

Shire of Exmouth

# ORDINARY COUNCIL MEETING

## MINUTES



27 October 2022

### CONFIRMATION OF MINUTES

I hereby certify that the Minutes and Attachments of the Ordinary Council Meeting held on the 27 October 2022 are a true and accurate record of the proceedings contained therein.



Darlene Allston  
Shire President

24/11/22  
Dated

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# MINUTES

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

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

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

## 1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 4.00pm.

The Shire President acknowledged the Traditional Owners of the land on which we meet, and paid respect to Elders past, present, and emerging.

The Shire President advised the gallery in adhering to both the *Local Government Act 1995*, and the Shire of Exmouth Meeting Procedures Local Law 2015, it is an offence to record the proceedings of this meeting and asked the gallery to switch off any recording devices, including phones.

The Shire President advised the gallery the meeting will be recorded by the Executive Secretary to compile an accurate record of the minutes only; the recording will be erased once they are confirmed.

## 2. RECORD OF ATTENDANCE, APOLOGIES AND APPROVED LEAVE OF ABSENCE

Councillor D (Darlene Allston)	Shire President
Councillor J (Jackie) Brooks	Deputy Shire President
Councillor H (Heather) Lake	
Councillor M (Mark) Lucas	
Councillor D (David) Gillespie	
Councillor M (Matthew) Niikkula	
Mr B Lewis	Chief Executive Officer
Mr M Richardson	Executive Manager Infrastructure Services
Mr C McNamara	Deputy CEO / Community and Economic Growth
Mr G Coetzee	Executive Manager Corporate Services
Ms M Head	Minute Clerk

**GALLERY** 5

**APOLOGIES** Nil

**LEAVE OF ABSENCE** Nil

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

Nil

**4. PUBLIC QUESTIONS TIME**

Public question time opened at 4.02pm.

The following question was received prior to the Council meeting via the Shire website:

Question from Kerry Forsyth

1. *Would the council please install temporary fencing along Murat Road for the campsites available during the solar eclipse?*

Shire response:

The proposed campsite at Welch St is being developed by the Shire to help accommodate some of the many additional visitors to Exmouth wanting a prime position to witness the Total Solar Eclipse in April 2023.

The campsite itself will be located on the parcel of land bordered by Murat Rd, Reid and Welch Streets and set back as far as practical from Murat Rd. A low-impact perimeter fence will be installed around the outside of the campsite to delineate a no-go zone for vehicle and pedestrian traffic, and the area between the fence and the roads will be left uncleared to further dissuade access.

As a further action to help manage traffic to and from the site and minimise the impact on Murat Rd, the formal entry point to the campsite will be via Reid St with additional exit points on Welch Street.

It is anticipated that collectively, all these measures should lessen the potential impact of unmanaged pedestrian traffic to Murat Rd and neighbouring properties.

Question from Ty Matek

1. *Can the Shire please give an update of footpath repairs from flood damage from 2021?*

Shire response:

The tender for the disaster recovery civil works was approved by Council at the August Ordinary Council Meeting, however approval from Department of Fire and Emergency Services is required before the works can proceed. The Shire was recently advised approval is still a couple of weeks from being finalised.

Recently quotes were sought for some damaged footpath panels (previously mentioned) to speed up some of the repairs via the shire's maintenance program.

2. *Will the damage alongside the school yard, floodway and carpark be included in these repairs?*

Shire response:

Repairs to the floodway's will be investigated by Shire officers.

3. *Can the shire please investigate to repair the Exmouth Loop cycle way walk path that goes around the whole of Exmouth which is in disrepair?*

Shire response:

We have currently undertaking work on a footpath strategy, which considers bike paths. This strategy will pick up where the gaps are in the footpath network and where the work needs to be completed in the short term and long term.

Shire staff will inspect the section between town beach and the golf club.

4. *In regards to securing funding for the solar eclipse, will any be put aside for footpaths and walkways?*

Shire response:

No funding has been secured specifically for footpaths for the eclipse.

The shire is currently working towards a Traffic management plan with Main Roads and in the plan, and shuttle buses have been considered to shuttle people around the town site during the eclipse.

Public question time closed at 4.10 pm.

**5. DECLARATIONS OF INTEREST**

Nil

**6. APPLICATIONS FOR LEAVE OF ABSENCE**

Cr Niikkula requested a leave of absence for the November Ordinary Council Meeting on 24<sup>th</sup> November 2022 to attend the Tidy Towns Awards Presentation, on behalf of the Exmouth Freemasons, in Perth.

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**COUNCIL RESOLUTION**

**ITEM 7**

**Res No: 01-1022**

**MOVED: Cr Lake**

**SECONDED: Cr Brooks**

**Cr Niikkula requested a leave of absence for the November Ordinary Council Meeting on 24<sup>th</sup> November 2022 to attend the Tidy Towns Awards Presentation, on behalf of the Exmouth Freemasons, in Perth.**

**CARRIED 5/0**

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

That the Minutes and associated attachments of the Ordinary Meeting of the Shire of Exmouth held on 29 September 2022 be confirmed as a true and correct record of proceedings.

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**COUNCIL RESOLUTION**

**ITEM 7**

**Res No: 01-1022**

**MOVED: Cr Lake**

**SECONDED: Cr Gillespie**

**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.**

**CARRIED 6/0**

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

Shire President Allston	02/10 Mayors & Presidents Forum, Crown Perth. <ul style="list-style-type: none"> <li>• Hon Kristy McBain MP, Minister for Regional Development, Local Government and Territories, and</li> <li>• Briefing: Gascoyne Development Commission Housing Shortage.</li> </ul>
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03/10	<p>2022 WA Local Government Convention</p> <ul style="list-style-type: none"> <li>• Breakfast with Heads of Agencies - Leon McIvor, Deputy Director General Housing and Assets, Department of Communities,</li> <li>• Attendance at Local Government Convention, including Cocktail Gala, Optus Stadium,</li> <li>• Meeting: Gascoyne Housing Shortage - Gascoyne Zone LGs meeting with agency heads, and</li> <li>• Meeting: Attendance at North West Alliance AGM.</li> </ul>
04/10	<p>Attendance: Local Government Convention.</p> <ul style="list-style-type: none"> <li>• Panel Discussion with Federal Members of Parliament. Hon. Madeleine King MP. Ben Harvey Hon Patrick Gorman MP,</li> <li>• Address from Ambassador Mr Vasyl Myroshnychenko,</li> <li>• Holistic Wellbeing Measures: A tool for Better Planning and More Engaged Citizens,</li> <li>• Announcement of showcase in Pixels winners, and</li> <li>• Closing key note speaker; Dr Craig Challen SC, OAM. In reference to the role in played in The Rescue.</li> </ul>
05/10	<p>Attendance: 2022 Aboriginal Engagement and Reconciliation Forum.</p> <ul style="list-style-type: none"> <li>• The forum included eleven speakers and touched on numerous topics.</li> <li>• Including the work behind the Reconciliation Action Plan of Toodyay, The City of Swan Rap, and Trainee Program, and</li> <li>• Let's talk about Racism, The Willagee Youth Drop-In program and Statement from the Heart.</li> </ul>
06/10	<p>Completion of Training: Introduction to Town Planning.</p>
07/10	<p>Resilient Reefs Working Group-Response to Resilient Reefs Strategy.</p>
11/10	<p>Meeting: Community Development Officer, Exmouth Alcohol and Other Drug Management Plan. Review of Shire of Exmouth Evacuation Plan.</p>
12/10	<p>Meeting: John Darcy Water Corporation.</p>
13/10	<p>Local Emergency Management Arrangements (LEMA) Online Workshop. Interview: Dr Shayne Silcox: Strategic Leadership.</p>
14/10	<p>Meeting: Hon Roger Cook MLA Deputy Premier of WA. ABC Pilbara recording. Pilbara News Interview.</p>
17/10	<p>Interview for an article in Financial Review: Housing in Exmouth.</p>
18/10	<p>TSE film Messages with Coordinator Communications &amp; Marketing.</p>
20/10	<p>Presentation by Paxon: Aged Care Facility for Exmouth. Review of Draft Community Strategic Plan, by Localise. ABC recording: Total Solar Eclipse Accommodation.</p>
21/10	<p>Attendance at Exibald at Exmouth Cultural Arts Centre.</p>

	25/10	Messy Mud Play Day, Federation Park. Welcome/Opening Speech. Exmouth District High School, Year 12 Graduation.
	26/10	Interview with SBS: Total Solar Eclipse. Australia’s Coral Coast, networking dinner at Whalers: CEO David O’Malley, Chairman Manny Papadoulis and Deputy Chair-Jackie Brooks.
	27/10	Central Regional TAFE, Solar Eclipse Training Options. Meeting with Australia’s Coral Coast CEO David O’Malley, Chairman Manny Papadoulis and Deputy Chair Jackie Brooks.
Councillor Brooks	2-5/10	WA Local Government Convention – Perth.
	14/10	Meeting: Hon Roger Cook MLA Deputy Premier of WA. Interview: Dr Shayne Silcox: Strategic Leadership.
	20/10	Aged Care Facility consultant meeting. Community Strategic Plan consultant meeting.
	21/10	Attendance at Exibald at Exmouth Cultural Arts Centre.
Councillor Gillespie	2-5/10	WA Local Government Convention – Perth
	13/0	Interview: Dr Shayne Silcox: Strategic Leadership.
	20/10	Aged Care Facility consultant meeting. Community Strategic Plan consultant meeting.
Councillor Lake	14/10	Interview: Dr Shayne Silcox: Strategic Leadership.
	20/10	Aged Care Facility consultant meeting Community Strategic Plan consultant meeting.
	21/10	Attendance at Exibald at Exmouth Cultural Arts Centre On site-visit to the Town Beach precinct reviewing works to date for the planned project modifications.
Councillor Lucas	13/10	Interview: Dr Shayne Silcox: Strategic Leadership.
Councillor Niikkula	13/10	Interview: Dr Shayne Silcox: Strategic Leadership.
	20/10	Aged Care Facility consultant meeting. Community Strategic Plan consultant meeting.

Councillor Niikkula acknowledged the ill health of Mr Kerry Graham.

Kerry worked for the Shire over a period of 31 years between 1973 – 2004 as Shire Clerk, and he was the first Chief Executive Officer of the Shire of Exmouth.

On behalf of the Shire of Exmouth Council and Staff, our thoughts and prayers are passed onto Kerry, his wife Maureen, children Louise, Andrew and Simone and their families, during this difficult time.

**9. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**

The Shire President read the following to the gallery:

*“With just 174 days to the Total Solar Eclipse, things are starting to come together.*

- *Bookings have commenced for our Welch Street temporary campground, with 45 per cent of the self-contained RV sites already sold. The remaining 500 sites with access to amenities will be on sale towards the end of November.*
- *Property owners are beginning to register their properties for accommodation.*
- *We are encouraging food vans and musicians to register to be part of the event.*
- *Work is progressing on Town Beach foreshore area.*
- *Hon Roger Cook MLA, Deputy Premier, announced the Dark Sky Festival to take place in Exmouth and the surrounding areas. This will include stargazing, science and astronomy activities, live music performances and unique dining experiences.*
- *Emergency services are working on various aspects to support our town, with many visiting to ensure they are well prepared.*
- *The Ningaloo Eclipse Community Grant round has now opened. These grants are to encourage not-for-profit organisations to apply for funding to assist with TSE initiatives.*
- *Our Communities Services department is working with clubs and groups to consolidate opportunities to fill gaps within the community.*
- *The TSE has been well represented in the media over the past month, with 19 online mentions and articles.*
- *Shire Executives and the team continue to work with many stakeholders to ensure we are as prepared as possible for this event.*

*I also want to thank our Community Service team for their efforts in making the 2022 Messy Play Day a success. The event was a great way to bring our kids together in a safe environment for Children's week. What more does a child need than a pile of Pindan, a bucket and a spade to entertain them? The event was supported by Meerilinga, the Department of Communities, Lotterywest and Healthway. Over 200 children from the community participated in what was a fun day for all. It was certainly great to see them enjoying themselves".*

**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.

**COUNCIL RESOLUTION**

**ITEM 12.1.1**

**Res No: 02-1022**

**MOVED: Cr Lake**  
**SECONDED: Cr Brooks**

**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.

**CARRIED 6/0**

### 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

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#### 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

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
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

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**COUNCIL RESOLUTION**

**ITEM 12.1.2**

**Res No: 03-1022**

**MOVED: Cr Brooks**

**SECONDED: Cr Niikkula**

**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**

**CARRIED 6/0**

**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.

**COUNCIL RESOLUTION**

**ITEM 12.1.3**

**Res No: 04-1022**

**MOVED: Cr Gillespie**

**SECONDED: Cr Lake**

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

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

**CARRIED 6/0**



**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

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**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:

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**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:

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**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

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### 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.

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### COUNCIL RESOLUTION

ITEM 12.2.1

**Res No:** 05-1022

**MOVED:** Cr Gillespie

**SECONDED:** Cr Lake

**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.**

**CARRIED by ABSOLUTE MAJORITY 6/0**

## **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

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### **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 on 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 with the opportunity to clarify any issues and is the mechanism for which submissions are accepted.
8. The tender period closed on 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

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### 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.

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### COUNCIL RESOLUTION

**ITEM 12.2.2**

**Res No: 05-1022**

**MOVED: Cr Niikkula**

**SECONDED: Cr Brooks**

**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.**

**CARRIED by ABSOLUTE MAJORITY 6/0**

## **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

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#### **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

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
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

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**OFFICER’S RECOMMENDATION** **ITEM 12.4.1**

That Council RECEIVES the financial report for the financial period ending 30 September 2022.

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**COUNCIL RESOLUTION** **ITEM 12.4.1**

**Res No:** 06-1022

**MOVED:** Cr Gillespie

**SECONDED:** Cr Brooks

**That Council RECEIVES the financial report for the financial period ending 30 September 2022.**  
**CARRIED 6/0**

## 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

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### PURPOSE

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

### BACKGROUND

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

### COMMENT

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

**COUNCIL RESOLUTION**

**ITEM 12.4.2**

**Res No: 06-1022**

**MOVED: Cr Lake**

**SECONDED: Cr Gillespie**

**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*).**

**CARRIED 6/0**

**13. ELECTED MEMBER'S 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 next Ordinary Council meeting is scheduled for 24 November 2022.

The Shire President thanked the gallery for their attendance and closed the meeting at 4.22 pm.