

Shire of Exmouth

ORDINARY COUNCIL MEETING

MINUTES



24 November 2022

CONFIRMATION OF MINUTES

I hereby certify that the Minutes and Attachments of the Ordinary Council Meeting held on the 24 November 2022 are a true and accurate record of the proceedings contained therein.

.....
Darlene Allston
Shire President

.....
15/12/2022

.....
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 offense 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 for the purpose of compiling an accurate record of the minutes only; and 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 D (David) Gillespie	
Mr B Lewis	Chief Executive Officer
Mr C McNamara	Deputy CEO / Community and Economic Growth
Mr G Coetzee	Executive Manager Corporate Services
Ms M Head	Minute Clerk

GALLERY 3

APOLOGIES Councillor M (Mark) Lucas
Mr M Richardson Executive Manager Infrastructure Services

LEAVE OF ABSENCE Councillor M (Matthew) Niikkula

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTIONS TIME

Public question time opened at 4.01 pm.

Questions received from Mr Cliff Bache

At the Shire meeting of 29 September 2022 a Public Question was raised regarding the possibility of the Lighthouse Caravan Park being reopened for the Solar Eclipse event. It was advised that discussions were taking place with Tattarang regarding that. No update was provided in the Minutes of the following meeting of the 28 October. Since then Tattarang have notified, with one day's notice, through their project development website subscription service, that substantial demolition of the Lighthouse site will commence immediately to prepare for both the upcoming cyclone season, and the to be approved future development of the site.

To close out the question of 29 September, can this meeting be advised of the *chronology and outcomes* of:

- a) *approaches by the Shire to Tattarang regarding Eclipse accommodation at the closed caravan park.*

Shire response:

Shire staff approached Tattarang to discuss the possibility of opening some land on the site for the eclipse. Tattarang were looking into possible options, the cost associated and the timeframe required, but made the commercial decision not to pursue this option.

- b) *approaches by the Shire, and possibly local emergency committee, if any, to insist Tattarang make the site cyclone safe, outlining the key assessed risks present at the site.*

Shire response:

There have been no specific approaches from the Shire requesting or insisting that the site be made safe. Tattarang would have received the general cyclone preparedness documentation that everyone receives prior to the beginning of the cyclone season.

- c) *the request for demolition permit by Tattarang to the Shire.*

Shire response:

A demolition application was submitted by Tattarang to undertake some demolition works on site.

- d) *the investigations and process undertaken by the Shire to approve the permit, when and by whom.*

Shire response:

Following referrals to the Shires Planning and Environmental Health Departments along with the Heritage Council, Council's registered building surveyor undertook the assessment in accordance with the Building Regulations, and issued the demolition licence accordingly.

- d) *given the sensitivity and long delayed approval of the Tattarang project, what consultation was performed by the Shire administrators accountable for approving the demolition permit, with both the Council (all elected councillors) and all members of the project Development Application Panel - prior to approving the permit with any conditions or restrictions placed therein.*

Shire response:

Council was notified of the demolition works however a formal Council resolution was not required. The DAP were not required to be consulted prior to the issuing of the demolition permit, however have been notified of the demolition works.

Public question time closed at 4.03 pm.

5. DECLARATIONS OF INTEREST

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

That the Minutes and associated attachments of the Ordinary Meeting of the Shire of Exmouth held on 27 October 2022 be confirmed as a true and correct record of proceedings.

COUNCIL RESOLUTION

ITEM 7

Res No: 01-1122

MOVED: Cr Lake

SECONDED: Cr Gillespie

That the Minutes and associated attachments of the Ordinary Meeting of the Shire of Exmouth held on 27 October 2022 be confirmed as a true and correct record of proceedings.

CARRIED 4/0

8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS

Shire President Allston	27/10	Strategic Community Plan Review & Councillor workshop.
	2/11	Completion of Training: Emergency Management Fundamentals.
	7/11	Completion of Training: Environment & Sustainability Course. Including: Biosecurity, Corporate & Community Sustainability, Climate Change 101.
	8/11	Meeting with Regional Development Australia Board.
	9/11	Visit by Siriana Nair, US Consulate Perth. Presentation: Dr Shayne Silcox: Strategic Leadership CEO Performance Review Report.
	10/11	Meeting: WALGA CEO Nick Sloan & Executive Manager Tony Brown.
	11/11	Master Ceremonies Remembrance Day Service, Cenotaph. Gascoyne Development Commission/Red Grants naming of Lady Ningaloo, with Hon Alannah MacTiernan MLC. Update: From the Shire Presidents Desk.
	12/11	Kerry Graham Memorial Service, Exmouth Golf Club.

	<p>15/11 Exmouth District High School: School Leadership Team Presentation.</p> <p>16/11 Horizon Power Meeting - Phillip Gehrmann, Contract Program Manager.</p> <p>18/11 Freemantle Sailing Club - Mike Giles and Chris White. Plans and support for 2023 Freemantle to Exmouth Yacht race, scheduled to depart Freemantle 6th May 2023.</p> <p>22/11 Online Community Session for Exmouth Strategic Community Plan. SOE: Cyber Awareness Training: Social Media Spear Phishing.</p> <p>23/11 Exmouth Social Impact Assessment by GHD, for Woodside.</p> <p>It's been a busy month addressing concerns from the community members. Largely around the Solar Eclipse. I have also worked with Communications and Marketing co-ordinator Sandra Flint, on various press releases, some video clips for social media and attended a number of interview briefings.</p>
Councillor Brooks	<p>29/10 Opening Golf Club Shed.</p> <p>05/11 Kerry Graham Funeral Service Perth.</p> <p>11/11 Remembrance Day. Gascoyne Development Commission/Red Grants naming of Lady Ningaloo, with Hon Alannah MacTiernan MLC.</p> <p>12/11 Kerry Graham Memorial Service, Exmouth Golf Club.</p> <p>16/11 Coastal Hazard Risk Management and Adaption Plan (CHRMAP) Briefing Session.</p> <p>17/11 Exmouth Community Reference Group meeting.</p> <p>18/11 Deputy and Shire President update.</p> <p>22/11 Online Community Session for Exmouth Strategic Community Plan.</p> <p>23/11 Exmouth Social Impact Assessment by GHD, for Woodside.</p>
Councillor Gillespie	<p>11/11 Remembrance Day Service</p> <p>16/11 Coastal Hazard Risk Management and Adaption Plan (CHRMAP) Briefing Session</p>
Councillor Lake	<p>27/10 Review of Community Strategic Plan</p> <p>09/11 Presentation: Dr Shayne Silcox: Strategic Leadership CEO Performance Review Report.</p> <p>11/11 Remembrance Day Service</p> <p>15/11 Participated in the Exmouth District High School Leadership Group Program</p> <p>16/11 Exmouth Waste Working Group meeting Coastal Hazard Risk Management and Adaption Plan (CHRMAP) Briefing Session</p> <p>17/11 Exmouth Community Reference Group meeting.</p>

Councillor Lucas	Nil
Councillor Niikkula	Nil

9. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

The Shire President read the following to the gallery:

The last few weeks have been a pleasant reminder of why we all love Exmouth so much. The weather is warm, the streets are quieter, and businesses can take a much-needed break before the Christmas rush.

It's the time of the year when we all slow down just a little, take a deep breath, soak up the warm weather, and enjoy each other's company.

Some of us will head south soon to spend time with family and friends, while others will enjoy being home.

I know I'll be taking time to enjoy a beer at the brewery, a cocktail by the pool, and a local shopping spot with family and friends.

But it is not a regular end to the season. A lot is going on behind the scenes.

I remember a conversation some five years ago about this great event called a Total Solar Eclipse that was going to happen and put Exmouth on the world stage, and here we are, just five months away from that very same event.

Over the next few months, most of us will be busy making and finalising preparations for what's to come, some may already have a vision, whilst others are still weighing up options.

Most of our businesses are busy firming up plans for the 2023 season, working out ways to accommodate the influx of tourists for the Total Solar Eclipse.

Our Community and Sporting Groups are calling for volunteers to kick off the new year and plan events and fundraisers for their clubs.

Others are just trying to picture how it will all come together in time.

I hear from businesses about their plans, and I hear from the community about concerns, especially around our environment and demands on our infrastructure.

However, I'm also hearing a buzz of excitement about the event itself and about the opportunity to showcase this amazing place we call home.

The Total Solar Eclipse will undoubtedly be a challenge for Exmouth. But I am confident we will all grow from a challenge together as we showcase Exmouth on the global stage.

Whatever your vision and goals are for this once-in-a-lifetime event, I hope that as the time grows near, we can focus on supporting each other and work towards delivering an event that proudly becomes part of our history.

As a community, let's embrace this opportunity to be a part of the Ningaloo Eclipse adventure.

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*.

COUNCIL RESOLUTION

ITEM 12.1.1

Res No: 02-1122

MOVED: Cr Brooks

SECONDED: Cr Gillespie

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

CARRIED 4/0

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

COUNCIL RESOLUTION

ITEM 12.1.2

Res No: 03-1122

MOVED: Cr Lake

SECONDED: Cr Brooks

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

CARRIED 4/0

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.

COUNCIL RESOLUTION

ITEM 12.3.1

Res No: 04-1122

MOVED: Cr Brooks

SECONDED: Cr Gillespie

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.

CARRIED 4/0

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

COUNCIL RESOLUTION

ITEM 12.4.1

Res No: 05-1122

MOVED: Cr Brooks

SECONDED: Cr Gillespie

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**

CARRIED 4/0

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:	17 November 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 require a statement of financial activity be presented at Ordinary meeting of Council within 2 months of the period end date (Attachment 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 the 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.

COUNCIL RESOLUTION **ITEM 12.4.2**

Res No: 06-1122

MOVED: Cr Brooks

SECONDED: Cr Gillespie

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

CARRIED 4/0

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:	17 November 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 (Attachment 1).

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*).

COUNCIL RESOLUTION

ITEM 12.4.3

Res No: 07-1122

MOVED: Cr Gillespie

SECONDED: Cr Brooks

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*).

CARRIED 4/0

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

Nil

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

Nil

15. MATTERS TO BE CONSIDERED BEHIND CLOSED DOOR

Nil

16. CLOSURE OF MEETING

The last Ordinary Council Meeting for 2022, will be held on 15 December 2022 @ 4.00 pm.

The Shire President thanked the gallery for attending and closed the meeting at 4.18 pm.