



# Agenda

## Ordinary Council Meeting

23 March 2023

### Notice of Meeting

Notice is hereby given that the next Ordinary Council Meeting of the Shire of Exmouth will be held on 23 March 2023, in the Mandu Function Room, Ningaloo Centre, 2 Truscott Crescent, Exmouth commencing at 4.00 pm.

A handwritten signature in black ink, appearing to be 'Ben Lewis', with a long horizontal stroke extending to the right.

Ben Lewis  
CHIEF EXECUTIVE OFFICER

23 March 2023

## Disclaimer

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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.

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## **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

## 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.](#)

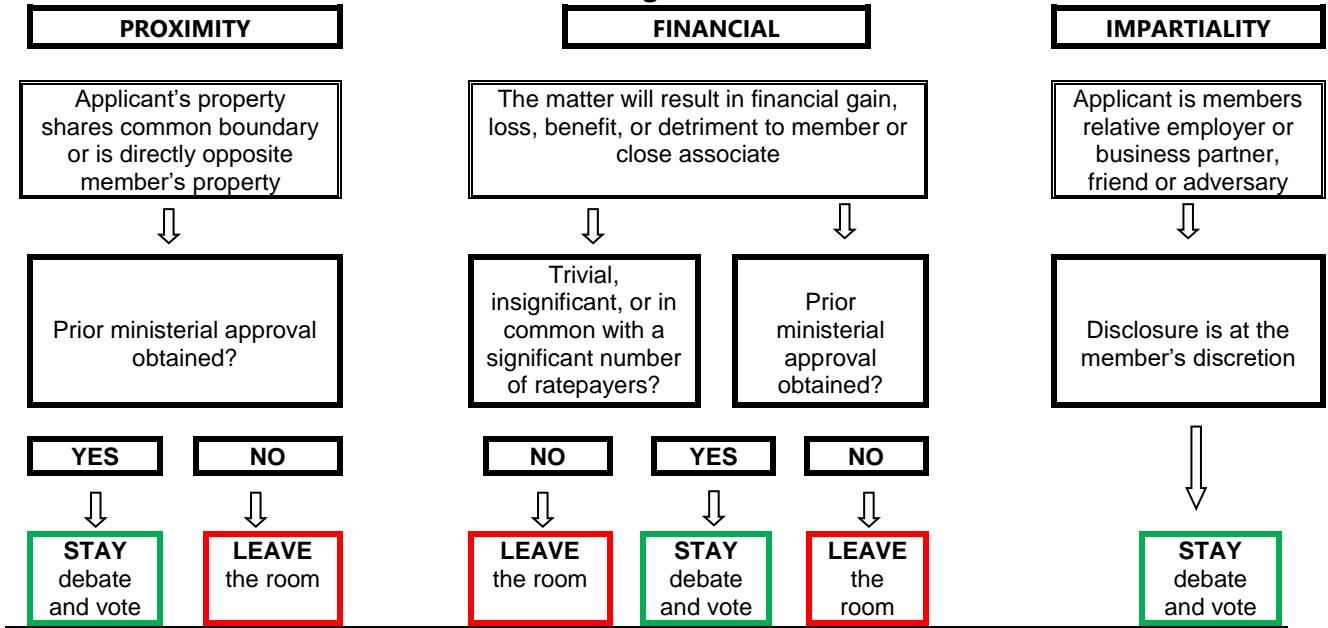
- **Note 1** - Elected Members/ Committee Members/Employees refer to the Disclosure of Interest Declaration card when disclosure is being read out at Council or Committee Meeting.
- **Note 2:** For Ordinary meetings of the Council, elected members and employees are requested to submit this completed 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

Particulars recorded in Minutes                       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 interest arising from kinship, friendship or membership of an association.

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## **1 Declaration of Opening and Announcements**

## **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

## **3 Response to Previous Public Questions Taken on Notice**

Nil

## **4 Public Question 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 Shire President's discretion the matter is to be dealt with immediately to allow the public to observe the determination of the matter (obviates the need for the public to wait an undetermined period of time).

When a matter is listed on the Agenda and member/s of the public are in attendance to observe the determination of the matter, out of courtesy and at the discretion of the Shire President the matter is to be brought forward on the agenda and dealt with immediately to allow the public to observe the determination of the matter (again this obviates the need for the public to wait an indeterminate period of time).

## **5 Declarations of Interest**

## **6 Applications for Leave of Absence**

The *Local Government Act 1995* (Section 2.25) provides that a Council may, by resolution, grant leave of absence to a member for Ordinary Council Meetings. A member who is absent, without first obtaining leave of the Council, throughout three consecutive Ordinary meetings of the Council is disqualified from continuing his or her membership of the Council.

Disqualification from membership of the Council for failure to attend Ordinary Meetings of the Council will be avoided so long as the Council grants leave prior to the member being absent. The leave cannot be granted retrospectively. An apology for non-attendance at a meeting is not an application for a leave of absence.

## **7 Confirmation of Minutes of Previous Meetings**

That the Minutes and associated attachment of the Ordinary Council Meeting of the Shire of Exmouth held on 23 February 2023 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/ Deputation/Presentations/ Submissions**



## **11 Matters Arising from Committees of Council**

### **11.1 Audit Committee Meeting – 2 March 2023**

A complete version of the unconfirmed minutes and attachments of the Audit Committee meeting are available on the Shire of Exmouth website.

<b>Audit Committee Recommendation</b>	<b>Item 11.1</b>
That Council:	
1. RECEIVES the unconfirmed minutes of the Audit Committee Meeting held on the 2 March 2023,	
2. ADOPTS the statutory 2022 Compliance Audit Return for the Shire of Exmouth for the period 1 January 2022 to 31 December 2022; and	
3. AUTHORISES the Chief Executive Officer to submit the return of the Department of local Government, Sport and Cultural Industries by 31 March 2023.	

## 12 Reports of Officers

### EXECUTIVE SERVICES

#### 12.1.1 - Affixing the Common Seal

File Reference	GV.AU.1
Reporting Officer	Executive Secretary
Responsible Officer	Chief Executive Officer
Date of Report	14 March 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 council meeting.

#### Background

2. There have been six document/s that have had the Shire's common seal affixed under delegated authority since the last Council meeting.

#### Comment

3.

Date	Details	Parties
22/02/2023	Total Solar Eclipse Event <ul style="list-style-type: none"> <li>• Licence to Occupy Crown Land – 00041/2022 P3(1)</li> <li>• Licence to Occupy Crown Land – 00041/2022 P1(1)</li> <li>• Licence to Occupy Crown Land – 00041/2022 P1(2)</li> <li>• Licence to Occupy Crown Land – 00041/2022 P1(6)</li> </ul>	Department of Planning, Lands and Heritage
23/02/2023	Instrument of Agreement – RFQ13/2022	Exy Plumbing and Gas
01/03/2023	Lease Extension – Tulki Meeting Room	Department of Local Government Sport and Cultural Industries

#### 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**

8.

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

**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**

9. Nil

**Strategic Alignment**

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

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

11. Simple Majority

Officers Recommendation		Item 12.1.1
That Council ACCEPT that the common seal has been affixed under delegated authority to the following documents:		
Date	Details	Parties
22/02/2023	Total Solar Eclipse Event <ul style="list-style-type: none"> <li>Licence to Occupy Crown Land – 00041/2022 P3(1)</li> <li>Licence to Occupy Crown Land – 00041/2022 P1(1)</li> <li>Licence to Occupy Crown Land – 00041/2022 P1(2)</li> <li>Licence to Occupy Crown Land – 00041/2022 P1(6)</li> </ul>	Department of Planning, Lands and Heritage
23/02/2023	Instrument of Agreement – RFQ13/2022	Exy Plumbing and Gas
01/03/2023	Lease Extension – Tulki Meeting Room	Department of Local Government Sport and Cultural Industries

**COMMUNITY AND ECONOMIC ENGAGEMENT**

**12.3.1 - Support for Aboriginal Engagement and Participation During the TSE**

File Reference	CR.LR.1
Reporting Officer	Community Development Officer
Responsible Officer	Deputy CEO / Community & Economic Growth
Date of Report	14/02/2023
Applicant/Proponent	Nil
Disclosure of Interest	Nil
Attachment(s)	1. Correspondence from Tourism WA

**Purpose**

1. That Council consider the request from Tourism WA to fly the Aboriginal flag outside the Ningaloo Centre on a permanent basis.

**Background**

2. As part of its role in the delivery of the Total Solar Eclipse project, Department of Jobs, Tourism, Science and Innovation (JTSI) are facilitating a number of Aboriginal engagement activities aimed at recognising and promoting the state’s cultural heritage.
3. In addition to other initiatives occurring in and around the Shire, JTSI is offering to fully fund the purchase and installation of three new flagpoles in front of the Ningaloo Discovery Centre that will allow the permanent flying of the National, State and Aboriginal flags.

**Comment**

4. The Shire currently has two flagpoles erected at the front of the Ningaloo Discovery Centre. The existing flagpoles will need to be replaced because it has not been possible to locate a matching flagpole in WA. It is understood that these existing flagpoles were relocated from elsewhere in Exmouth – and hence the original supplier is unknown. The three new flagpoles will measure 6m in height by 125mm in diameter, have an internal halyard and be cyclone rated – region D.
5. Whilst Council is yet to develop its Reconciliation Action Plan, the flying of the Aboriginal flag is the first step in showing Council’s commitment to engagement with Traditional Owners.

**Consultation**

6. Tourism WA
7. Shire staff

**Statutory Environment**

8. Flags Act 1953
9. State Flag Act 2006

**Policy Implications**

10. Nil

**Financial Implications**

11. Council does not have allocated funds in the current budget for this project. However, the full cost of supply and installation is to be funded by Tourism WA.

**Risk Management**

12.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational - Negative impact on relationships with Traditional Owners and Tourism WA	Possible	Major	High	Support the ongoing commitment to engage with the Traditional Owners and support the implementation of the Jina.

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. Council not support the initiatives proposed by Tourism WA.

**Strategic Alignment**

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

Social	<p><b>Nurture a friendly, safe and inclusive community spirit</b></p> <p>1.1 Improve local community and visitor experiences.</p> <p>1.3 Building Community cohesion and connectedness</p>
Natural Environment	<p><b>Embrace natural sensitivities and promote positive change</b></p> <p>2.3 Increase awareness of sustainability and environmental issues</p>
Built Environment	<p><b>Enable sustainable development and infrastructure that meets the needs of the community, visitors and industry</b></p> <p>3.3 Revitalisation and expansion of airport services</p>
Economy	<p><b>Enhance a robust, resilient and diversified economy that champions innovation</b></p> <p>4.2 Establish Exmouth as a vibrant, welcoming and environmentally aware destination</p>
Governance & Leadership	<p><b>Foster open, transparent &amp; accountable leadership, working collaboratively and in partnership with our community and stakeholders</b></p> <p>5.2 Continued focus on transparent, accountable leadership and community stakeholder engagement</p> <p>5.3 Council and administration plan and lead with good governance</p>

**Voting Requirements**

15. Simple Majority

Officers Recommendation	Item 12.3.1
That Council SUPPORT the permanent flying of the Aboriginal flag at the Ningaloo Centre subject to the full cost of supply and installation being covered by Tourism WA.	

**12.3.2 - Acceptance of the Exmouth Kart Club Relocation Business Case**

File Reference	CM.QU.04.2022
Reporting Officer	Community Development Officer
Responsible Officer	Deputy CEO/ Community & Economic Growth
Date of Report	14/3/2023
Applicant/Proponent	Nil
Disclosure of Interest	Nil
Attachment(s)	1. Exmouth Kart Club Relocation Business Case Final

**Purpose**

1. That Council consider and accept the Exmouth Kart Club Relocation Business Case.

**Background**

2. On 10 June 2020 the Shire of Exmouth was successful in obtaining Community Sporting and Recreation Funding from the Department of Sport and Cultural Industries to develop a business case for the relocation of the Exmouth Kart Club.
3. The Exmouth Kart Club and the Shire of Exmouth contributed financially to the business case.

**Comment**

4. The Exmouth Kart Club (EKC) Business Case has resulted from the need to relocate the club from its existing site at 183 Murat Road to Lot 500 on DP 69582 due to the pending development of the Super Lot D – Exmouth Marina Village through a preferred contractor appointed by Development WA. This development is likely to occur within the next 18 months.
5. The relocation of EKC has been a consideration for 15 years or more following an initial approach to develop on the leased land. Lot 500 comprises 19.15 hectares of bushland and is currently within the control of the Department of Defence. While a management order was initially placed over the land by the Shire, the legal position related to ownership and management is unknown. The business case explores the potential long-term future of EKC and tests the viability of the replacement development.
6. An analysis of the current EKC membership, income and expenditure confirmed the limitations of the financial viability of the club. It concluded EKC would be unlikely to be in a position to invest significantly in the development of a new track facility.
7. The Business Case for developing and investing in the EKC could not be proven to provide a viable proposition. While EKC have maintained a viable sporting club for 30 years, the limitations on use imposed by a small population catchment re-enforce the potential compromised viability. It would be difficult therefore to justify future investment on potential growth and membership numbers alone.
8. In discussions with Development WA and the prospective proponent, the EKC could continue to use the site until that stage of the development is ready to commence.

**Consultation**

9. Exmouth Kart Club Representatives
10. Shire of Exmouth Officers
11. DLGSC
12. Department of Defence
13. Development WA and Superlot D Site Developers
14. Karting WA

**Statutory Environment**

15. Nil

**Policy Implications**

16. Nil

**Financial Implications**

17. A cost estimation was undertaken by Donald Cant Watts and Corke which initially considered the full development of the plans produced by EKC at the Lot 500 site being undertaken by a contractor. The overall cost was estimated at \$18.64M.

**Risk Management**

18.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Financial	Almost Certain	Catastrophic	Extreme	Not support the relocation of the EKC
Environmental	Possible	Moderate	Moderate	Suitable site allocated should the relocation progress.
Reputational	Possible	Moderate	Moderate	Early consultation with the EKC and other stakeholders.

**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**

19. Council can support and prioritise the business case and continue to advocate for the relocation of the Exmouth Kart Club.

**Strategic Alignment**

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

Social	<p><b>Nurture a friendly, safe and inclusive community spirit</b></p> <p>1.1 Improve local community and visitor experiences.</p> <p>1.2 Ensure a full suite of services to meet the needs of families and individuals at all ages and stages of life</p> <p>1.3 Building Community cohesion and connectedness</p>
Built Environment	<p><b>Enable sustainable development and infrastructure that meets the needs of the community, visitors and industry</b></p> <p>3.1 Infrastructure and assets are well-managed and maintained</p> <p>3.2 Plan and cater for increased population growth</p>
Governance & Leadership	<p><b>Foster open, transparent &amp; accountable leadership, working collaboratively and in partnership with our community and stakeholders</b></p> <p>5.1 Forward-thinking leadership for efficient and sustainable operations</p> <p>5.2 Continued focus on transparent, accountable leadership and community stakeholder engagement</p>

**Voting Requirements**

21. Simple Majority

**Officers Recommendation**

**Item 12.3.2**

That Council:

1. Accept Exmouth Kart Club Relocation Business Case;
2. Formally advise the Exmouth Kart Club the outcome of the Business Case; and
3. Formally advise Development WA the outcome of the Business Case.



**12.3.3 -Acceptance of the Exmouth Aged Care Facility Needs Assessment**

File Reference	CM.QU.30.2021
Reporting Officer	Community Development Officer
Responsible Officer	Deputy CEO/ Community & Economic Growth
Date of Report	14/3/2023
Applicant/Proponent	Nil
Disclosure of Interest	Nil
Attachment(s)	1. Exmouth Aged Care Facility Needs Assessment

**Purpose**

1. That Council consider and accept the Exmouth Aged Care Facility Needs Assessment.

**Background**

2. During the 25 February 2021 Ordinary Council meeting, Councillor Lake motioned to determine the need for a high-level health care home for the aged in Exmouth which was carried by absolute majority (Res No: 20-0221).

**COUNCIL RESOLUTION**

**ITEM 13.1**

**Res No: 20-0221**

**MOVED: Cr Lake**  
**SECONDED: Cr Mounsey**

**That Council request the Chief Executive officer to:**

1. **Assign funding for an appropriate consultancy to assess the need for high level care - accommodation for the aged in Exmouth including a capacity for respite.**
2. **Commence the appointment process of a suitable consultancy within the next 6 months, to conduct that assessment.**

**CARRIED by ABSOLUTE MAJORITY 5/0**

**Comment**

3. On the 11 April 2022 after an RFQ process Paxon Consulting Group was awarded the contract to develop a detailed needs assessment for Aged Care Facilities within the township of Exmouth.
4. On 10 March 2023 Paxon group delivered the final Exmouth Aged Care Facility Needs Assessment.
5. The assessment has been undertaken to determine the needs for aged care services in the Exmouth local government area and understand potential service models to address that need.
6. The limited availability of aged care services in the area presents challenges to the community, who are largely required to manage their own care requirements independently or relocate to larger regional centres when additional care is required.
7. Assessment of unmet demand for aged care services supports the development of a residential aged care facility. Consultation indicated that a residential aged care service would address a critical need for the community and present numerous benefits to the community, enabling residents to stay in the community as they age.

8. Results of the feasibility assessment of short-listed options indicate that a residential aged care service would not be economically viable on its own and would require ongoing subsidisation to achieve a suitable return for the operator.

**Consultation**

9. Shire of Exmouth Officers  
 10. Exmouth Community Members

**Statutory Environment**

11. Nil

**Policy Implications**

12. Nil

**Financial Implications**

13. There is no budget allocation in the current financial year or Long Term Financial Plan.

**Risk Management**

- 14.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational	Possible	Moderate	Moderate	Council’s support to advocate for an aged care facility in Exmouth.

**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**

15. That Council do not accept the Exmouth Aged Care Facility Needs Assessment.

**Strategic Alignment**

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

Social	<p><b>Nurture a friendly, safe and inclusive community spirit</b></p> <p>1.1 Improve local community and visitor experiences.</p> <p>1.2 Ensure a full suite of services to meet the needs of families and individuals at all ages and stages of life</p> <p>1.3 Building Community cohesion and connectedness</p>
Built Environment	<p><b>Enable sustainable development and infrastructure that meets the needs of the community, visitors and industry</b></p> <p>3.1 Infrastructure and assets are well-managed and maintained</p> <p>3.2 Plan and cater for increased population growth</p>
Governance & Leadership	<p><b>Foster open, transparent &amp; accountable leadership, working collaboratively and in partnership with our community and stakeholders</b></p> <p>5.1 Forward-thinking leadership for efficient and sustainable operations</p>

- 5.2 Continued focus on transparent, accountable leadership and community stakeholder engagement

**Voting Requirements**

17. Simple Majority

**Officers Recommendation**

**Item 12.3.3**

That Council:

1. Accept the Exmouth Aged Care Facility Needs Assessment, and
2. That aged care is included in the draft advocacy list to be presented for adoption at the May Ordinary Council meeting.

**12.3.4 - CSRFF Application (Small Grant Round) – Upgrade of Cricket Nets**

File Reference	GS.PR.1
Reporting Officer	Community Development Officer
Responsible Officer	Deputy CEO/Community and Economic Growth
Date of Report	14/03/2023
Applicant/Proponent	Nil
Disclosure of Interest	Nil
Attachment(s)	Nil

**Purpose**

1. To endorse an application to the Department of Local Government, Sport and Cultural Industries (DLGSC) under the Community Sporting and Recreation Facilities Fund (CSRFF) in the small grant round to upgrade the Exmouth Cricket Nets.

**Background**

2. DLGSC offers two small grant rounds per annum through the CSRFF program, with local governments and community groups being eligible applicants. Grants relate to projects and initiatives that increase opportunities for participation in physical activities through the upgrade or construction of sporting and recreation infrastructure.
3. Small grants can be sought for projects with a total cost of up to \$300,000 and have several requirements including the stipulation that all applications must be approved by the Council that governs the geographic area in which the grant will be expended, and that minutes must be provided endorsing the project for application.
4. Grants will fund a maximum of 1/3 of total eligible project costs, with an opportunity to apply for a Development Bonus, being up to 50% of the total project costs. The Development Bonus considers factors such as geographic location, participation and environmental initiatives. Applications close 31 March 2023.

**Comment**

5. The existing cricket nets located within the Exmouth Recreation Precinct no longer meet current standards and regulations for community cricket. They will be demolished, and new cricket nets will be constructed in accordance with Australian Standards.
6. The new practice cricket nets will encourage participation in cricket by young people and support the existing three senior clubs.
7. This project forms part of a larger program of works to revitalise the recreation precinct and upgrade and construct new infrastructure to meet the needs of the community.
8. It is recommended to give the Upgrade of the Cricket Nets project a priority ranking of 1 and rate it as *"A - Well planned and needed by municipality"* and submit this application to DLGSC for consideration in the CSRFF - Small Grant category in the March 2023 funding round.

**Consultation**

9. Craig Vinci, Acting Regional Manager DLGSC
10. Brodie Green, WA Cricket Association
11. Exmouth Cricket Association
12. Exmouth District High School

**Statutory Environment**

13. Nil

**Policy Implications**

14. CEG003 Community Sports & Recreation Facilities Funding (CSRFF) - Small Grant

**Financial Implications**

15. In accordance with the CSRFF guidelines, the Shire is required to contribute two thirds of project costs however have the opportunity to apply for a Development Bonus, which may fund up to 50% of eligible project costs. The upgrade of the cricket nets has an estimated project cost of \$66,910 (ex gst). An additional 10% should be added to this amount for the purposes of a contingency, equating to a total project cost of \$73,601 (ex gst).

16. In accordance with CSRFF guidelines, the Shire is required to contribute two thirds of eligible project costs being \$49,068 (ex gst). A one third contribution of \$24,533 (ex gst) is to be sought under the CSRFF (not including the Development Bonus).

**Risk Management**

17.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Unsuccessful application for 1/3 funding	Possible	Moderate	Moderate	Ensure 2/3 of budget committed by Council and the application meets the grant guidelines

**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**

18. Council not support the CSRFF application for funding.

**Strategic Alignment**

19. This item is relevant to the Council’s approved Strategic Community & Corporate Plan 2023-33.

- Social | **Nurture a friendly, safe and inclusive community spirit**
- 1.3.3 Empower local clubs and not-for-profit organisations to be self-sufficient

**Voting Requirements**

20. Simple Majority

<b>Officers Recommendation</b>	<b>Item 12.3.4</b>
That Council:	
<ol style="list-style-type: none"> <li>1. Gives the Upgrade of the Cricket Nets project a priority ranking of 1;</li> <li>2. Rates the Upgrade of the Cricket Nets project as “A – Well planned and needed by municipality”;</li> <li>3. Approves the submission of an application under the Community Sporting &amp; Recreation Facilities Fund (Small Grant) seeking funding towards the Upgrade of the Cricket Nets project.</li> <li>4. Allocates \$49,068 (ex GST) as a two third contribution towards the Upgrade of the Cricket Nets project.</li> </ol>	

**CORPORATE SERVICES**

**12.4.1 - Financial Statement for Period Ending 28 February 2023**

File Reference	FM.FI.0
Reporting Officer	Manager Finance
Responsible Officer	Executive Manager Corporate Services
Date of Report	13 March 2023
Applicant/Proponent	Nil
Disclosure of Interest	Nil
Attachment(s)	1. Monthly Financial Report as at 28 February 2023

**Purpose**

1. That Council accepts the financial report for the financial period ending 28 February 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 (Attachment 1).

**Comment**

3. As at 28 February 2023, the operating revenue is above target by \$414,061 (3.33%). Aviation operations are currently tracking over budget. There is a timing variance between operating grants and fees & charges for the airport screening grant funding, which will be processed in March. Visitor Centre, NADC and Welch Street Caravan Park are currently under budget but are expected to recover as tourist season and TSE visitor number start to increase.
4. Operating expenditure is under budget by \$1,158,485 (9.49%). Variances are due to the timing of maintenance, operational projects, community and tourism events and our software licences. There is a variance for depreciation on right of use asset. Employee costs are tracking under budget as a result of vacancies.
5. The capital expenditure program is under way and is tracking under budget. Council has expended \$996,774 of the proposed capital budget of \$8m. The timing and milestone requirements also impact our capital revenue which is tracking under budget.
6. Rate notices were issued on 28 July 2022. Rates collected as at 28 February 2023 were 87.2% compared to 88.8% for the same period last year.

**Consultation**

7. Nil

**Statutory Environment**

8. Section 6.4 of the *Local Government Act 1995* provides for the preparation of financial reports.
9. In accordance with *Local Government (Financial Management) Regulations 1996* Regulation 34 (5), a report must be compiled on variances greater than the materiality threshold adopted by Council of \$25,000 or 10% whichever is greater. As this report is composed at a nature/type level, variance commentary considers the most significant items that comprise the variance.

**Policy Implications**

10. Nil

**Financial Implications**

11. Nil

**Risk Management**

12.

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

**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	<p><b>Foster open, transparent &amp; accountable leadership, working collaboratively and in partnership with our community and stakeholders</b></p> <p>5.1 Forward-thinking leadership for efficient and sustainable operations</p> <p>5.2 Continued focus on transparent, accountable leadership and community stakeholder engagement</p> <p>5.3 Council and administration plan and lead with good governance</p>
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**Voting Requirements**

15. Simple Majority

<b>Officers Recommendation</b>	<b>Item 12.4.1</b>
That Council RECEIVES the financial report for the financial period ending 28 February 2023.	

**12.4.2 - List of Accounts for Period Ending 28 February 2023**

File Reference	FM.FI.0
Reporting Officer	Manager Finance
Responsible Officer	Executive Manager Corporate Services
Date of Report	13 March 2023
Applicant/Proponent	Nil
Disclosure of Interest	Nil
Attachment(s)	1. List of Accounts for period ending 28 February 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 (Attachment 1).

Payments

Municipal Fund      totalling \$1,097,579.88  
 Incorporating cheques, direct debits, electronic payments and credit cards.

Trust Fund            totalling \$NIL  
 Incorporating electronic payments.

Total Payments:      \$1,097,579.88

**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**

13.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational – That Council does not receive the list of payments.	Rare	Insignificant	Low	That Council receives the list of payments as required by legislation.

**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**

14. Nil

**Strategic Alignment**

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

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

16. Simple Majority

<b>Officers Recommendation</b>	<b>Item 12.4.2</b>
<p>That Council RECEIVES the report of payments made from the Municipal and Trust bank accounts during the month of February 2023 (totalling \$1,097,579.88).</p>	

**12.4.3 - 2023/24 Notice of Intention to Impose Differential Rates**

File Reference	FM.FI.O
Reporting Officer	Executive Manager Corporate Services
Responsible Officer	As above
Date of Report	16 March 2023
Applicant/Proponent	Nil
Disclosure of Interest	Nil
Attachment(s)	1. Statement of Rating Objects and Reasons for Proposed Rates 2. Public Notice – Intention to Levy Differential Rates 2023/24

**Purpose**

1. That Council endorse to give public notice of its intention to impose the proposed differential rates and minimum payments for the 2023/24 financial year.

**Background**

2. The purpose of this report is to seek Council’s endorsement to give public notice of its intention to impose the proposed differential rates and minimum payments for the 2023/24 financial year.
3. The public notice is mandatory under section 6.36 of the *Local Government Act 1995*, before imposing any differential rates or minimum payments.
4. Such notice is to be published within a period of two (2) months preceding the commencement of the new financial year, inviting public submissions on the proposed rates or minimum payments.
5. An elector or ratepayer has 21 days from date of public notice to make submissions in respect of the proposed rates and minimum payments and any related matters. Council is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.
6. Council may resolve to impose rates or minimum payments different from those published in the local public notices, and if it does so, is obliged to publish the reasons for doing so, as part of its formally adopted budget.
7. Table 1 and table 2 below details the current 2022/23 differential rates and minimum payments. The 2022/23 budget was prepared on the basis of 4.8% rate in the dollar increase for all rating categories.

**Table 1: Schedule of 2022/23 Differential Rates:**

Rate Category	Rate in the Dollar \$	Minimum payment \$
GRV General	0.0825	995
GRV Marina Developed	0.1113	995
GRV Holiday Homes	0.1143	995
GRV Vacant Land	0.1649	785
UV Mining	0.1756	260
UV Rural	0.0878	785

**Table 2: Schedule of 2022/23 Specified Area Rates:**

Rate Category	Rate in the Dollar \$	Minimum Payment \$
GRV Specified Area Rate	0.0147	Nil

**Comment**

8. Increasing costs continues to be a concern for Council with the latest Consumer Price Index (CPI) released by the Australian Bureau of Statistics for the December 2022 quarter, indicating an increase of 7.8% year on year. This is the highest increase since 1990. The Perth region was tracking at 8.3%, slightly higher than the weighted average across the capital cities. Council needs to ensure increases to revenue continues in line with the increases in costs to ensure continued service delivery to the community.
9. WALGA releases an economic briefing every quarter and looks at the Local Government Cost Index (LGCI) which tracks costs relevant to Local Governments in WA. Their expectation is that the LGCI is expected to remain higher than previous levels as the construction costs settle but remain higher than average. They also indicated that with the wage pressures, the impact of the pandemic and the war in Ukraine it is expected for the LGCI to continue to increase.
10. The Long Term Financial Plan (LTFP) is a useful tool for Council to keep track of its long term financial responsibilities and requirements and should be utilised by Councillors for decision making. The impacts of the costs have been implemented into the LTFP to show the short term and long term impact these costs will have on Council and what we need to do financially to cover these increases.
11. The LTFP proposed 4.8% rates increase in 2022/23 to 2024/25 and spreading the increase over multiple financial years, rather than one large increase. With the current economy this has been deemed to be insufficient and requires an increase of 7.8% to the 2023/24 differential rates to ensure continued operations.
12. The LTFP is reviewed each financial year as Council experiences changes in economic conditions and services it provides. Council only derives around 25% of its revenue from rates, this will not be able to close the gap on the deficiency and will require other options to be reviewed as well.
13. Table 3 and 4 below details the proposed 2023/24 differential rates and minimum rates. This is an increase of 4.8% across all ratings, including the specified area rating. There has not been a GRV valuation completed this year, so the only change to property values would be if there has been a change to the property.

**Table 3: Schedule of Proposed 2023/24 Differential Rates:**

Rate Category	Rate in the Dollar \$	Minimum payment \$
GRV General	0.0889	1075
GRV Marina Developed	0.1200	1075
GRV Holiday Homes	0.1232	1075
GRV Vacant Land	0.1776	845
UV Mining	0.1890	280
UV Rural	0.0946	845

**Table 4: Schedule of Proposed 2023/24 Specified Area Rates:**

Rate Category	Rate in the Dollar \$	Minimum payment \$
GRV Specified Area Rate	0.0158	Nil

14. This would result in rates being raised of \$4.3m.

**Consultation**

15. Nil

**Statutory Environment**

16. *Local Government Act 1995* S.6.36

The requirement set out in s6.36 of the *Local Government Act 1995* requires Council to give local public notice of its intention to levy differential rates. This notice may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply and needs to provide electors and ratepayers a minimum of 21 days to make submission.

The local government is then required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.

**Policy Implications**

17. Nil

**Financial Implications**

18. Nil

**Risk Management**

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance Failure to comply with s6.36 of the <i>Local Government Act 1995</i>	Unlikely	Major	Moderate	Giving public notice of Councils intention to levy differential rates and having 21 days to provide submissions

**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**

19. Alternative rate increases may be developed and reviewed as part of Council’s final budget adoption process.

**Strategic Alignment**

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

Social	<p><b>Nurture a friendly, safe and inclusive community spirit</b></p> <p>1.1 Improve local community and visitor experiences.</p> <p>1.2 Ensure a full suite of services to meet the needs of families and individuals at all ages and stages of life</p>
Built Environment	<p><b>Enable sustainable development and infrastructure that meets the needs of the community, visitors and industry</b></p> <p>3.1 Infrastructure and assets are well-managed and maintained</p> <p>3.2 Plan and cater for increased population growth</p> <p>3.3 Revitalisation and expansion of airport services</p>
Economy	<p><b>Enhance a robust, resilient and diversified economy that champions innovation</b></p> <p>4.1 Increase opportunities for smart and sustainable business ideas</p>

- 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**

21. Simple Majority

<b>Officers Recommendation</b>	<b>Item 12.4.3</b>	
That Council:		
1. ENDORSE the following proposed differential rates and minimum payments for the 2023/24 financial year, for the purpose of giving local public notice of its intention to impose differential general rates and minimum payments for the 2023/24 financial year; and		
Rate Category	Rate in the Dollar \$	Minimum payment \$
GRV General	0.0889	1075
GRV Marina Developed	0.1200	1075
GRV Holiday Homes	0.1232	1075
GRV Vacant Land	0.1776	845
UV Mining	0.1890	280
UV Rural	0.0946	845
Rate Category	Rate in the Dollar \$	Minimum payment \$
GRV Specified Area Rate	0.0158	Nil
2. INVITE submissions from electors and ratepayers on the proposed rates and minimum payments and any related matters, as required under S6.36 of the <i>Local Government Act 1995</i> .		

**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**