

Shire of Exmouth

ORDINARY COUNCIL MEETING

AGENDA



24 November 2022

NOTICE OF MEETING

Notice is hereby given that the next Ordinary Council Meeting of the Shire of Exmouth will be held on **24 November 2022**, in the Mandu Function Room, Ningaloo Centre, 2 Truscott Crescent, Exmouth commencing at 4.00 pm.



Ben Lewis
Chief Executive Officer
24 November 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.](#)

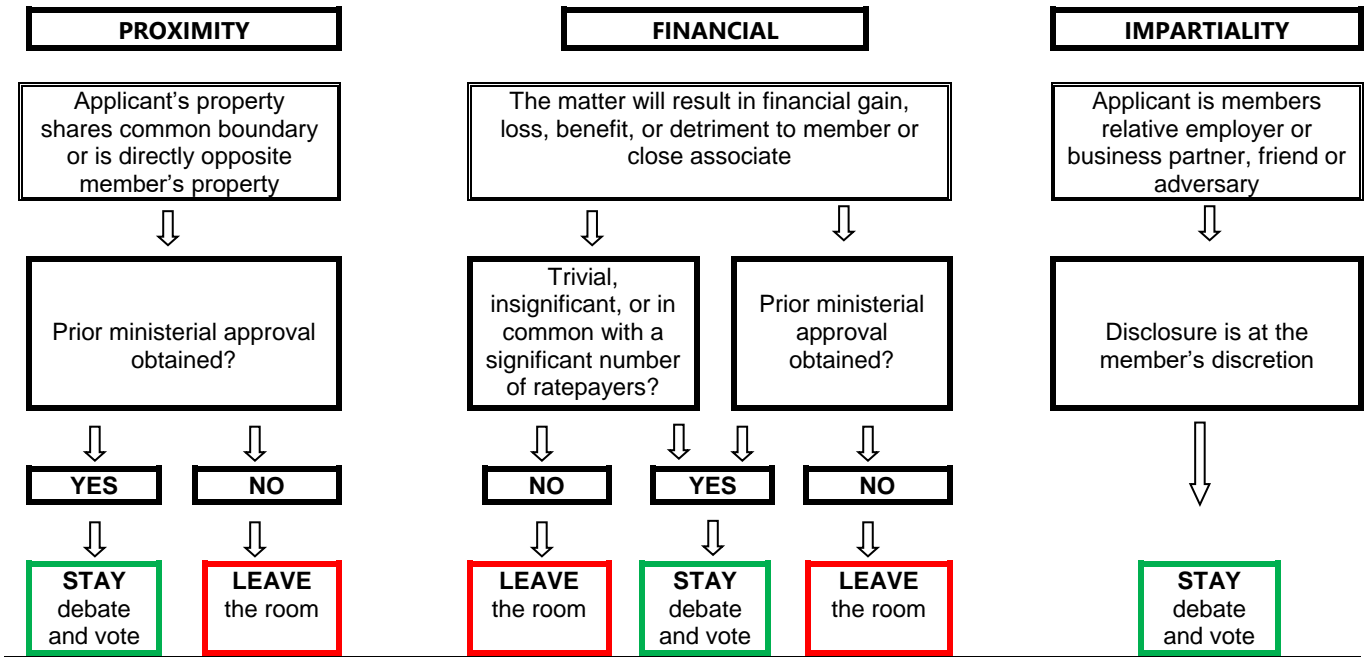
Signed: _____ Date: [Click here to enter text.](#)

- **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	
<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*, 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 27 October 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 DELEGATION REGISTER REVIEW

File Reference:	GV.AU.2
Reporting Officer:	Executive Secretary
Responsible Officer:	Chief Executive Officer
Date of Report:	14 November 2022
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Delegation Register

PURPOSE

1. That Council considers the annual review of the Shire of Exmouth’s Delegation Register for adoption as per Attachment 1.

BACKGROUND

2. Local Governments are empowered under a number of sections of State Government legislation (Acts and Regulations) to perform certain duties and exercise certain powers.
3. In many instances, legislation empowers the Chief Executive Officer (CEO) or another officer of the Local Government to perform duties, but often the Act or Regulations (particularly the *Local Government Act 1995*) default to the Local Government Council with the ability to delegate some of its powers and duties to the CEO in order to expedite the effective operations and implementation of the Shire’s functions.
4. The local government cannot delegate the following powers or duties to the CEO:
 - a. any power or duty that requires a decision of an absolute majority of the council;
 - b. accepting a tender that exceeds an amount determined by the local government (currently at \$250,000 as set by Council);
 - c. appointing an auditor;
 - d. acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government (currently \$250,000 for acquisitions and \$20,000 for disposal).
 - e. any of the local government’s powers under ss.5.98, 5.98A, 5.99, 5.99A or 5.100 of the Act relating to payments and gifts to council members;
 - f. • borrowing money on behalf of the local government;
 - g. hearing or determining an objection of a kind referred to in section 9.5 of the Act;
 - h. the power under s.9.49A(4) of the Act to authorise a person to sign documents on behalf of the local government;
 - i. any power or duty that requires the approval of the Minister or the Governor;
 - j. such other powers or duties as may be prescribed by regulation.
5. Delegations granted under s.5.42 of the Act are to be in writing and may be general or as otherwise provided in the instrument of delegation.

COMMENT

- 6. The delegation register is required to be reviewed and presented to Council for adoption in accordance with the *Local Government Act 1995*.
- 7. This review was a major review of the current Delegation Register. In conducting this review, the Shire engaged local government specialist Mr Steven Tweedie.
- 8. The register is based on the WALGA template to ensure that uniformity is consistent throughout. The delegations, as presented, are current and consistent with the legislation. They are pertinent to the “day-to-day” functions/operations and will allow the organisation to operate efficiently, effectively, and productively in the interest of good governance.

CONSULTATION

- 9. Steven Tweedie – Local Government Specialist
- 10. Executive Managers

STATUTORY ENVIRONMENT

- 11. The Council is empowered pursuant to Sections 5.16 and 5.42 of the *Local Government Act 1995* to delegate roles and responsibilities, while Section 5.46 (2) requires an annual review of delegations by Council.
- 12. Sections 5.18 and 5.46(1) of the *Local Government Act 1995* require the CEO to maintain a Register of Delegations made under that Act.
- 13. Regulation 29 of the *Local Government (Administration) Regulations 1996* requires the Delegation Register to be available for public inspection, with most Local Government publishing the Delegation Register on their website.
- 14. The Act also allows the Chief Executive Officer to sub-delegate any of his/her powers to another employee with the sub-delegations to be in writing.
- 15. The Chief Executive Officer is also permitted under the Act to place conditions on any sub-delegation passed onto another Shire employee.

POLICY IMPLICATIONS

- 16. Nil

FINANCIAL IMPLICATIONS

- 17. Nil

RISK MANAGEMENT

- 18. Identified risks implications

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance – The Delegation Register is not endorsed by Council would result in non-compliance with the Local Government Act.	Almost Certain	Moderate	High	The review will ensure compliance in reviewing the delegation manual annually.

ALTERNATE OPTIONS

- 19. Nil

STRATEGIC ALIGNMENT

20. 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

21. Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.1.1

That Council ADOPT the revised Delegation Register, shown in Attachment 1, to ensure compliance with the *Local Government Act 1995*.

12.1.2 AFFIXING COMMON SEAL UNDER DELEGATED AUTHORITY

File Reference:	GV.AU.1
Reporting Officer:	Executive Secretary
Responsible Officer:	Chief Executive Officer
Date of Report:	14 November 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
27/10/2022	Deed	Deed of Relation to Management Order for R51970 <i>(Amend the purpose to 'Buffer Zone and Temporary Accommodation Facility)</i>	State of WA & Shire of Exmouth

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 12.1.2

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

Date	Document	Details	Parties
27/10/2022	Deed	Deed of Relation to Management Order for R51970 <i>(Amend the purpose to 'Buffer Zone and Temporary Accommodation Facility)</i>	State of WA & Shire of Exmouth

COMMUNITY AND ECONOMIC GROWTH

12.3.1 ANNUAL CARAVAN PARK AND CAMPING GROUND LICENCE RENEWAL

File Reference:	LE.RE.5
Reporting Officer:	Environmental Health Officer
Responsible Officer:	As above
Date of Report:	15 November 2022
Applicant/Proponent:	Ningaloo Caravan and Holiday Resort – Phobos Nominees Pty Ltd Yardie Homestead Caravan Park – James Roscic Exmouth Cape Holiday Park – RAC Tourism Assets Pty Ltd
Disclosure of Interest:	Nil
Attachment(s):	1. CONFIDENTIAL Caravan Park and Camping Ground Licence Renewal for 2021-22

PURPOSE

1. That Council approve the renewal of the annual Caravan Parks and Camping Grounds Licence as per the *Caravan Parks and Camping Grounds Act 1995* and *Caravan Parks and Camping Grounds Regulations 1997* for Ningaloo Caravan and Holiday Resort, Yardie Homestead Caravan Park and Exmouth Cape Holiday Park.

BACKGROUND

2. Caravan parks and camping grounds within Western Australia are required to be licenced with the relevant local government authority. All licences within the Shire of Exmouth expire on 30 September each year.

COMMENT

3. All caravan parks have been inspected for compliance with the *Caravan Parks and Camping Grounds Regulations 1997*, the current licences and approved site plans.
4. Non-compliances identified were advised to the licensee and timeframes were given to comply.
5. Overflow conditions have been recommended on the licence with an overflow period being recommended from 7 April to 8 October 2022.

CONSULTATION

6. Nil

STATUTORY ENVIRONMENT

7. Caravan Parks and Camping Grounds Act 1995
8. Caravan Parks and Camping Grounds Regulations 1997

POLICY IMPLICATIONS

9. Nil

FINANCIAL IMPLICATIONS

10. Nil

RISK MANAGEMENT

11. Identified risks implications

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Financial	Unlikely	Minor	Low	Standard procedures relating to invoicing and debt recovery.

ALTERNATE OPTIONS

12. Nil

STRATEGIC ALIGNMENT

13. 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.

- Leadership: To provide open transparent, accountable leadership working in collaboration with our community.
 - 4.2 A local government that is respected and accountable.

VOTING REQUIREMENTS

14. Simple Majority

OFFICER’S RECOMMENDATION

ITEM 12.3.1

That Council APPROVE the Chief Executive Officer to sign and issue the Caravan Park and Camping Ground licence valid until 30 September 2023 as presented in Attachment 1, for Ningaloo Caravan and Holiday Resort, Yardie Homestead Caravan Park and RAC Exmouth Cape Holiday Park.

CORPORATE SERVICES

12.4.1 2022/23 RATE NOTICES DUE DATES

File Reference:	FM.FI.1
Reporting Officer:	Executive Manager Corporate Services
Responsible Officer:	As above
Date of Report:	14 November 2022
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	Nil

PURPOSE

1. To advise Council of an alteration to adopted due dates on 2022/23 rate notices for the payment of rates and instalments.

BACKGROUND

2. At the time of adopting the 2022/23 annual budget, council resolution 10-0422 set out the following due dates for payment of rates:

Option 1: Payment in full by a single instalment

Due Date: 5 September 2022

Option 2: Payment in full by two instalments

Due dates: 1st instalment 5 September 2022
2nd instalment 17 November 2022

Option 3: Payment in full by four instalments

Due dates: 1st instalment 5 September 2022
2nd instalment 17 November 2022
3rd instalment 23 January 2023
4th instalment 3 April 2023

3. Rate notices for the second rates instalment offered by payment option two and three were scheduled to be issued on 13 October 2022 to comply with legislative requirements to allow a minimum of 28 days from the date of notice issue to adopted due payment date. Rates instalment notices were not issued until 2 November 2022 which was approximately two and a half weeks later than originally anticipated for the second rates instalment notices.
4. To comply with section 6.41 of the *Local Government Act 1995* relating to the service of rates instalment notices and to allow 28 days from the date of issue for the rates instalment, the due date for payment of the second rates instalment required amendment. To comply with section 6.50 of the *Local Government Act 1995* relating to the due dates of rates instalments, the due date for the third rates instalment will also require an amendment to allow a minimum interval of 2 months between the second and third instalments. The original due date for the fourth instalment adopted with the 2022/23 annual budget does not require amendment, as the minimum 2-month interval between the third and fourth instalments can still be met. Amended due dates for rates instalments are set out below:

Option 1: Payment in full by a single instalment

Due Date: 5 September 2022

Option 2: Payment in full by two instalments

Due dates: 1st instalment 5 September 2022
2nd instalment 1 December 2022

Option 3: Payment in full by four instalments

Due dates: 1st instalment 5 September 2022
2nd instalment 1 December 2022
3rd instalment 2 February 2023
4th instalment 3 April 2023

5. The intent of amending the due dates for payment of rates and instalments was to comply with sections 6.41 and 6.50 of the *Local Government Act 1995*; however, the above-noted alteration of the due dates for the payment of rates instalments has resulted in non-compliance with council resolution 10-0422.

COMMENT

6. A number of factors contributed to the delay in issuing of the rate notices, which are currently being resolved by the administration.
7. Staff investigated the delay and change of rate instalment due dates and have considered how similar matters might be mitigated in the future. Future considerations may include different wording of budget adoption recommendation relating to due dates for payment of rates and instalments to provide for flexibility whilst remaining compliant and account for potential delays in completing rates runs and issuing rates notices.
8. The alteration to adopted due dates on 2022/23 rates notices for the payment of rates and instalments is presented for Council information and noting of the amended due dates as per issued rate notices.

CONSULTATION

9. Chief Executive Officer – Ben Lewis
10. Moore Australia (WA) – Russell Barnes (Director, Local Government Services)
11. Moore Australia (WA) – Tanya Browning (Associate Director, Local Government Services)

STATUTORY ENVIRONMENT

12. Section 6.41 of the *Local Government Act 1995* provides for the service of rates instalment notices to be not less than 28 days before the date the instalment is due.
13. Section 6.45 of the *Local Government Act 1995* sets out that a local government may provide for rates to be paid in instalments as set out in the annual budget.
14. Section 6.50 of the *Local Government Act 1995* provides that rates are due on a date determined by the local government, which must not be less than 35 days after the rate issue date contained within rates notices and that rates instalments must not become due for payment at intervals of less than two months.
15. Regulation 64 of the *Local Government (Financial Management) Regulations 1996* requires a local government to determine the due date for instalments of rates when adopting its annual budget and sets out where a local government does not determine these dates, intervals for instalments will be at three months from the due date of the first instalment.

POLICY IMPLICATIONS

16. The Risk Management Policy outlines the Shire’s commitment and approach to managing risks impacting day-to-day operations and the delivery of strategic objectives.

FINANCIAL IMPLICATIONS

17. A minor delay in the receipt of revenue from rate instalments will apply. This is not expected to negatively impact cash flow.

RISK MANAGEMENT

18. Identified risks implications

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Compliance - Due to an administrative error required time frames for rate payments were not provided.	Likely	Minor	Moderate	Council approved the alternation of the adopted instalment dates to ensure the required timeframes for the payment of rates
Reputational - Ratepayers being penalised for overdue payment of rate instalments without being provided adequate time to make payment.	Likely	Insignificant	Low	Council identified the error allowing for corrective actions that will prevent reputational damage.

ALTERNATE OPTIONS

19. Nil

STRATEGIC ALIGNMENT

20. 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

21. Simple Majority

OFFICER’S RECOMMENDATION

ITEM 12.4.1

That Council:

1. Receive this report in relation to alteration to adopted due dates on 2022/23 rates instalment notices for the payment of rates instalments; and
2. Note the amended dates as issued on 2022/23 rates instalment notices as due dates for the payment of rates instalments:

Option 1: Payment in full by a single instalment

Due Date: 5 September 2022

Option 2: Payment in full by two instalments

Due dates: 1st instalment 5 September 2022
2nd instalment 1 December 2022

Option 3: Payment in full by four instalments

Due dates: 1st instalment 5 September 2022
 2nd instalment 1 December 2022
 3rd instalment 2 February 2023
 4th instalment 3 April 2023

12.4.2 FINANCIAL STATEMENT FOR PERIOD ENDING 31 OCTOBER 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 31 October 2022

PURPOSE

1. That Council accepts the financial report for the financial period ending 31 October 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 12.4.1).

COMMENT

3. As at 31 October 2022, the operating revenue is below target by \$520,186 (6.5%). 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 \$1,084,675 (17.5%). 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. Council is also in preparations for the Total Solar Eclipse event.
6. Rate notices were issued on 28 July 2022. Rates collected as at 31 October 2022 were 73.7% compared to 74.1% 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

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 12.4.2

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

12.4.3 LIST OF ACCOUNTS FOR PERIOD ENDING 31 OCTOBER 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 31 October 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. (refer Attachment 12.4.2).

Payments

Municipal Fund totalling \$1,213,068.42
Incorporating cheques, direct debits, electronic payments and credit cards.

Trust Fund totalling \$NIL
Incorporating electronic payments.

Total Payments: \$1,213,068.42

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 12.4.3

That Council RECEIVES the report of payments made from the Municipal and Trust bank accounts during the month of October 2022 (*totalling \$1,213,068.42*).

- 13. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**
- 15. MATTERS TO BE CONSIDERED BEHIND CLOSED DOOR**
- 16. CLOSURE OF MEETING**