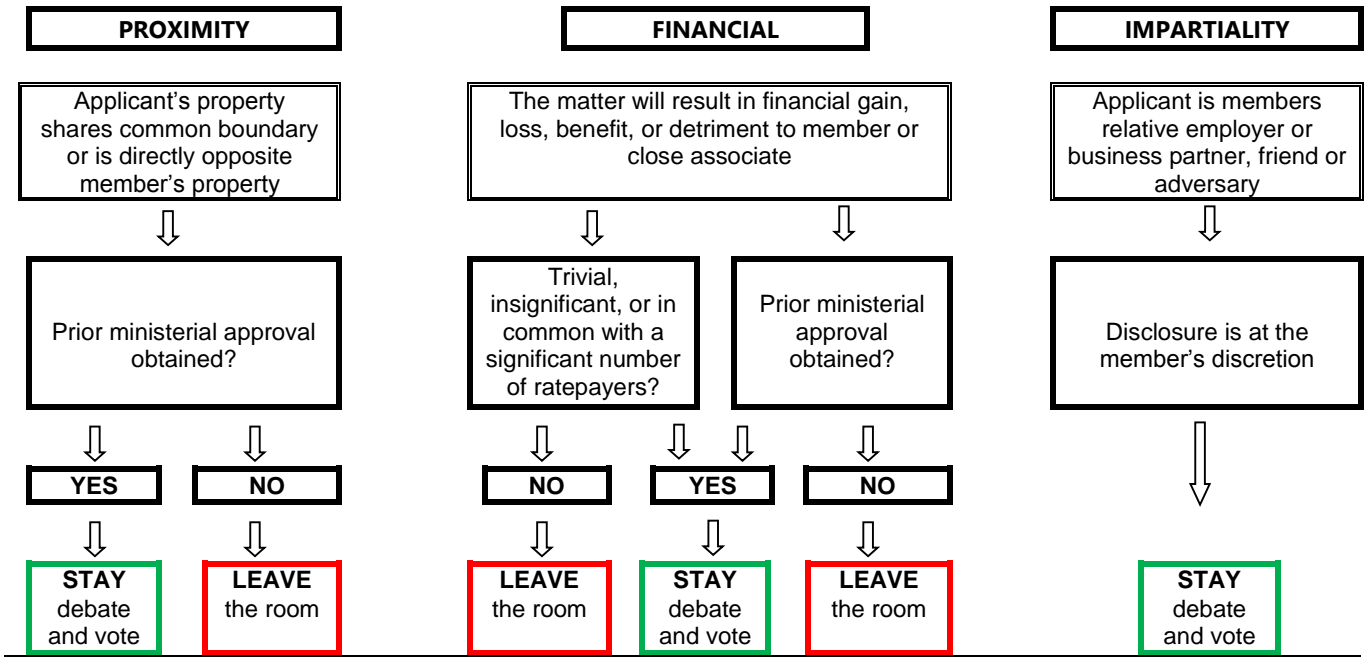
Signed: _____ Date: *Click here to enter text.*

- **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	
<input type="checkbox"/> Particulars recorded in Minutes	<input type="checkbox"/> 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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3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTIONS TIME

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

Council Consideration Towards Public

When public questions necessitate resolutions of Council, out of courtesy and at the President'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 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

That the Minutes and associated attachments of the Ordinary Meeting of the Shire of Exmouth held on 29 September 2022 be 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 SHIRE CHRISTMAS/ NEW YEAR CLOSURE

File Reference: GV.CM.0
 Reporting Officer: Executive Secretary
 Responsible Officer: Chief Executive Officer
 Date of Report: 11 October 2022
 Applicant/Proponent: Nil
 Disclosure of Interest: Nil
 Attachment(s): Nil

PURPOSE

1. That Council consider the closing period for Shire departments during the annual Christmas and New Year period.

BACKGROUND

2. In previous years Council has resolved to close the Shire Office over the Christmas and New Year period. Shire staff will take annual or accumulated leave for the days the office is closed.
3. This year, the days in question are Wednesday, 28 December 2022, Thursday, 29 December 2022 and Friday, 30 December 2022.
4. Generally, the town is very quiet at this time of the year, and previous closure periods of this nature have not inconvenienced the community. A senior officer of the Shire will be in town during this period should an emergency arise.
5. It is anticipated that the Shire Administration Office, Ningaloo Centre and Depot will be closed from 2.00 pm Friday, 23 December 2022.

COMMENT

6. The following table identifies the specific dates Shire departments will be closed during the Christmas period.

	Shire Office	Ningaloo Visitors Centre	Library	Swimming Pool	Waste Facility	Depot	Airport
Fri - 23/12	8.30 – 2.00	8.30 – 2.00	closed	11.00 – 6.00	8.00 – 4.00	8.00 – 2.00	Regular operating hours will apply during this period.
Sat - 24/12	closed	9.00 – 1.00	closed	12.00 – 6.00	8.00 – 4.00	closed	
Sun - 25/12	closed	closed	closed	closed	closed	closed	
Mon - 26/12	closed	closed	closed	closed	closed	closed	
Tue - 27/12	closed	closed	closed	closed	8.00 – 4.00	closed	
Wed - 28/12	closed	8.30 – 4.30	closed	11.00 – 6.00	8.00 – 4.00	closed	
Thu - 29/12	closed	8.30 – 4.30	closed	11.00 – 6.00	8.00 – 4.00	closed	
Fri - 30/12	closed	8.30 – 4.30	closed	11.00 – 6.00	8.00 – 4.00	closed	

Sat - 31/12	closed	9.00 – 1.00	closed	12.00 – 6.00	8.00 – 4.00	closed	
Sun - 01/01	closed	closed	closed	closed	closed	closed	
Mon - 02/01	closed	closed	closed	closed	closed	closed	
Tue - 03/01	All departments return to regular operating hours.						

- No early morning swimming (6 am –7.30 am) Wednesday 28 December 2022 or Friday, 30 December 2022.
- Minimal depot staff will continue to operate during this time, including Amenities Officer and Rubbish Truck driver, who will run as usual.

CONSULTATION

7. Executive Management Team

STATUTORY ENVIRONMENT

8. Nil

POLICY IMPLICATIONS

9. Nil

FINANCIAL IMPLICATIONS

10. Nil

RISK MANAGEMENT

11. Identified risks implications

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Service Interruption	Almost certain	Minor	High	A senior staff member in town and contactable. Skelton depot crew for town amenities and waste collection.
Financial Impact	Almost Certain	Minor	High	Reviewed previous years’ income vs expenses while being open during this period is insignificant.

ALTERNATE OPTIONS

12. The Shire Offices only close for the public holidays, Monday 26 December 2022, Tuesday 27 December 2022 and Monday 2 January 2023.

STRATEGIC ALIGNMENT

13. This item is relevant to the Council’s approved Strategic Community Plan 2030 and Corporate Business Plan 2018-2022.

- Leadership: To provide open, transparent, accountable leadership working in collaboration with our community.
- 4.1 To provide proactive, collaborative and transparent leadership
 - 4.2 A local government that is respected and accountable.
 - 4.3 To be a champion for our community

VOTING REQUIREMENTS

14. Simple Majority

OFFICER’S RECOMMENDATION

ITEM 12.1.1

That Council APPROVES to close the various Shire departments during the Christmas period as shown in the table below:

	Shire Office	Ningaloo Visitors Centre	Library	Swimming Pool	Waste Facility	Depot	Airport
Fri - 23/12	8.30 – 2.00	8.30 – 2.00	closed	11.00 – 6.00	8.00 – 4.00	8.00 – 2.00	Regular operating hours will apply during this period.
Sat - 24/12	closed	9.00 – 1.00	closed	12.00 – 6.00	8.00 – 4.00	closed	
Sun - 25/12	closed	closed	closed	closed	closed	closed	
Mon - 26/12	closed	closed	closed	closed	closed	closed	
Tue - 27/12	closed	closed	closed	closed	8.00 – 4.00	closed	
Wed - 28/12	closed	8.30 – 4.30	closed	11.00 – 6.00	8.00 – 4.00	closed	
Thu - 29/12	closed	8.30 – 4.30	closed	11.00 – 6.00	8.00 – 4.00	closed	
Fri - 30/12	closed	8.30 – 4.30	closed	11.00 – 6.00	8.00 – 4.00	closed	
Sat - 31/12	closed	9.00 – 1.00	closed	12.00 – 6.00	8.00 – 4.00	closed	
Sun - 01/01	closed	closed	closed	closed	closed	closed	
Mon - 02/01	closed	closed	closed	closed	closed	closed	
Tue - 03/01	All departments return to regular operating hours.						

- No early morning swimming (6 am –7.30 am) Wednesday 28 December 2022 or Friday, 30 December 2022.
- Minimal depot staff will continue to operate during this time, including Amenities Officer and Rubbish Truck driver, who will run as usual.

12.1.2 ORDINARY COUNCIL MEETING DATES 2023

File Reference:	GV.CM.0
Reporting Officer:	Executive Secretary
Responsible Officer:	Chief Executive Officer
Date of Report:	11 October 2022
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	Nil

PURPOSE

1. That Council considers the proposed Ordinary Council meeting dates for 2023.

BACKGROUND

2. Councils are required to give local public notice of Ordinary Council meetings prior to the beginning of the year in which the meetings are held per reg.12(1) of the *Local Government (Administration) Regulations 1996*.
3. Ordinary Council meetings occur on the fourth Thursday of the month commencing at 4.00 pm, except the following:
 - January, no meeting will be scheduled;
 - April, no meeting will be scheduled due to the Ningaloo Eclipse; and
 - September, the meeting will be held on the third Thursday to avoid a conflict with the school holiday break.
4. The proposed 2023 Ordinary Council meeting dates are as follows:
 - 23 February
 - 23 March
 - 25 May
 - 22 June
 - 27 July
 - 24 August
 - 21 September
 - 26 October
 - 23 November
 - 14 December

COMMENT

5. Nil

CONSULTATION

6. Executive Management Team

STATUTORY ENVIRONMENT

7. Local Government Act s 5.25 (1)(G)
(g) *the giving of public notice of the date and agenda for council or committee meetings*

8. Local Government (Administration) Regulations 1996 Reg 12(1)(2)

(1) *In this regulation —*

meeting details, for a meeting, means the date and time when, and the place where, the meeting is to be held.

(2) *The CEO must publish on the local government’s official website the meeting details for the following meetings before the beginning of the year in which the meetings are to be held —*

(a) *ordinary council meetings;*

POLICY IMPLICATIONS

9. Nil

FINANCIAL IMPLICATIONS

10. Nil

RISK MANAGEMENT

11. Identified risks implications

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Not meeting local government act requirements by failing to confirm and advertise future OCM dates.	Unlikely	Major	Moderate	Council to endorse the future OCM calendar for the 2023 calendar year.

ALTERNATE OPTIONS

12. Nil

STRATEGIC IMPLICATIONS

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

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

4.1 To provide proactive, collaborative and transparent leadership

4.2 A local government that is respected and accountable.

VOTING REQUIREMENTS

14. Simple Majority

OFFICER’S RECOMMENDATION

ITEM 12.1.2

That Council ENDORSE the following dates for Ordinary Council meetings for 2023 commencing at 4.00pm:

- 23 February
- 23 March
- 25 May
- 22 June
- 27 July
- 24 August
- 21 September
- 26 October
- 23 November
- 14 December

12.1.3 AFFIXING COMMON SEAL UNDER DELEGATED AUTHORITY

File Reference: GV.AU.1
 Reporting Officer: Executive Secretary
 Responsible Officer: Chief Executive Officer
 Date of Report: 12 October 2022
 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’s common seal affixed under delegated authority since the last council meeting.

BACKGROUND

2. There has been one document that has had the Shire’s common seal affixed under delegated authority since the last Council meeting.

COMMENT

- 3.

Date	Document	Details	Parties
08/09/2022	Licence	Horizon Power Electric Vehicle charging infrastructure Exmouth licence.	Shire of Exmouth and Horizon Power
10/2022	MOU	Short-term use of Tulki Meeting Room.	Shire of Exmouth and Department of Local Government, Sport and Cultural Industries.

CONSULTATION

4. Nil

STATUTORY ENVIRONMENT

5. *Local Government Act 1995*, Part 9, Division s, s9.49A Execution of Documents

POLICY IMPLICATIONS

6. Council Policy 2.3 – Common Seal

FINANCIAL IMPLICATIONS

7. Nil

RISK MANAGEMENT

8. Identified risk implications

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 <i>Local Government Act 1995</i>	Almost certain	Major	Extreme	Council to endorse the use of the common seal

ALTERNATE OPTIONS

9. Nil

STRATEGIC ALIGNMENT

10. 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

11. Simple Majority

OFFICER’S RECOMMENDATION

ITEM 12.1.3

That Council ACCEPT that the Common Seal has been affixed under delegated authority to the following documents:

Date	Document	Details	Parties
08/09/2022	Licence	Horizon Power Electric Vehicle charging infrastructure Exmouth licence.	Shire of Exmouth and Horizon Power
10/2022	MOU	Short-term use of Tulki Meeting Room.	Shire of Exmouth and Department of Local Government, Sport and Cultural Industries.

INFRASTRUCTURE SERVICES

12.2.1 AWARD TENDER – RFT 06/2022 TOWN BEACH STAGE 1B LANDSCAPING UPGRADE

File Reference:	CM.TE.06.2022
Reporting Officer:	Executive Manager Infrastructure Services
Responsible Officer:	As above
Date of Report:	17 October 2022
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. CONFIDENTIAL – RFT 06/2022 Recommendation Report 2. Town Beach Stage 1B Design Drawings

PURPOSE

1. For Council to consider tenders for the Town Beach Landscaping Upgrade and to seek approval for the Chief Executive Officer to apply the common seal of the Shire of Exmouth to the contract for the successful tenderer.

BACKGROUND

2. Town Beach park and picnic area is a popular destination for visitors and locals with its beachfront location. The more significant numbers using the site have placed pressure on its limited area, increased the conflict of vehicle versus pedestrian use and is stretching current infrastructure.
3. Council endorsed the Town Beach Upgrade Concept Design at its June 2021 Ordinary Council meeting:

COUNCIL RESOLUTION

ITEM 12.2.1

Res No: 08-0621

That Council ENDORSE the Town Beach Upgrade Concept Design as per the accompanying Attachment 1 in the report.

CARRIED 6/0

4. Following Council endorsement, RFT 08/2021 Town Beach Revitalisation was advertised in September 2021 and closed in October 2021. The tender brief was to deliver all works specified in the concept design. All tender submissions greatly exceeded the project budget.
5. To facilitate the project delivery and achieve the best financial outcome within its current budget, staff reviewed the scope of works and decided to stage the project delivery (Stage 1A and 1B) and split the works into separate tender parcels.
6. Stage 1 A works were then advertised as tenders RFT 02-2022 Town Beach Electrical Upgrades and RFT 03/2022 Town Beach Civil Construction Works and contracts awarded by Council at its April 2022 Ordinary Council meeting:

COUNCIL RESOLUTION

ITEM 12.2.3

Res No: 06-0422

That Council:

- 1. AWARD the contract for Tender 02-2022 Town Beach Electrical Upgrades as per the recommendation in Confidential Attachment 1;**
- 2. AWARD the contract for Tender 03-2022 Town Beach Civil Construction Works as per Confidential Attachment 2;**
- 3. Tender 02-2022 Town Beach Electrical Upgrades, as per Confidential Attachment 1 be awarded to Network Power Solutions, and Tender 03-2022 Town Beach Civil Construction Works, as provided in Confidential Attachments 2 be awarded to Exmouth Civil; and**
- 4. APPROVE the allocation of \$210,000 from Council's Community Development reserve to increase funding for the Town Beach Upgrade capital project.**

CARRIED 5/0

7. Stage 1A of the project was recently completed and delivered electrical installations and fittings (RFT 02/2022 Town Beach Electrical Upgrades) and the construction of the concrete hardstands and block walls (RFT 03/2022 Town Beach Civil Construction Works).
8. The tender for the project's final phase, Town Beach Stage 1B Landscape Upgrades, has recently been advertised and evaluated for Council consideration.

COMMENT

9. Tender RFT 06/2022 was uploaded on 26 August 2022 to the Shire of Exmouth TenderLink portal and advertised in the West Australian and Pilbara news media. The portal allows interested parties to clarify any issues and is the mechanism for which submissions are accepted.
10. The tender period closed on 16 September 2022, with two submissions received.
11. After evaluation, both submissions exceeded the project budget.
12. Staff have reviewed the project scope and have identified that if the shade pergola refurbishment component is removed, the project will be within budget. However, the refurbishment will still be required within the next three years.
13. To continue with the project in its current scope, it is estimated that a further \$32,000 will be needed.

CONSULTATION

14. Nil

STATUTORY ENVIRONMENT

15. *Local Government Act 1995* section 3.57
16. *Local Government Regulation 1996* (Function and General) Part 4, Division 2 section 14
17. *Local Government Act 1995*, Division 4, section 6.8
6.8 Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure –
- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency

POLICY IMPLICATIONS

- 18. 2.7 – Procurement Policy
- 19. 2.12 - Regional Price Preference Policy

FINANCIAL IMPLICATIONS

- 20. Town Beach Upgrade is a capital works project in the Shires 2022/23 budget.
- 21. The project has a total budget of \$470,000, which is externally funded through Department Jobs, Tourism, Science and Innovation total solar eclipse funding.
- 22. This item requests an allocation of \$32,000 to be transferred from the Shires Community Development reserve to increase the project’s budget.

RISK MANAGEMENT

23. Insert identified risks implications

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance Site will become increasingly degraded due to the high use of the area	Almost certain	Major	Extreme	Project will improve infrastructure at the site
Financial A shortfall in funds won’t allow the full scope of the project to be constructed	Almost certain	Moderate	High	Shire allocation from reserve will allow project to be constructed to full scope
Environmental Site is becoming increasingly degraded due to the high use of the area.	Likely	Moderate	High	Project will improve infrastructure at the site and help protect the surrounding environment
Reputational The community have expectations Town Beach will be upgraded	Almost certain	Moderate	High	Shire allocation from reserve will allow project to be completed by 30 June 2022

ALTERNATE OPTIONS

- 24. Council may decide not to accept the officer’s recommendation and award the tender to an alternative submission or refuse all presented submissions.
- 25. Council may decide not to approve additional funds for the project.

STRATEGIC ALIGNMENT

- 26. This item is relevant to the Councils approved Strategic Community Plan 2030 and Corporate Business Plan 2018-2022
 - Economic: Diversify and grow our economy in a manner that provides year round employment opportunities
 - 1.1 A diverse and environmentally aware local economy that can attract business investment and provide employment opportunities

- 1.2 Facilitate the strengthening and growth of our visitor experience.
- 1.3 Enable the provision of essential infrastructure that will support investment and diversify our economy.

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

- 2.1 A strong focus on environmental conservation and sustainable management of our natural environment
- 2.2 Strive to achieve a balance between the preservation of our unique environment and the delivery of sustainable economic growth.
- 2.3 Advocate and promote opportunities for the development of environmentally sustainable essential infrastructure and services

Social: To be a vibrant, passionate and safe community valuing our natural environment and unique heritage

- 3.1 Explore opportunities to deliver services and facilities that attract and retain people living in the Shire.
- 3.2 Promote facilities/services that enhance public health and safety.
- 3.3 Champion self-supporting community clubs and associations.

VOTING REQUIREMENTS

27. Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.2.1

That Council:

1. AWARD the contract for Tender RFT 06/2022 Town Beach Stage 1B Landscaping Upgrades to Ligna Construction accepting their tendered schedule of rates;
2. APPROVE the Chief Executive Officer to apply the common seal of the Shire of Exmouth to the contract between the Shire and Ligna Construction; and
3. APPROVE the allocation of \$32,000 from Councils Community Development reserve to increase funding for the Town Beach Stage 1B Landscaping Upgrade capital project.

12.2.2 AWARD TENDER - RFT 05/2022 SUPPLY AND APPLICATION OF HOT MIX ASPHALT

File Reference:	CM.TE.05.2022
Reporting Officer:	Executive Manager Infrastructure Services
Responsible Officer:	As above
Date of Report:	17 October 2022
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Confidential Attachment 1

PURPOSE

1. For Council to consider tenders for the supply and application of asphalt and to seek approval for the Chief Executive Officer to apply the common seal of the Shire of Exmouth to the contract for the successful tenderer.

BACKGROUND

2. Resurfacing or resealing roads is part of the Council's asset preservation program. The preservation goal is to improve and restore the road surface and to prevent water ingress into the road foundation.
3. Bitumen seal hardens with age, cracks, loses stone and under such conditions progressively allows water into the road foundation. Asphalt provides a harder wearing option to hot bitumen construction methods and can be laid over existing road surfaces or new foundations.
4. Asphalt is normally used on high traffic roads and intersections which are subjected to scuffing from turning vehicles which can strip stone from hot bitumen surfaced roads.
5. Road pavement renewal works are planned for several town intersections and a portion of Murat Road.
6. This tender will supply a schedule of rates to allow asphalt work to be undertaken by an asphalt contractor.

COMMENT

7. The Tender was submitted 26 August 2022 through the Shire of Exmouth TenderLink portal and advertised in the West Australian and Pilbara news media. The portal provides interested parties the opportunity to clarify any issues and is the mechanism for which submissions are accepted.
8. The tender period closed 16 September 2022. Two submissions were received, with one being non-conforming.

CONSULTATION

9. Nil

STATUTORY ENVIRONMENT

10. References 3.57 of the *Local Government Act 1995*
11. *Local Government Regulation 1996 (Function and General) Part 4, Division 2 section 14.*

POLICY IMPLICATIONS

- 12. Procurement Policy 2.7
- 13. Regional Price Preference Policy 2.12

FINANCIAL IMPLICATIONS

- 14. The Shires 2022/23 budget contains funds for road capital and maintenance projects.

RISK MANAGEMENT

- 15. Identified risks implications

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance Road degradation will continue to worsen increasing operational requirements and safety risk	Almost certain	Major	Extreme	Reseal works will improve road condition and increase asset life
Financial Road degradation will continue to worsen increasing maintenance costs and reducing asset life	Almost certain	Major	Extreme	Reseal works will improve road condition and increase asset life
Reputational Community and visitors will be at greater risk to personal safety and damage to vehicles	Almost certain	Major	Extreme	Reseal works will improve road condition

ALTERNATE OPTIONS

- 16. Council may decide not to accept the officer’s recommendation and refuse to award the tender.

STRATEGIC ALIGNMENT

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

- Economic: Diversify and grow our economy in a manner that provides year round employment opportunities
 - 1.1 A diverse and environmentally aware local economy that can attract business investment and provide employment opportunities
 - 1.2 Facilitate the strengthening and growth of our visitor experience.
 - 1.3 Enable the provision of essential infrastructure that will support investment and diversify our economy.
- Environment: To protect and value our unique natural and built environment as we grow our economy.
 - 2.1 A strong focus on environmental conservation and sustainable management of our natural environment
 - 2.2 Strive to achieve a balance between the preservation of our unique environment and the delivery of sustainable economic growth.
 - 2.3 Advocate and promote opportunities for the development of environmentally sustainable essential infrastructure and services
- Social: To be a vibrant, passionate and safe community valuing our natural environment and unique heritage
 - 3.1 Explore opportunities to deliver services and facilities that attract and retain people living in the Shire.
 - 3.2 Promote facilities/services that enhance public health and safety.

3.3 Champion self-supporting community clubs and associations.

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

4.1 To provide proactive, collaborative and transparent leadership

4.2 A local government that is respected and accountable.

4.3 To be a champion for our community

VOTING REQUIREMENTS

18. Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.2.2

That Council:

1. AWARD the contract for Tender RFT 05/2022 Supply and Application of Hot Mix Asphalt to AAA Asphalt Surfacing accepting their tendered schedule of rates; and
2. APPROVE the Chief Executive Officer to apply the common seal of the Shire of Exmouth to the contract between the Shire and AAA Asphalt Surfacing.

CORPORATE SERVICES

12.4.1 FINANCIAL STATEMENT FOR PERIOD ENDING 30 SEPTEMBER 2022

File Reference:	FM.FI.0
Reporting Officer:	Manager Finance
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	19 October 2022
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Monthly Financial Report as at 30 September 2022

PURPOSE

1. That Council accepts the financial report for the financial period ending 30 September 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 be presented at ordinary meeting of council within 2 months of the period end date (refer Attachment 1).

COMMENT

3. As at 30 September 2022, the operating revenue is below target by \$225,116 (3.06%). Variances are mainly due to the timing of the operating grants and timing of maturity of investments. The Airport Security Screening Grant also affected the timing of airport fees & charges.
4. Operating expenditure is under budget by \$1,040,311 (23.19%). Variances are mainly due to timing of maintenance and operational projects and the timing of utilities billing. Accruals not yet invoiced affected the variance of other expenditure.
5. The capital expenditure program has commenced. This includes the plant replacement program, the construction of a footpath on Madaffari Drive – Warne Street to Town Beach, preparation works for the Qualing Scarp fencing project and works for Town Beach Upgrade stage 1B.
6. Rate notices were issued on 28 July 2022. Rates collected as at 30 September 2022 were 63.2% compared to 64.3% 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. Risk implications

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational – That Council does not receive the financial activity statements as required by S6.4 of the LG Act 1995.	Rare	Insignificant	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 30 September 2022.

12.4.2 LIST OF ACCOUNTS FOR PERIOD ENDING 30 SEPTEMBER 2022

File Reference:	FM.FI.0
Reporting Officer:	Manager Finance
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	18 October 2022
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. List of Accounts for period ending 30 September 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 is to be presented at the next ordinary meeting of Council.
3. It has been customary practice that whilst being a leader in the community, we meet our terms of credit as established between suppliers and aspire to obtain discounts where practicable. Payments have been approved by authorised officers in accordance with agreed delegations and policy frameworks.

COMMENT

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

Payments

Municipal Fund totalling \$1,506,550.58
Incorporating cheques, direct debits, electronic payments and credit cards.

Trust Fund totalling \$NIL
Incorporating electronic payments.

Total Payments: \$1,506,550.58

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	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 September 2022 (*totalling \$1,506,550.58*).

- 13. ELECTED MEMBER'S 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**