



Minutes

Ordinary Council Meeting

23 February 2023

Confirmation of Minutes

I hereby certify that the Minutes and Attachments of the Ordinary Council Meeting held on 23 February 2023 are a true and accurate record of the proceedings contained therein.

Shire President

23/3/2023

Date

Disclaimer

The advice and information contained herein are given by and to the Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to the Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

Please note that this agenda contains recommendations which have not yet been adopted by Council.

No responsibility whatsoever is implied or accepted by the Shire of Exmouth for any act, omission, statement or intimation occurring during the Council/Committee meetings or during formal/informal conversations with staff. The Shire of Exmouth disclaims any liability for any loss whatsoever and however caused arising out of reliance by any person or legal entity on any such act, omission, statement or intimation. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broader disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Exmouth during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Exmouth. The Shire of Exmouth warns that anyone who has an application lodged with the Shire of Exmouth must obtain and should only rely on written confirmation of the outcome of the application, and any conditions attached to the decision made by the Shire of Exmouth in respect of the application.

VISION

A globally recognised community of guardians for our unique environment and culture as we pursue innovations for sustainable growth.

Goals

The goals are organised in five strategic pillars: Social, Natural Environment, Built Environment, Economy, and Governance and Leadership.

Social

Nurture a friendly, safe and inclusive community spirit

Natural Environment

Embrace natural sensitivities and promote positive change

Built Environment

Enable sustainable development and infrastructure that meets the needs of the community, visitors and industry

Economy

Enhance a robust, resilient and diversified economy that champions innovation

Governance and Leadership

Foster open, transparent & accountable leadership, working collaboratively and in partnership with our community and stakeholders

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1. Declaration of Opening and Announcements

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; and the recording will be erased once they are confirmed.

2. 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 Ben Lewis	Chief Executive Officer
Mr Chris McNamara	Deputy CEO/Community and Economic Growth
Mr Mike Richardson	Executive Manager Infrastructure Services
Mr Gollie Coetzee	Executive Manager Corporate Services
Ms Michelle Head	Minute Taker

Gallery 7

3. Response to Previous Public Questions Taken on Notice

Nil

4. Public Question Time

Public question time was opened at 4.02pm.

Question received from Jocelyn-Lee

Can we actively secure some sites at the Welch Street camp site for businesses to accommodate workers coming to support town during the eclipse? It was identified by the survey conducted by the Exmouth Chamber of Commerce that 65 are required.

Shire Response:

Subject to the additional tourist numbers coming to town, this concept is something Council can consider in terms of setting sites aside for workers accommodation.

Public question time closed at 4.05pm.

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 Special Council Meeting of the Shire of Exmouth held on 2 February 2023 be confirmed as a true and correct record of proceedings.

COUNCIL RESOLUTION		ITEM 7
Res No:	06-0223	
MOVED:	Cr Gillespie	
SECONDED:	Cr Brooks	
That the Minutes and associated attachments of the Special Council Meeting of the Shire of Exmouth held on 2 February 2023 be confirmed as a true and correct record of proceedings.		
		CARRIED 6/0

8. Announcements/ Reports of Elected Members

Shire President Allston	15/12	From the President's Desk, Christmas messaging.
	08/01	Release of SBS article from previous interview.
	13/01	GWN Interview – Total Solar Eclipse.
	16/01	6PR Radio.
	18/01	Filming for video messaging. ABC Radio Interview – Total Solar Eclipse.
	24/01	Moderator for JTSI Community Briefing Session.
	26/01	Presentation of Auspire Awards, Paltridge Memorial Pool.
	29/01	Interview with ABC Radio Nightlife.
	02/02	Annual General Electors Meeting & Special Council Meeting.
	03/02	ABC filming (video & audio).
	08/02	Triple M Interview- Total Solar Eclipse.
	10/02	Meeting with Real Futures around training possibilities.
	15/02	ABC News - Exmouth Battery Storage System. SBS Interview – Total Solar Eclipse.
	20/02	Meet and greet the Hon David Littleproud MP Leader of the Nationals and Shadow Minister for Agriculture.
Councillor Brooks	17/02	Gascoyne Zone and Regional Road Group Meeting.
Councillor Gillespie	Nil	

Councillor Lake	26/01 22/02	Attended Australia Day activities at Paltridge Memorial Pool. Attended CHRMAP Meeting.
Councillor Lucas	Nil	
Councillor Niikkula	Nil	

9. Announcements by the Presiding Person without Discussion

The Shire President expressed her thanks to Shire staff for their continued work in preparation for the pending eclipse. Preparations are coming together for the numerous events planned, and information is being communicated out to the community.

10. Petitions/ Deputation/Presentations/ Submissions

Chevron Australia Community Engagement Specialist, Matt Hewitson provided a presentation to Council in relation to the companies upcoming activities. The following link has been provided for reference - [Upcoming activities — Australia.chevron.com](https://australia.chevron.com/upcoming-activities)

11. Matters Arising from Committees of Council

Nil

12. Reports of Officer

EXECUTIVE SERVICES

12.1.1 Local Government Ordinary Election: 2023

File Reference	GV.EL.9
Reporting Officer	Executive Secretary
Responsible Officer	Chief Executive Officer
Date of Report	6 February 2023
Applicant/Proponent	Nil
Disclosure of Interest	Nil
Attachment(s)	1. Correspondence from WAEC

Purpose

1. That Council authorises the Western Australian Electoral Commission (WAEC) to conduct the 2023 Local Government Ordinary Election.

Background

2. 2023 is the year for biennial elections for all local governments throughout the State, with the election date being Saturday 21 October 2023.
3. The following three (3) Councillor positions will become vacant:
 - Councillor Heather Lake
 - Councillor Mark Lucas
 - Councillor Matthew Niikkula
4. The option exists for a postal election to be conducted by the WAEC for this 2023 Election. This has been the basis for elections for some years in Exmouth, instead of conducting the election as an in-person election.

Comment

5. The *Local Government Act 1995* provides for Council to resolve to conduct elections by postal voting and if so, for the WAEC to undertake that task on Council's behalf. The WAEC, therefore, has to appoint a Returning Officer to conduct the election.
6. In order for the Electoral Commissioner (EC) to be made responsible for the conduct of the election, the Council must first obtain the written agreement of the EC; this has been pre-empted by the Chief Executive Officer and has been received in a letter dated 9 February 2023 (refer Attachment 1).
7. The process for Council to follow in terms of appointing the EC to be responsible for the conduct of elections and for the elections to be postal elections is as follows:
 - Declare, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2023 ordinary elections together with any other elections or polls which may be required.
 - Decide, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election will be as a postal election.

Consultation

8. Western Australian Electoral Commission (WAEC)

Statutory Environment

9. Local Government Act 1995:

Section 4.20(4) - A local government may, having first obtained the written agreement of the Electoral Commissioner, declare the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.*

Section 4.61(2) - The local government may decide to conduct the election as a postal election.*

Policy Implications

10. Nil

Financial Implications

11. The estimated cost (Attachment 1) provided by the WAEC to conduct a postal ballot for the 2023 Local Government Ordinary Election is \$23,636.36 (ex GST). This cost is based on the following assumptions:

- 1,900 electors
- Response rate of approximately 50%
- 3 vacancies
- Count to be conducted at the Shire of Exmouth
- Appointment of a returning officer
- Regular Australia Post delivery service for lodgement of election packages.

Risk Management

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Compliance	Possible	Major	High	Engage the WAEC to conduct the LG Election 2023 by postal ballot
Reputational	Possible	Major	High	Engage the WAEC to conduct the LG Election 2023 by postal ballot which will be coordinated by a competent Returning Officer.

Risk Matrix

Consequence Likelihood	Insignificant (1)	Minor (2)	Moderate (3)	Major (4)	Catastrophic (5)
Almost Certain (5)	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely (4)	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible (3)	Low (3)	Moderate (5)	Moderate (9)	High (12)	High (15)
Unlikely (2)	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare (1)	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Alternate Options

12. Nil

Strategic Alignment

13. This item is relevant to the Council's approved Strategic Community Plan and Corporate Business Plan 2023 – 2033.

Governance & Leadership	Foster open, transparent & accountable leadership, working collaboratively and in partnership with our community and stakeholders
	5.1 Forward-thinking leadership for efficient and sustainable operations
	5.2 Continued focus on transparent, accountable leadership and community stakeholder engagement
	5.3 Council and administration plan and lead with good governance

Voting Requirements

14. Absolute Majority

OFFICERS RECOMMENDATION**ITEM 12.1.1**

That Council:

1. DECLARE, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2023 ordinary elections together with any other elections or polls which may be required.
2. DECIDE, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election will be as a postal election.
3. RESOLVE to allocate \$23,636.36 (ex GST) into the 2023/24 budget for the election process.

COUNCIL RESOLUTION**ITEM 12.1.1**

Res No: 07-0223

MOVED: Cr Brooks

SECONDED: Cr Gillespie

That Council:

1. **DECLARE**, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2023 ordinary elections together with any other elections or polls which may be required.
2. **DECIDE**, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election will be as a postal election.
3. **RESOLVE** to allocate \$23,636.36 (ex GST) into the 2023/24 budget for the election process.

CARRIED by ABOLUTE MAJORITY 6/0

12.1.2 Affixing a Common Seal

File Reference	GV.AU.1
Reporting Officer	Executive Secretary
Responsible Officer	Chief Executive Officer
Date of Report	14 February 2023
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 common seal affixed under delegated authority since the last Ordinary Council meeting on 15 December 2022.

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.

Document	Details	Parties
08/02/2023	Instrument of Authorisation relating to traffic management for Events	MRD and Shire of Exmouth

Consultation

4. Nil

Statutory Environment

5. *Local Government Act 1995, Part 9, Division 3, s9.49A (1)(2) Execution of Documents*
 - (1) *A document is duly executed by a local government if —*
 - (a) *the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or*
 - (b) *it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.*
 - (2) *The common seal of a local government is not to be affixed to any document except as authorised by the local government.*
 - (3) *The common seal of the local government is to be affixed to a document in the presence of —*
 - (a) *the mayor or president; and*
 - (b) *the CEO,**each of whom is to sign the document to attest that the common seal was so affixed.*

Policy Implications

6. Nil

Financial Implications

7. Nil

Risk Management

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance – 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

Risk Matrix

Consequence Likelihood	Insignificant (1)	Minor (2)	Moderate (3)	Major (4)	Catastrophic (5)
Almost Certain (5)	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely (4)	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible (3)	Low (3)	Moderate (5)	Moderate (9)	High (12)	High (15)
Unlikely (2)	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare (1)	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Alternate Options

8. Nil

Strategic Alignment

9. This item is relevant to the Council's approved Strategic Community Plan and Corporate Business Plan 2023 – 2033.

Governance &
Leadership

Foster open, transparent & accountable leadership, working collaboratively and in partnership with our community and stakeholders

- 5.1 Forward-thinking leadership for efficient and sustainable operations
- 5.2 Continued focus on transparent, accountable leadership and community stakeholder engagement
- 5.3 Council and administration plan and lead with good governance

Voting Requirements

10. Simple Majority

OFFICERS RECOMMENDATION

ITEM 12.1.2

That Council ACCEPT that the common seal has been affixed under delegated authority to the following document:

Document	Details	Parties
08/02/2023	Instrument of Authorisation relating to traffic management for Events	MRD and Shire of Exmouth

COUNCIL RESOLUTION

ITEM 12.1.2

Res No: 08-0223

MOVED: Cr Gillespie

SECONDED: Cr Lake

That Council ACCEPT that the common seal has been affixed under delegated authority to the following document:

Document	Details	Parties
08/02/2023	Instrument of Authorisation relating to traffic management for Events	MRD and Shire of Exmouth

CARRIED by SIMPLE MAJORITY 6/0

COMMUNITY AND ECONOMIC GROWTH

12.3.1 Proposed Scheme Amendment No.10 (Omnibus) to Local Planning Scheme No.4 – Support for Final Adoption

File Reference	LP.PL.4.10
Reporting Officer	Planning Officer
Responsible Officer	Deputy CEO – Community and Economic Growth
Date of Report	10/02/2023
Applicant/Proponent	Nil
Disclosure of Interest	Nil
Attachment(s)	1. Scheme Amendment Report 2. Agency Submissions 3. Schedule of Submissions and Recommendations 4. Proposed final modifications and provisions

Purpose

1. That Council give final approval and SUPPORT Scheme Amendment 10 (Omnibus) to Local Planning Scheme No.4 (LPS4) and forward the amendment to the Western Australian Planning Commission with the request for the Minister for Planning to grant final consent.

Background

2. On 12 March 2019, the Shire of Exmouth Local Planning Scheme No.4 (LPS4) was published in the Government Gazette. LPS4, which includes the Scheme Text and Scheme Maps, provides the overarching planning framework for development within Exmouth; controlling and guiding development, growth and land use within the Shire of Exmouth.
3. Since its gazettal, LPS4 has been amended several times to achieve specific planning outcomes, usually, for specific sites or areas. In the day-to-day administration of LPS4, the Shires officers keep a list of minor updates that are required, however, do not justify an amendment to the Scheme on their own. As such, when a sufficient number of minor modifications are noted, an 'omnibus' amendment to the Scheme can be prepared.
4. In this regard, an omnibus amendment is now proposed for the Shire's LPS4. The intent of the omnibus amendment is to generally 'tidy' the document and to provide greater clarity on provisions which have generated confusion or difficulty when being applied.
5. At its Ordinary Council Meeting of 28 July 2022 (item 12.2.1 Resolution No:03-072) Council resolved to:

That Council pursuant to section 75 of the Planning and Development Act 2005 and Part 5, r.35(1 and 2) of the Planning and Development (Local Planning Schemes) Regulations 2015, RESOLVES:

1. ***To PREPARE and adopt Amendment No. 10 to amend the Shire of Exmouth Local Planning Scheme No. 4 as outlined in Attachment 1.***
2. ***To classify the amendment as a 'Standard amendment' under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:***
 - ***The amendment is consistent with the objectives identified in the scheme for the relevant zones and reserves;***
 - ***The amendment is consistent with the Shire of Exmouth Local Planning Strategy;***
 - ***The amendment will have minimal impact on land in the scheme area;***
 - ***The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and***

- ***The amendment is not a basic or complex amendment.***

3. *To refer the amendment to the Environmental Protection Authority to determine if a formal environmental assessment is required.*

4. *To ADVERTISE the amendment in accordance with Part 5, r.47 of the Planning and Development (Local Planning Schemes) Regulations 2015.*

6. Scheme Amendment No.10 was advertised in accordance with Part 5, r.47 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations). A total of 6 submissions were received.
7. Two of the submissions received proposed the re-zoning of small parcels of land, as outlined below:
 - a. Rezoning of Lot 116 on Plan 183751 (Reserve 40519) from 'Public Purposes: Infrastructure Services' to 'Special Use 9'; and
 - b. Rezoning portions of Lot 500 (1) Nimitz Street from 'Residential' and 'Public Open Space' to 'Special Use 4'.
8. These modifications were included in the Schedule of Modifications. At its Ordinary Council Meeting on 15 December 2022 (Item 12.3.2 Resolution No. 14-1222) Council resolved to:

1. *To SUPPORT with modifications Scheme Amendment No. 10 to amend the Shire of Exmouth Local Planning Scheme No. 4 as outlined in Attachment 1 and Attachment 4.*

2. *RECEIVE the Schedule of Submissions and support the Officer Recommendations as detailed in Attachment 3.*

3. *To ADVERTISE the amendment and modifications in accordance with Part 5, r.51 of the Planning and Development (Local Planning Schemes) Regulations 2015.*

9. Scheme Amendment 10 was re-advertised in accordance with Regulation 51 of the Regulations. Submissions received as part of the re-advertising are further discussed under the "Consultation" section of this Report.

Comment

10. The proposed amendments, along with an explanation of why the amendments are required, are detailed in Attachment 1.
11. The key recommended changes are outlined in simplified form below:
 - Update the aims of the LPS4 to facilitate public art within the built environment;
 - Insert the land use 'Residential Aged Care' into the zoning table;
 - Provide clarity on the location of ancillary dwellings within lots and their connection to infrastructure services;
 - Provide clarity on the location of parking bays associated with Bed and Breakfast businesses;
 - Provide clarity and consistency in the terms of reference used, as well as the application of, provisions across the Special Use 6 (Marina) zone;
 - Insert additional figures relating to the Special Use 6 zone to provide clarity in the application of the relevant provisions;
 - Rezone several parcels of land; and
 - Update Scheme Maps where minor changes have occurred and are required.
12. The Amendment was referred to the Environmental Protection Agency (EPA), who advised that the amendment did not warrant a formal assessment under Part IV Division 3 of the *Environmental*

Protection Act 1986. The Western Australian Planning Commission (WAPC) also provided consent to advertise.

13. Scheme Amendment No.10 was advertised for public comment in accordance with Part 5, r.47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Advertising was undertaken via direct mail out, notices placed on the Shire's website and Local Notice Boards.
14. In addition to public advertising and formal referral to the EPA, Scheme Amendment No.10 was also referred to relevant state agencies and utility providers for comment.
15. Should Council support Scheme Amendment 10 (with or without modifications), the WAPC will then makes its assessment on the scheme amendment and provides a recommendation to the Minister for Planning. The Minister makes the final decision on whether to grant final approval of the scheme amendment. If the Minister grants final approval, the scheme amendment will, in time, be published in the Government Gazette, at which point it legally comes into effect

Consultation

16. As mentioned above, Scheme Amendment No.10 was re-advertised in accordance with Part 5, r.47 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations).
17. In addition to public consultation, the proposal was also referred to the following state agencies and utility providers:
 - Department of Biodiversity, Conservation and Attractions (DBCA)
 - Department of Fire and Emergency Services (DFES)
 - Department of Water and Environmental Regulation (DWER)
 - Horizon Power
 - Water Corporation
 - Main Roads Western Australia
 - Department of Health (DoH)
 - Tourism Western Australia
18. A total of 6 submissions were received during re-advertising. Responses were received from DFES, Water Corporation, Main Roads, DoH, DWER, and DBCA. No public submissions or objections were raised.
19. A 'Schedule of Submissions and Recommendations' has been prepared to summarise and respond to the matters raised during the first public advertising and consultation period and the re-advertising period (refer Attachment 3). A copy of each government agency submissions is also available (refer Attachment 2).

Statutory Environment

20. *Planning and Development Act 2005*
21. *Planning and Development (Local Planning Schemes) Regulations 2015*
22. *Local Planning Scheme No.4*
23. *Environmental Protection Act 1986*

Policy Implications

24. Nil

Financial Implications

25. Nil

Risk Management

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational	Possible	Moderate	Low	Widely consulting with all parties who may be affected and all relevant public authorities should mitigate any risk in this regard. If necessary, further information can be provided as part of the amendment process.
Reputational	Unlikely	Moderate	Low	In the unlikely event the request is not supported by the DPLH the Shire may be required to make modifications. Alternate options will need to be explored.

Risk Matrix

Consequence Likelihood	Insignificant (1)	Minor (2)	Moderate (3)	Major (4)	Catastrophic (5)
Almost Certain (5)	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely (4)	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible (3)	Low (3)	Moderate (5)	Moderate (9)	High (12)	High (15)
Unlikely (2)	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare (1)	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Alternate Options

26. Council may consider alternative options in relation to this item, such as:
- Resolve to adopt the amendment to the local planning scheme with modifications; or
 - To resolve not to adopt the amendment to the local planning scheme.

Strategic Alignment

27. This item is relevant to the Council's approved Strategic Community Plan and Corporate Business Plan 2023 – 2033.

Social	Nurture a friendly, safe and inclusive community spirit 1.1 Improve local community and visitor experiences.
Natural Environment	Embrace natural sensitivities and promote positive change 2.2 Prepare Exmouth for changing environmental conditions
Built Environment	Enable sustainable development and infrastructure that meets the needs of the community, visitors and industry 3.1 Infrastructure and assets are well-managed and maintained 3.2 Plan and cater for increased population growth
Economy	Enhance a robust, resilient and diversified economy that champions innovation 4.2 Establish Exmouth as a vibrant, welcoming and environmentally aware destination 4.3 Promote Exmouth as a thriving economy based on its regional strength as a global environmental hotspot
Governance & Leadership	Foster open, transparent & accountable leadership, working collaboratively and in partnership with our community and stakeholders 5.1 Forward-thinking leadership for efficient and sustainable operations 5.2 Continued focus on transparent, accountable leadership and community stakeholder engagement 5.3 Council and administration plan and lead with good governance

Voting Requirements

28. Simple Majority

OFFICERS RECOMMENDATION**ITEM 12.3.1**

That Council pursuant to section 75 of the *Planning and Development Act 2005* and Part 5, r.50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves:

1. To SUPPORT with modifications Scheme Amendment No. 10 to amend the Shire of Exmouth Local Planning Scheme No. 4 as outlined in Attachment 1 and Attachment 4.
2. To receive and note the submissions received as detailed in the Schedule of Submissions and Recommendations (Attachment 3).
3. To forward the amendment documentation to the Western Australian Planning Commission with a request that the Minister for Planning grant approval to the amendment.

COUNCIL RESOLUTION**ITEM 12.3.1**

Res No: 09-0223

MOVED: Cr Lake

SECONDED: Cr Niikkula

That Council pursuant to section 75 of the *Planning and Development Act 2005* and Part 5, r.50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves:

1. To SUPPORT with modifications Scheme Amendment No. 10 to amend the Shire of Exmouth Local Planning Scheme No. 4 as outlined in Attachment 1 and Attachment 4.
2. To receive and note the submissions received as detailed in the Schedule of Submissions and Recommendations (Attachment 3).
3. To forward the amendment documentation to the Western Australian Planning Commission with a request that the Minister for Planning grant approval to the amendment.

CARRIED by SIMPLE MAJORITY 6/0

CORPORATE SERVICES

EN BLOC MOTION AND COUNCIL RESOLUTION

Res No: 10-0223

MOVED: Cr Allston

SECONDED: Cr Lake

That the Officer Recommendations in relation to the following Agenda Items be carried en bloc:

- 12.4.1 - Financial Statement for Period Ending 31 December 2022
- 12.4.2 - List of Accounts for Period Ending 31 December 2022
- 12.4.3 - Financial Statement for Period Ending 31 January 2023
- 12.4.4 - List of Accounts for Period Ending 31 January 2023

CARRIED by SIMPLE MAJORITY 6/0

12.4.1 Financial Statement for Period Ending 31 December 2022

File Reference	FM.FI.0
Reporting Officer	Manager Finance
Responsible Officer	Executive Manager Corporate Services
Date of Report	13 February 2023
Applicant/Proponent	Nil
Disclosure of Interest	Nil
Attachment(s)	1. Monthly Financial Report as at 31 December 2022

Purpose

1. That Council accepts the financial report for the financial period ending 31 December 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 December 2022, the operating revenue is above target by \$922,536 (9.83%). Variances are mainly due to the timing of the operating grants and increased revenue for aviation operations, overflow and Welch street camping.
4. Operating expenditure is under budget by \$572,821 (6.36%). Variances are mainly due to the timing of billing and the timing of the aviation lease payment.
5. The capital expenditure program is under way. This includes the depot workshop door renewal, the construction of a footpath on Madaffari Drive – Warne Street to Town Beach, preparation works for the Qualing Scarp fencing project and works for the Town Beach upgrade (Stage 1B). The Mandu Kitchen upgrade has commenced.
6. Rate notices were issued on 28 July 2022. Rates collected as at 31 December 2022 were 82.40% compared to 83.98% 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

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.

Risk Matrix

Consequence Likelihood	Insignificant (1)	Minor (2)	Moderate (3)	Major (4)	Catastrophic (5)
Almost Certain (5)	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely (4)	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible (3)	Low (3)	Moderate (5)	Moderate (9)	High (12)	High (15)
Unlikely (2)	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare (1)	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Alternate Options

12. Nil

Strategic Alignment

13. This item is relevant to the Council's approved Strategic Community Plan and Corporate Business Plan 2023 – 2033.

Governance &
Leadership

Foster open, transparent & accountable leadership, working collaboratively and in partnership with our community and stakeholders

- 5.1 Forward-thinking leadership for efficient and sustainable operations
- 5.2 Continued focus on transparent, accountable leadership and community stakeholder engagement
- 5.3 Council and administration plan and lead with good governance

Voting Requirements

14. Simple Majority

OFFICERS RECOMMENDATION**ITEM 12.4.1**

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

12.4.2 List of Accounts for Period Ending 31 December 2022

File Reference	FM.FI.0
Reporting Officer	Manager Finance
Responsible Officer	Executive Manager Corporate Services
Date of Report	13 February 2023
Applicant/Proponent	Nil
Disclosure of Interest	Nil
Attachment(s)	1. List of Accounts for period ending 31 December 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 \$1,667,338.51
Incorporating cheques, direct debits, electronic payments and credit cards.

Trust Fund totalling \$NIL
Incorporating electronic payments.

Total Payments: \$1,667,338.51

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. CS001 (Procurement)
8. CS002 (Regional Price Preference Policy)
9. CS004 (Corporate Transaction Cards)
10. CS008 (Investments)
11. CS012 (Reserve Funds)

Financial Implications

12. 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

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.

Risk Matrix

Consequence Likelihood	Insignificant (1)	Minor (2)	Moderate (3)	Major (4)	Catastrophic (5)
Almost Certain (5)	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely (4)	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible (3)	Low (3)	Moderate (5)	Moderate (9)	High (12)	High (15)
Unlikely (2)	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare (1)	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Alternate Options

13. Nil

Strategic Alignment

14. This item is relevant to the Council's approved Strategic Community Plan and Corporate Business Plan 2023 – 2033.

Governance & Leadership	Foster open, transparent & accountable leadership, working collaboratively and in partnership with our community and stakeholders 5.1 Forward-thinking leadership for efficient and sustainable operations 5.2 Continued focus on transparent, accountable leadership and community stakeholder engagement 5.3 Council and administration plan and lead with good governance
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Voting Requirements

15. Simple Majority

OFFICERS RECOMMENDATION**ITEM 12.4.2**

That Council RECEIVES the report of payments made from the Municipal and Trust bank accounts during the month of December 2022 (totalling \$1,667,338.51).

12.4.3 Financial Statement for Period Ending 31 January 2023

File Reference	FM.FI.0
Reporting Officer	Manager Finance
Responsible Officer	Executive Manager Corporate Services
Date of Report	13 February 2023
Applicant/Proponent	Nil
Disclosure of Interest	Nil
Attachment(s)	1. Monthly Financial Report as at 31 January 2023

Purpose

1. That Council accepts the financial report for the financial period ending 31 January 2023.

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 12.4.3).

Comment

3. As at 31 January 2023, the operating revenue is above target by \$1,035,261 (10.21%). Variances are mainly due to the timing of the operating grants and increased revenue for aviation operations, overflow and Welch street camping.
4. Operating expenditure is under budget by \$568,030 (5.46%). Variances are mainly due to the timing of the aviation lease payment.
5. The capital expenditure program is under way. This includes the depot workshop door renewal, the construction of a footpath on Madaffari Drive – Warne Street to Town Beach, preparation works for the Qualing Scarp fencing project and works for the Town Beach upgrade (Stage 1B). The Mandu Kitchen Upgrade is in progress.
6. Rate notices were issued on 28 July 2022. Rates collected as at 31 January 2023 were 85.90% compared to 88.10% 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

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.

Risk Matrix

Consequence Likelihood	Insignificant (1)	Minor (2)	Moderate (3)	Major (4)	Catastrophic (5)
Almost Certain (5)	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely (4)	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible (3)	Low (3)	Moderate (5)	Moderate (9)	High (12)	High (15)
Unlikely (2)	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare (1)	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Alternate Options

12. Nil

Strategic Alignment

13. This item is relevant to the Council's approved Strategic Community Plan and Corporate Business Plan 2023 – 2033.

Governance & Leadership	Foster open, transparent & accountable leadership, working collaboratively and in partnership with our community and stakeholders 5.1 Forward-thinking leadership for efficient and sustainable operations 5.2 Continued focus on transparent, accountable leadership and community stakeholder engagement 5.3 Council and administration plan and lead with good governance
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Voting Requirements

14. Simple Majority

OFFICERS RECOMMENDATION**ITEM 12.4.3**

That Council RECEIVES the financial report for the financial period ending 31 January 2023.

The following recommendations (12.4.1, 12.4.2, 12.4.3 & 12.4.4) were moved enbloc.

12.4.4 List of Accounts for Period Ending 31 January 2023

File Reference	FM.FI.0
Reporting Officer	Manager Finance
Responsible Officer	Executive Manager Corporate Services
Date of Report	13 February 2023
Applicant/Proponent	Nil
Disclosure of Interest	Nil
Attachment(s)	1. List of Accounts for period ending 31 January 2023

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 12.4.4).

Payments

Municipal Fund	totalling \$977,237.41 Incorporating cheques, direct debits, electronic payments and credit cards.
Trust Fund	totalling \$NIL Incorporating electronic payments.
Total Payments:	\$977,237.41

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. CS001 (Procurement)
8. CS002 (Regional Price Preference Policy)
9. CS004 (Corporate Transaction Cards)
10. CS008 (Investments)
11. CS012 (Reserve Funds)

Financial Implications

12. 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

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.

Risk Matrix

Consequence Likelihood	Insignificant (1)	Minor (2)	Moderate (3)	Major (4)	Catastrophic (5)
Almost Certain (5)	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely (4)	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible (3)	Low (3)	Moderate (5)	Moderate (9)	High (12)	High (15)
Unlikely (2)	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare (1)	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Alternate Options

13. Nil

Strategic Alignment

14. This item is relevant to the Council's approved Strategic Community Plan and Corporate Business Plan 2023 – 2033.

Governance & Leadership	Foster open, transparent & accountable leadership, working collaboratively and in partnership with our community and stakeholders 5.1 Forward-thinking leadership for efficient and sustainable operations 5.2 Continued focus on transparent, accountable leadership and community stakeholder engagement 5.3 Council and administration plan and lead with good governance
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Voting Requirements

15. Simple Majority

OFFICERS RECOMMENDATION	ITEM 12.4.4
That Council RECEIVES the report of payments made from the Municipal and Trust bank accounts during the month of January 2023 (totalling \$977,237.41).	

12.4.5 2022/23 Budget Review

File Reference	FM.BU.223
Reporting Officer	Executive Manager Corporate Services
Responsible Officer	As above
Date of Report	14 February 2023
Applicant/Proponent	Nil
Disclosure of Interest	Nil
Attachment(s)	1. 2022/23 Budget Review

Purpose

1. That Council approve the proposed budget amendments following the 2022/23 Budget Review as per Attachment 1.

Background

2. Council is required to carry out a review of its annual budget between 1 January and 31 March in each financial year for that year in accordance to Section 33A of the Local Government (Financial Management) Regulation 1996. The review of an annual budget for a financial year must:
 - a. Consider the local government's financial performance in the period beginning 1 July and ending no earlier than 31 December in that financial year;
 - b. Consider the local government's financial position as at the date of the review; and
 - c. Review the outcomes for the end of that financial year that are forecast in the budget.

Comment

3. The original 2022/23 budget was adopted at the Ordinary Council Meeting held on 30 June 2022 which projected a surplus of \$11,556. The mid-year budget review resulted in a projected closing surplus of \$9,274.
4. This 2022/23 Budget Review figures include all budget amendments previously authorised by Council since the original budget was adopted.
5. The mid-year budget review has an improved operating deficit of \$70k moving from \$2.2m to \$2.1m deficit.
6. Following a mid-year review by Executive Managers and Managers the following adjustments are being put to Council for consideration and adoption. These recommendations have taken consideration into the timing of movements as identified on 31 January 2023.

Statement of Financial Activity for the period ended 31 January 2023

	Adopted Budget	Budget Amendment	Revised Budget	YTD Actual
	\$		\$	\$
Opening Funding Surplus / (Deficit)	1,772,556	520,718	2,293,274	2,293,274
Revenue from operating activities	15,243,000	2,077,000	17,320,000	11,171,950
Expenditure from operating activities	(17,424,000)	(2,007,000)	(19,431,000)	(9,826,031)
Amount attributable to operating activities	(2,181,000)	70,000	(2,111,000)	1,345,919
Non-cash amounts excluded from operating activities	3,675,000	135,000	3,810,000	2,158,258
	1,494,000	205,000	1,699,000	3,504,177
Investing activities				
Non-operating grants, subsidies and contributions	2,717,000	2,030,000	4,747,000	1,235,056
Proceeds from disposal of assets	146,000	0	146,000	47,600
Payments for property, plant and equipment	(5,560,000)	(2,530,000)	(8,090,000)	(471,019)
Amount attributable to investing activities	(2,697,000)	(500,000)	(3,197,000)	811,637
Financing Activities				
Transfer from reserves	1,561,000	542,000	2,103,000	0
Proceeds from community loans	12,000	0	12,000	17,600
Payments for community loans	0	(102,000)	(102,000)	(102,267)
Repayment of debentures	(354,000)	0	(354,000)	(181,787)
Payments for principle portion of lease liabilities	(6,000)	0	(6,000)	0
Transfer to reserves	(1,771,000)	(668,000)	(2,439,000)	(74,110)
Amount attributable to financing activities	(558,000)	(228,000)	(786,000)	(340,564)
Closing Funding Surplus / (Deficit)	11,556	(2,282)	9,274	6,268,524

Operating Revenue Movements

- The operating revenue has a proposed increase to the original budget of \$2.1m. This is predominantly because of the Solar Eclipse funding and expected revenue from the Welch Street camping fees. There is also an expected increase to aviation services for the airport as well as the heliport. The Visitor Centre and the NADC expect an increase as a result of an increase of visitors over the Solar Eclipse period and an increase as a result of the sales during the previous season.
- Interest rates have gone up over the last few months, so there is an expected increase to interest earnings on investments, which mainly relates to reserve money invested in term deposits.

Operating Expenditure Movements

- The operating expenditure has a proposed increase to the original budget of \$2m. The majority of these increases are in materials and contracts and relate to the Total Solar Eclipse and events being held in April. There is also an increase to the operational costs for the management of the airport.

Non-Operating Revenue

10. Non-operating grants, subsidies and contributions is expecting an additional \$2m. \$182k is for the Mandu Mandu kitchen upgrade, an additional \$213k is expected for the disaster repair works to Council's roads. There is also \$1.65m for the Welch Street Camp Ground.

Capital Expenditure

11. Capital acquisitions have a proposed increase of \$2.5m. These changes are:
- \$30k decrease to the Staff Housing landscaping.
 - \$95k increase to Youth Precinct.
 - \$105k decrease to Sanitation.
 - \$250k decrease for illegal camping prevention.
 - \$25k increase for Chlorine Storage.
 - \$17k decrease for Depot workshop door renewal.
 - \$200k increase to footpath program.
 - \$10k increase to Hallway Pier.
 - \$10k decrease to the Lagoon Aquarium.
 - \$197k increase for the Town Beach upgrade Stage 1B.
 - \$400k increase for the Disaster Recovery road works.
 - \$1.6m increase for the Welch Street – Solar Eclipse Campground.
 - \$365k increase for the Mandu Mandu kitchen upgrade.
12. It is also proposed that Council make the following reserve transfers:
- \$3k increase for specified area rates.
 - \$100k increase for interest earned on reserves.
 - \$200k increase to Waste & Recycle Reserve.
 - \$300k increase to Ningaloo Centre Reserve.
 - \$102k increase to unspent grants.
 - \$212k decrease from the Community Development Fund Reserve for the Town Beach Upgrade.
 - \$102k decrease from the Community Interest Free Reserve for the Bowling Club Loan.
 - \$183k decrease from the Ningaloo Centre Reserve for the Mandu Mandu kitchen upgrade.
 - \$187k decrease to the Roads Reserve for the Disaster Recovery Works.
 - \$105k increase for the sanitation projects.
13. These proposed changes will decrease the budgeted closing position for the 2022/23 financial year from a surplus of \$11,556 to a forecast surplus of \$9,274 and it is anticipated as future expenditure and revenue expectations are refined and additional information is received this surplus may move.

Consultation

14. Managers
15. Executive Managers
16. Chief Executive Officer
17. Councillors

Statutory Environment

18. Local Government (Financial Management) Regulation 1996

Policy Implications

19. Nil

Financial Implications

20. The proposed adjustments will move the surplus to \$9,274.

Risk Management

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational/Performance That Council does not adopt the reviewed budget as set out in section 33A LG (Financial Management) Regulation 1996	Possible	Moderate	Medium	That Council adopts/amends the proposed budget review.

Risk Matrix

Consequence Likelihood	Insignificant (1)	Minor (2)	Moderate (3)	Major (4)	Catastrophic (5)
Almost Certain (5)	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely (4)	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible (3)	Low (3)	Moderate (5)	Moderate (9)	High (12)	High (15)
Unlikely (2)	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare (1)	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Alternate Options

21. Council may determine to alter the proposed budget amendments in the 2022/23 Budget Review.

Strategic Alignment

22. This item is relevant to the Council's approved Strategic Community Plan and Corporate Business Plan 2023 – 2033.

Governance &
Leadership

Foster open, transparent & accountable leadership, working collaboratively and in partnership with our community and stakeholders

- 5.1 Forward-thinking leadership for efficient and sustainable operations
- 5.2 Continued focus on transparent, accountable leadership and community stakeholder engagement
- 5.3 Council and administration plan and lead with good governance

Voting Requirements

23. Absolute Majority

OFFICERS RECOMMENDATION

ITEM 12.4.5

That Council APPROVE:

- 1. Proposed budget amendments in the 2022/23 Budget Review as per Attachment 1; and
- 2. Any end of year surplus be directed into reserves for the preservation of assets.

COUNCIL RESOLUTION

ITEM 12.4.5

Res No: 14-0223

MOVED: Cr Gillespie
SECONDED: Cr Niikkula

That Council APPROVE:

- 1. Proposed budget amendments in the 2022/23 Budget Review as per Attachment 1; and
- 2. Any end of year surplus be directed into reserves for the preservation of assets.

CARRIED by ABSOLUTE MAJORITY 6/0

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 Doors

Nil

16. Closure of Meeting

The Shire President closed the meeting at 4.32pm and advised the next meeting will be held on Thursday 23 March 2023, commencing at 4.00 pm.