



Minutes

Ordinary Council Meeting

27 July 2023

Confirmation of Minutes

I hereby certify that the Minutes and Attachments of the Ordinary Council Meeting held on 27 July 2023 are a true and accurate record of the proceedings contained therein.

Shire President

24/8/23

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.

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SNAPSHOT

Strategic Community Plan 2023-2033



Your Choice. Our Future.

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.

- Improve local community and visitor experiences.
- Ensure a full suite of services to meet the needs of families and individuals at all ages and stages of life.
- Build community cohesion and connectedness.



GOVERNANCE & LEADERSHIP

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

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



ECONOMY

Enhance a robust, resilient & diversified economy that champions innovation.

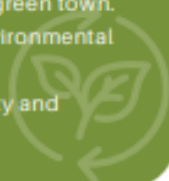
- Increase opportunities for smart and sustainable business ideas.
- Establish Exmouth as a vibrant, welcoming and environmentally aware destination.
- Promote Exmouth as a thriving economy based on its regional strength as a global environmental hotspot.



NATURAL ENVIRONMENT

Embrace natural sensitivities and promote positive change.

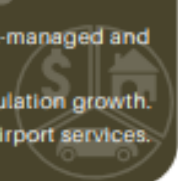
- Establish Exmouth as a clean and green town.
- Prepare Exmouth for changing environmental conditions.
- Increase awareness of sustainability and environmental issues.



BUILT ENVIRONMENT

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

- Infrastructure and assets are well-managed and maintained.
- Plan and cater for increased population growth.
- Revitalisation and expansion of airport services.



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1. Declaration of Opening and Announcements

The Shire President declared the meeting open at 4.01 pm.

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 and will be erased once they are confirmed.

2. Attendance, Apologies and Approved Leave of Absence

Councillor D (Darlene) Allston	Shire President
Councillor H (Heather) Lake	
Councillor D (David) Gillespie	
Councillor M (Matthew) Niikkula	
Mr Ben Lewis	Chief Executive Officer
Mr Chris McNamara	Deputy CEO/Community and Economic Growth
Mr Gollie Coetzee	Executive Manager Corporate Services
Ms Michelle Head	Minute Taker

Gallery 22

Apologies

Councillor J (Jackie) Brooks	Deputy Shire President
Councillor M (Mark) Lucas	
Mr Mike Richardson	Executive Manager Infrastructure Services

3. Response to Previous Public Questions Taken on Notice

Nil

4. Public Question Time

Public question time opened at 4.02 pm.

Question received from Rhonda Griechen

Can the shire please provide Dog bags for town beach and Bundegi beach please. At both ends of the beaches? Reason being the huge amount of waste particularly at Bundegi. And many dogs are leash free on the town picnic area despite leashes required. Bags are needed there as well.

Shire response:

The Shire shares your concerns around the environmental, health and social issues caused by some pet owners who deliberately ignore cleaning up after their dogs when utilising the towns public open space. However, rather than install bags and dispensers, the Shire will embark on an educational campaign on its social media platforms reminding dog owners of their responsibilities, not only under the Dog Act but as considerate community members.

Rangers have already responded to reports of unrestrained dogs at Town Beach and are reviewing its dog management signage to clarify and reinforce its messaging to improve compliance. The

Ranger presence will continue in this area to assist in the education of dog owners and issue infringements if deemed necessary.

Question received from Phillip Hall

Is the Shire able to do anything about the "Raves" that are happening on Pebble Beach. It seems it is becoming a regular event with very loud music and people camping on the beach. They have been leaving toilet paper on the beach and in the dunes where they have been going to the toilet. There was also a large road sign that was knocked down by an assumed drunk / drug affected driver.

Can the Rangers call on the Police to assist in moving these people on? And perhaps doing some random alcohol and drug testing of drivers?

Shire response:

The Shire has limited ability to control "Rave" parties. The rangers do have the ability to address illegal camping and littering.

The Shire has been in discussion with the Exmouth Police regarding large parties and "Raves" that have been happening at Pebble Beach and other beach locations and been advised these matters are to be directed to the Police and are not for Local Government Rangers.

The Shire will continue to work closely with Police to prevent these occurrences from happening.

Question received from Kristy Devereux

My question relates to comments and language used by Cr Niikkula at the last public meeting in May. When speaking to agenda item 12.3.1, about supporting the granting of a section 91 to GGL for access to the land adjacent to the Cape Wilderness Estate and aiding GGLs proposed submission for a deep water port, Cr Niikkula referred to the gallery attendees as a "pose" with "the purpose to intimidate Council". I was quite horrified when Cr Niikkula used the words "pose" and "intimidate", as this equal bullying in my book and that is the last thing any of us want our Councillors to experience. We all understand the commitment and sacrifice required to sit on the Council, especially in a small town, and are grateful for your service. However, as a community, all we can do is trust that our Council will represent our collective voice at times of voting. The May meeting attracted a particularly large number of community members, the vast majority concerned about the prospect of a deep water port in Exmouth Gulf – however at no point were voices raised by attendees or speakers, there was not heckling and certainly no placards or protest.

I would like Cr Niikkula to explain what made him feel intimidated, and also ask if any other Councillors felt intimidated as suggested by Cr Niikkula.

Councillor Niikkula requested he bring forward his response he had prepared for section 8 - Announcements/ Reports of Elected Members.

Cr Niikkula provided the following response:

"I give my whole heartedly apology to yourself and anyone else in the gallery that took offense to my language and the terminology I used.

There was certainly no intent for it to be attacking, disrespectful or insulting in any way, towards yourself or any other members of the gallery and the members of the public.

To yourself, and the members of the gallery that where there, please accept my whole hearted apology for the terminology, the language and the tone I used."

Public question time close at 4.13 pm.

5. Declarations of Interest

Nil

6. Applications for Leave of Absence

Councillor Brooks requested a leave of absence from 20 July 2023 until 8 August 2023 inclusive.

Councillor Lucas requested a leave of absence from 23 July 2023 until 13 August 2023 inclusive.

COUNCIL RESOLUTION	ITEM 6
Res No: 01-0723	
MOVED: Cr Lake	
SECONDED: Cr Niikkula	
 Councillor Brooks requested a leave of absence from 20 July 2023 until 8 August 2023 inclusive.	
Councillor Lucas requested a leave of absence from 23 July 2023 until 13 August 2023 inclusive.	
CARRIED 4/0	
For: Cr Allston, Cr Gillespie, Cr Lake, Cr Niikkula	

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 25 May 2023 be confirmed as a true and correct record of proceedings.

COUNCIL RESOLUTION	ITEM 7
Res No: 02-0723	
MOVED: Cr Gillespie	
SECONDED: Cr Niikkula	
 That the Minutes and associated attachment of the Ordinary Council Meeting of the Shire of Exmouth held on 25 May 2023 be confirmed as a true and correct record of proceedings.	
CARRIED 4/0	
For: Cr Allston, Cr Gillespie, Cr Lake, Cr Niikkula	

8. Announcements/ Reports of Elected Members

Shire President Allston	07/06	Interview with ABC: Infrastructure Priorities
	09/06	Interview Ngaarda Media - Ocean Film Festival
	15/06	Meeting: Richard Burt – Fowler Group
	17/07	Meeting: Merome Beard MLA - Infrastructure Priorities
	26/07	Peter Foster MLC, Member for Mining & Pastoral Region
		Presentation of Lotterywest Grant Funding
	27/07	Woodside Exmouth Community Liaison Group
Councillor Brooks	23/06	Gascoyne Zone and Regional Road Group Meetings
	17/07	Meeting with Merome Beard MLA
Councillor Gillespie	26/06	Development Assessment Panel Training
Councillor Lake	17/07	Meeting with Merome Beard MLA
Councillor Lucas		Nil
Councillor Niikkula		Nil

9. Announcements by the Presiding Person without Discussion

The Shire President shared the following email received from a recent visitor to Exmouth:

*"Dear Shire President Darlene Allston, Shire of Exmouth Councillors, and Exmouth CCI
At the beginning of June, my mother and I travelled from Ohio in the United States to Australia on a whirlwind itinerary that began in Exmouth, continued on to Uluru / Kata Tjuta, and finished with Kakadu National Park outside of Darwin. I wanted to share with you that though we only spent three days in Exmouth, we were both extremely impressed and felt that your town and its people were an excellent and bar-setting first impression of the welcoming, accommodating, and good-natured personalities we would encounter across the whole of Australia. That said, there were several businesses that we felt truly went above and beyond any of our expectations that I wanted to recognize specifically.*

Library: Within our first hour in Exmouth on 06 June, my mother and I walked to the Visitor Center while waiting to check in at our hotel. After spending some time looking through the information there, we wandered into the library and were met by two librarians who engaged us with discussions about the area and suggestions of things to do. The woman that we presumed to be the head librarian also filled us in with some of the history of Exmouth. We then ran into her again later that evening at the IGA and the following day - every encounter we had with her left us feeling like we had just spoken with a well-known friend.

Kings Ningaloo Reef Tours: It is difficult to find the words to adequately describe how impressed and thankful my mother and I were with the accommodating nature of this company's crew on 08 June. As a bit of background, my mother does not consider herself a swimmer but has attempted to snorkel a couple times in the past but wanted to at least give it a try here to see the whale sharks since this company stated they could work with any level of swimmer. Once on board their boat, we made it known that she does not consider herself a swimmer so one of the guides (her name is Gina) worked with her during an initial reef snorkelling session and determined that it may be difficult for her to see the whale sharks in the context of their typical procedure. She consulted with the rest of the crew members and worked up a plan that once the rest of the members of the tour had multiple opportunities to snorkel with the whale sharks, they would then get my mother into the water with just Gina and I (so we could share the experience together) for the last whale shark encounter. When Gina and the rest of the crew talked this over with us, I was in total disbelief that they would be so willing to do this extra work even though we had not asked for this particular accommodation and my mother had already voiced that she would have been perfectly content with the bit of snorkelling she had already done. On top of all of this, they noticed that my mom was wearing eyeglasses and brought her a pair of prescription goggles that would allow her to see more while she was in the water and also fitted her with a wearable floatation device to assist. At the conclusion of our tour as we were loading onto the tender to go back to shore and we were saying our goodbyes to the crew, Gina hugged my mom with such an emotion of "I'm so glad that we were able to share this experience with you" that it was touching to see as a spectator, and it really impressed my mom as well. The entire crew, though we unfortunately don't recall their names (aside from Gina) at this point, was absolutely fantastic.

Planet Burgers: On our last night in Exmouth (also on 08 June), we were late in deciding what we would have for dinner. My mother requires gluten-free options, and I discovered that Planet Burgers advertised that they had several options that were gluten-free. When I finally arrived there, it was only about ten minutes before closing. Despite this, the woman working was more than happy to accept our late orders and went so far as to hand-craft my mother's gluten-free meal to make the available options more palatable for my mother. While she was preparing our food we had a delightful conversation that allayed any of my fears that my arrival so close to closing time was burdensome.

I also want to say that I understand that tourism is a large part of your local economy so there may be a 'need' to cater to tourists to ensure a steady flow of income. Having previously travelled to several places in similar economic positions, I must say that the friendliness that we experienced while in Exmouth did not at all feel economically motivated. I truly felt that everyone we encountered was genuinely concerned with our well-being and wanted to ensure that we had the best possible experience without their own economic benefit being a factor in their decision to treat us as they did. For the short time that we were in Exmouth, we felt as though we were a part of the community.

Please, if possible, pass this email on to the people and businesses mentioned above. I do sincerely regret that we do not recall names (and failed to write them down while we did remember them), but please know that even without remembering names we are recalling all the other details of our time spent together with them with great fondness. I can't imagine a more perfect introduction to the friendliness, hospitality, and warmth Australia offered us than that which we received in Exmouth".

10. Petitions/ Deputation/Presentations/ Submissions

Dr Geoff Taylor provided a presentation to Council titled "Ningaloo – Priorities for the Future". A copy of the presentation has been included at the end of these minutes.

11. Matters Arising from Committees of Council

Nil

12. Reports of Officers

EXECUTIVE SERVICES

12.1.1 Affixing the Common Seal Under Delegated Authority

File Reference	GV.AU.1
Reporting Officer	Chief Executive Officer
Responsible Officer	As above
Date of Report	14 July 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 on the 25 May 2023.

Background

2. There has been 3 documents that have had the Shire's common seal affixed under delegated authority since the last Council meeting.

Comment

3.

Document	Details	Parties
Instrument of Agreement	Purchase and Trade of Vehicles	Shire of Exmouth and Carnarvon Motor Group
Sublease	Exmouth Business Hub 10/03/23 – 09/09/23 10/09/23 – 09/03/24	Shire of Exmouth and Exmouth Chamber of Commerce and Industry
Sublease	Exmouth Business Hub 02/06/23 – 16/04/24	Shire of Exmouth and Exmouth Chamber of Commerce and Industry

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 (operational) – That executed documents would be void if the common seal was not affixed in accordance with the requirements of the Local Government Act 1995.	Almost Certain	Major	High	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	<p>Foster open, transparent & accountable leadership, working collaboratively and in partnership with our community and stakeholders</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

10. 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:		
Document	Details	Parties
Instrument of Agreement	Purchase and Trade of Vehicles	Shire of Exmouth and Carnarvon Motor Group
Sublease	Exmouth Business Hub 10/03/23 – 09/09/23 10/09/23 – 09/03/24	Shire of Exmouth and Exmouth Chamber of Commerce and Industry
Sublease	Exmouth Business Hub 02/06/23 – 16/04/24	Shire of Exmouth and Exmouth Chamber of Commerce and Industry

COUNCIL RESOLUTION		ITEM 12.1.1
Res No:	03-0723	
MOVED:	Cr Lake	
SECONDED:	Cr Niikkula	
That Council ACCEPT that the common seal has been affixed under delegated authority to the following documents:		
Document	Details	Parties
Instrument of Agreement	Purchase and Trade of Vehicles	Shire of Exmouth and Carnarvon Motor Group
Sublease	Exmouth Business Hub 10/03/23 – 09/09/23 10/09/23 – 09/03/24	Shire of Exmouth and Exmouth Chamber of Commerce and Industry
Sublease	Exmouth Business Hub 02/06/23 – 16/04/24	Shire of Exmouth and Exmouth Chamber of Commerce and Industry
CARRIED by SIMPLE MAJORITY 4/0		
For: Cr Allston, Cr Gillespie, Cr Lake, Cr Niikkula		

INFRASTRUCTURE SERVICES

12.2.1 Appointment of Bush Fire Control Officers

File Reference	ES.AP.1
Reporting Officer	Coordinator Compliance and Emergency Services
Responsible Officer	Executive Manager Infrastructure Services
Date of Report	14 July 2023
Applicant/Proponent	Nil
Disclosure of Interest	Nil
Attachment(s)	Nil

Purpose

1. That Council appoint persons to the positions of Deputy Chief Bush Fire Control Officer and Bush Fire Control Officers.

Background

2. In accordance with the *Bush Fire Act 1954* the local government may appoint individuals to be the Chief Bush Fire Control Officer, the Deputy Chief Bush Fire Control Officer and the Bush Fire Control Officers.
3. At the Ordinary Council Meeting held on 16 December 2021 Council approved the following:

APPROVE the appointment of the following persons to the positions of Bush Fire Control Officer to undertake the full duties under Section 39 (1) (a – i) of the Bush Fire Act 1954:

<i>Deputy Chief Bush Fire</i>	<i>Colin Walker</i>
<i>Bush Fire Control Officer</i>	<i>Katrina</i>
<i>Bush Fire Control Officer</i>	<i>Craig Smith</i>
<i>Bush Fire Control Officer</i>	<i>Michael Hall</i>
<i>Bush Fire Control Officer</i>	<i>Corey</i>

APPROVE the appointment of the following persons to the position of Bush Fire Control Officer limited to the duties under Section 39 (1) (a – e) of the Bush Fire Act 1954 only:

<i>Bush Fire Control Officer</i>	<i>Murray</i>
<i>Bush Fire Control Officer</i>	<i>Lauren Quigley</i>
<i>Bush Fire Control Officer</i>	<i>Susan Koefler</i>
<i>Bush Fire Control Officer</i>	<i>Cindy Small</i>

Comment

4. The Shire of Exmouth has a Memorandum of Understanding with the Department of Fire and Emergency Services (DFES) under the *Bush Fires Act 1954* for management and control of bush fires and Emergency Services in the Pilbara.
5. Under this MOU the Fire and Emergency Services Commissioner designates a person employed in the Department of Fire and Emergency Services to act as the Chief Bush Fire Control Officer in accordance with section 38A of the *Bush Fires Act 1954*.

6. The Chief Bushfire Control Officer was awarded to the current Exmouth Gulf Area Officer, Paul Leiper through the FES Commissioner.
7. In line with these arrangements a DFES officer will take all triple zero fire calls and undertake the initial assessment of a fire and consider the allocation of resources based on that assessment.
8. Local government will still be relied upon to be an operational agency for bush fire in line with its current role and responsibilities.
9. The appointment of the following persons to the positions of Deputy Chief Bush Fire Control Officer and Bush Fire Control Officer to undertake the full duties under Section 39(1) (a – i) of the *Bush Fire Act 1954* are supported by the Chief Bush Fire Control Officer, DFES and the Shire of Exmouth:

Deputy Chief Bush Fire Officer	Colin Walker
Bush Fire Control Officer	Matthew Barry

10. The appointment of the following persons to the position of Bush Fire Control Officer limited to the duties under Section 39(1)(a – e) of the *Bush Fire Act 1954* only are supported by the Chief Bush Fire Control Officer, DFES and the Shire of Exmouth:

Bush Fire Control Officer	Murray Swarbrick
Bush Fire Control Officer	Susan Koefer
Bush Fire Control Officer	Grace Williams

11. The limitations placed by restricting authority to only sections (a-e) removes the necessity to take charge of a bushfire brigade at a fire while still authorising the officers to undertake firebreak inspections.

Consultation

12. Department of Fire and Emergency Services
13. Shire of Exmouth Volunteer Bush Fire Brigade
14. Shire of Exmouth Volunteer Fire and Rescue

Statutory Environment

15. *Bush Fires Act 1954*
 - Part IV, Division 1, Section 38 outlines Council’s process to appoint a Bush Fire Control Officer.
 - Section 38A – FES Commissioner may designate person employed in department as Chief Bush Fire Control Officer
16. Shire of Exmouth Bush Fire Brigades Local Law 2020.

Policy Implications

17. Nil

Financial Implications

18. Nil

Risk Management

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance - Reduced ability for the Shire to undertake its compliance obligations under the Bush Fire Act	Likely	Major	High	Reduced risk if there is a good pool of trained staff to be drawn upon for compliance duties.

Financial - Shire could be liable for insurance claims if compliance not undertaken	Possible	Major	High	Inspection and compliance will assist in reducing the spread of fire.
Environmental - Significant damage to flora and fauna from bush fires.	Likely	Major	High	Inspection and compliance will assist in reducing the spread of fire.
Reputational - Poor community perception if fires are proven to be from poor Shire management	Likely	Major	High	Continued compliance will assist in reducing the spread of fire and improve the Shires bush fire management operations

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 may choose the following alternative options:
- Amend the proposed nomination list, or
 - Reject the proposed nomination list.

Strategic Alignment

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

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
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

Voting Requirements

21. Simple Majority

Officers Recommendation	Item 12.2.1
That Council:	
1. RESCIND Council Resolution No 08-1221 dated 16 December 2021, 12.2.1 Appointment of Bushfire Control Officers.	
2. APPROVE the appointment of the following persons to the positions of Bush Fire Control Officer to undertake the full duties under Section 39 (1) (a – i) of the <i>Bush Fire Act 1954</i> :	
Deputy Chief Bush Fire Officer	Colin Walker
Bush Fire Control Officer	Matthew Barry

3. APPROVE the appointment of the following persons to the position of Bush Fire Control Officer limited to the duties under Section 39 (1) (a – e) of the *Bush Fire Act 1954* only:

Bush Fire Control Officer	Murray Swarbrick
Bush Fire Control Officer	Susan Koefler
Bush Fire Control Officer	Grace Williams

COUNCIL RESOLUTION

ITEM 12.2.1

Res No: 04-0723

MOVED: Cr Gillespie

SECONDED: Cr Niikkula

That Council:

- RESCIND Council Resolution No 08-1221 dated 16 December 2021, 12.2.1 Appointment of Bushfire Control Officers.**
- APPROVE the appointment of the following persons to the positions of Bush Fire Control Officer to undertake the full duties under Section 39 (1) (a – i) of the *Bush Fire Act 1954*:**

Deputy Chief Bush Fire Officer	Colin Walker
Bush Fire Control Officer	Matthew Barry

- APPROVE the appointment of the following persons to the position of Bush Fire Control Officer limited to the duties under Section 39 (1) (a – e) of the *Bush Fire Act 1954* only:**

Bush Fire Control Officer	Murray Swarbrick
Bush Fire Control Officer	Susan Koefler
Bush Fire Control Officer	Grace Williams

CARRIED by SIMPLE MAJORITY 4/0

For: Cr Allston, Cr Gillespie, Cr Lake, Cr Niikkula

COMMUNITY AND ECONOMIC ENGAGEMENT

12.3.1 Review of Local Planning Policies

File Reference	CM.PO.13
Reporting Officer	Senior Planning Officer
Responsible Officer	Deputy CEO – Community and Economic Growth
Date of Report	7 July 2023
Applicant/Proponent	Nil
Disclosure of Interest	Nil
Attachment(s)	1. Current Local Planning Policies: 6.2 - Colour Palette for Developments 6.8 – Advertising Signs, Town Centre Public Space & Outdoor Eating Permits (and associated Guidelines) 6.9 – Itinerant Trading 6.24 – Container Deposit Scheme Infrastructure 6.25 – Exmouth Boat Harbour Development Plan 6.26 – Public Art Contributions 6.27 – Temporary Accommodation – Ningaloo Eclipse Event 2. Proposed Local Planning Policies: 1 – Colour Palette for Developments 2. – Container Deposit Scheme (CDS) Infrastructure 3 – Exmouth Boat Harbour Development Plan 4 – Public Art Contributions 5 – Advertisement Signs 3. Council Policy CEG012 - Mobile Trading

Purpose

1. That Council consider reviews to the current Local Planning Policies.

Background

2. Local Planning Policies (LPP) are important planning instruments. Their roles include guiding built form and design through development controls, outlining acceptable development standards and providing exemptions from the need to obtain development (planning) approval.
3. Council has previously adopted the above Local Planning Policies and relevant Guidelines under past Ordinary Council Meetings. Some of the Policies have been subject to minor amendments since their adoption.
4. A copy of the current Policies are included in Attachment 1.
5. A review and the above Polices has been undertaken. The proposed amendments include:
 - Updating the Policies names and numbers.
 - Aligning the Policies to the Shires new templates and format.
 - Changes to formatting, spelling and grammar.
 - Rewording of sections to increase clarity and standardisation of terms used.
 - Updating of references to relevant legislation and other documents.
 - Moderate changes are proposed to the Advertising Signs, Town Centre Public Space & Outdoor Eating Permits Policy (LPP 6.8) which are discussed in further detail under the comment section of this report.

Comment

6. A review of the following policies:
 - 6.2 - Colour Palette for Development – Review
 - 6.8 - Advertising Signs, Town Centre Public Space & Outdoor Eating Permits – Amend
 - 6.9 - Itinerant Trading – Revoke
 - 6.24 - Container Deposit Scheme Infrastructure – Review
 - 6.25 - Exmouth Boat Harbour Development Plan – Review
 - 6.26 – Public Art Contributions - Review
 - 6.27 - Temporary Accommodation – Ningaloo Eclipse – Revoke

7. The creation of a new policy
CEG012 – Mobile Trading

8. The majority of the amendments are minor in nature. Table 1 below details the main amendments, along with Shire Officer comments and recommendations.

Policy	Proposed amendments and Officer comments	Recommendation
6.2 – Colour Palette for Development	Minor amendments to align the Policy to the Shires new template.	Proceed with new LPP 1 - Colour Palette for Developments
6.8 – Advertising Signs, Town Centre Public Space & Outdoor Eating Permits.	<p>LPP 6.8 currently applies to three elements; advertising signs, town centre public spaces and outdoor eating permits.</p> <p>It is recommended that the policy be split into an Advertisement Signs LPP and a Town Centre Public Spaces and Outdoor Eating Permits Council Policy.</p> <p>Amend the Policy to align with the Shires new template.</p> <p>Revoking the guidelines and inserting the relevant provisions into the Policy itself.</p> <p>Update the signage diagram examples, and inclusion of provisions for tower signs.</p>	<p>Amend policy by splitting into:</p> <ul style="list-style-type: none"> • Local Planning Policy – 5 - Advertisement Signs • Council Policy – CEG CEG013 – Town Centre Public Space and Outdoor Eating Permits. This will be undertaken after advertising, if and when the draft LPP - 5 – Advertisements Signs is finally approved by Council. <p>Advertise draft LPP - 5 to seek public comment.</p>
6.9 – Itinerant Trading	<p>Amend the Policy to align with the Shires new template.</p> <p>Increase the number of traders permitted at the Town Beach area from 2 to 8 in response to the recent upgrades to Town Beach. The upgrades were undertaken with the intention of enabling the space to better cater to Mobile Traders and events.</p> <p>The Mobile Trading Policy is also best suited to be a Council Policy rather than a Local Planning Policy, which must be best on town planning principles. It is therefore</p>	Revoke LPP 6.9 as a planning policy and included new Council Policy CEG012 into the Council Policy manual.

	recommended that current Local Planning Policy 6.9 – Itinerant Trading be revoked as a planning policy and included in the Council Policy manual.	
6.24 – Container Deposit Scheme Infrastructure	Minor amendments to align the Policy to the Shires new template. Remove unnecessary wording to make the Policy more readable.	Proceed with new LPP 2 – Container Deposit Scheme (CDS) Infrastructure
6.25 – Exmouth Boat Harbour Development Plan	Minor amendments to align the Policy to the Shires new template. Outline the process for determining development applications in consultation with the Department of Transport.	Proceed with new LPP 3 – Exmouth Boat Harbour Development Plan
6.26 – Public Art Contributions	Minor amendments to align the Policy to the Shires new template.	Proceed with new LPP 4 – Public Art Contributions
6.27 – Temporary Accommodation – Ningaloo Eclipse Event	This was a specific policy to facilitate and assist with camping and accommodation for the Ningaloo Eclipse that occurred on 20 April 2023. LPP 6.7 is now redundant and no longer required.	Revoke LPP 6.27.

Consultation

9. As the proposed amendments to LPP 1, 2, 3 and 4 do not materially alter the purpose, objectives and intent of the Policies, they are considered minor pursuant to Schedule 2, Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Accordingly, no public consultation was undertaken or considered necessary.
10. It is recommended that draft Local Planning Policy 5 – Advertisement Signs will be advertised in accordance with the advertising requirements set out in the *Planning and Development (Local Planning Schemes) Regulations 2015*.
11. Following the conclusion of the advertising period, Shire will need the draft policy in light of any submissions made and Council will then resolve to:
 - Proceed with the policy without modifications; or
 - Proceed with the policy with modifications; or
 - Not to proceed with the policy.

Statutory Environment

12. Shire of Exmouth Local Planning Scheme No.4
13. *Planning and Development Act 2005*
14. *Planning and Development (Local Planning Schemes) Regulations 2015*
15. Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law
16. *Heritage Act 2018*
17. *Environmental Protection (Noise) Regulations 1997*
18. *Land Administration Act 1997*
19. *Marine & Harbours Act 1981*
20. *Environmental Protection Regulations 1987*
21. *Environmental Protection (Noise) Regulations 1997*

Policy Implications

22. Nil

Financial Implications

23. Nil

Risk Management

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational – The amendments may have an implication on owners and businesses.	Unlikely	Minor	Low	The modifications do not materially affect the Policies and provide clarity and improve their application.
Compliance – Policies are not adhered to.	Moderate	Possible	Moderate	The Shire will publish notice on its website if and when the Policies are adopted to ensure the Town is educated and supported to understand the Policies.

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

24. Council has the following alternative options in relation to this item, which are:

- To resolve to proceed with the amended Policies with further minor modifications; or
- To resolve to not proceed with the amended Policies or revoke LPP 7.27 – Temporary Accommodation – Ningaloo Eclipse Event and LPP 6.9 – Itinerant Trading

Strategic Alignment

25. 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.
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
Economy	Enhance a robust, resilient and diversified economy that champions innovation 4.2 Establish Exmouth as a vibrant, welcoming and environmentally aware destination
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

26. Simple Majority

Officers Recommendation

Item 12.3.1

That Council, in accordance with Schedule 2, Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, RESOLVES to:

1. AMEND and PROCEED with the following Local Planning Policies, as set out in Attachment 2 of this item:
 - Local Planning Policy 1 – Colour Palette for Developments
 - Local Planning Policy 2 – Container Deposit Scheme (CDS) Infrastructure
 - Local Planning Policy 3 – Exmouth Boat Harbour Development Plan
 - Local Planning Policy 4 – Public Art Contributions
2. AMEND draft Local Planning Policy 5 – Advertisement Signs (as set out in Attachment 2 of this item) and in accordance with clause 87 of the *Planning and Development (Local Planning Schemes) Regulations*, ADVERTISE the draft Policy to seek public comment.
3. REVOKE Local Planning Policy 6.27 – Temporary Accommodation – Ningaloo Eclipse Event.
4. REVOKE Local Planning Policy 6.9 — Itinerant Trading and insert new CEG012 - Mobile Trading Policy (as set out in Attachment 3 of this item) into the Shires Council Policy Manual.

COUNCIL RESOLUTION

ITEM 12.3.1

Res No: 05-0723

MOVED: Cr Gillespie

SECONDED: Cr Lake

That Council, in accordance with Schedule 2, Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, RESOLVES to:

1. AMEND and PROCEED with the following Local Planning Policies, as set out in Attachment 2 of this item:
 - Local Planning Policy 1 – Colour Palette for Developments
 - Local Planning Policy 2 – Container Deposit Scheme (CDS) Infrastructure
 - Local Planning Policy 3 – Exmouth Boat Harbour Development Plan
 - Local Planning Policy 4 – Public Art Contributions
2. AMEND draft Local Planning Policy 5 – Advertisement Signs (as set out in Attachment 2 of this item) and in accordance with clause 87 of the *Planning and Development (Local Planning Schemes) Regulations*, ADVERTISE the draft Policy to seek public comment.
3. REVOKE Local Planning Policy 6.27 – Temporary Accommodation – Ningaloo Eclipse Event.
4. REVOKE Local Planning Policy 6.9 — Itinerant Trading and insert new CEG012 - Mobile Trading Policy (as set out in Attachment 3 of this item) into the Shires Council Policy Manual.

CARRIED by SIMPLE MAJORITY 4/0

For: Cr Allston, Cr Gillespie, Cr Lake, Cr Niikkula

CORPORATE SERVICES

COUNCIL RESOLUTION

ITEM 12.3.1

Res No: 06-0723

Cr Allston **MOVED** a motion to move the following Agenda items enbloc

- 12.4.1 - Financial Statement for the Period Ending 31 May 2023
- 12.4.2 - List of Accounts for Period Ending 31 May 2023
- 12.4.3 - Financial Statement for the Period Ending 30 June 2023
- 12.4.4 - List of Accounts for Period Ending 30 June 2023

SECONDED: Cr Gillespie

CARRIED by SIMPLE MAJORITY 4/0

For: Cr Allston, Cr Gillespie, Cr Lake, Cr Niikkula

12.4.1 Financial Statement for Period Ending 31 May 2023

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

Purpose

1. That Council accepts the financial report for the financial period ending 31 May 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 31 May 2023, the operating revenue is above target by \$414,379 (2.53%). Interest earnings are currently tracking under budget due to the timing of investment maturities. Aviation operations are currently tracking over budget.
4. Operating expenditure is under budget by \$2,384,511 (13.37%). Variances are due to the timing of maintenance, operational projects 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 \$4,170,015 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 31 May 2023 were 92% compared to 95% 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	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	<p>Foster open, transparent & accountable leadership, working collaboratively and in partnership with our community and stakeholders</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

14. Simple Majority

Officers Recommendation	Item 12.4.1
That Council RECEIVES the financial report for the financial period ending 31 May 2023.	

COUNCIL RESOLUTION

ITEM 12.4.1

Res No: 07-0723

MOVED: Cr Lake

SECONDED: Cr Gillespie

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

CARRIED by SIMPLE MAJORITY 4/0

For: Cr Allston, Cr Gillespie, Cr Lake, Cr Niikkula

12.4.2 List of Accounts for Period Ending 31 May 2023

File Reference	FM.FI.0
Reporting Officer	Manager Finance
Responsible Officer	Executive Manager Corporate Services
Date of Report	13 June 2023
Applicant/Proponent	Nil
Disclosure of Interest	Nil
Attachment(s)	1. List of Accounts for period ending 31 May 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 \$1,870,440.82
Incorporating cheques, direct debits, electronic payments and credit cards.

Trust Fund totalling \$NIL
Incorporating electronic payments.

Total Payments: \$1,870,440.82

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

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 May 2023 (totalling \$1,870,440.82).	

COUNCIL RESOLUTION	ITEM 12.4.2
Res No:	07-0723
MOVED:	Cr Lake
SECONDED:	Cr Gillespie
<p>That Council RECEIVES the report of payments made from the Municipal and Trust bank accounts during the month of May 2023 (totalling \$1,870,440.82).</p> <p style="text-align: right;">CARRIED by SIMPLE MAJORITY 4/0</p>	

For: Cr Allston, Cr Gillespie, Cr Lake, Cr Niikkula

12.4.3 Financial Statement for Period Ending 30 June 2023

File Reference	FM.FI.0
Reporting Officer	Executive Manager Corporate Services
Responsible Officer	As above
Date of Report	20 July 2023
Applicant/Proponent	Nil
Disclosure of Interest	Nil
Attachment(s)	1. Monthly Financial Report as at 30 June 2023

Purpose

1. That Council accepts the financial report for the financial period ending 30 June 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 30 June 2023, the operating revenue is above target by \$1,236,730 (7.14%). Interest earnings are currently tracking under budget due to the timing of investment maturities. Aviation operations are currently tracking over budget.
4. Operating expenditure is under budget by \$2,259,236 (11.63%). Variances are due to the timing of maintenance, operational projects 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 \$5,073,846 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 30 June 2023 were 92% compared to 95% 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	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	<p>Foster open, transparent & accountable leadership, working collaboratively and in partnership with our community and stakeholders</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

14. Simple Majority

Officers Recommendation	Item 12.4.3
That Council RECEIVES the financial report for the financial period ending 30 June 2023.	

COUNCIL RESOLUTION	ITEM 12.4.3
Res No:	07-0723
MOVED:	Cr Lake
SECONDED:	Cr Gillespie
That Council RECEIVES the financial report for the financial period ending 30 June 2023.	
CARRIED by SIMPLE MAJORITY 4/0	
For: Cr Allston, Cr Gillespie, Cr Lake, Cr Niikkula	

12.4.4 List of Accounts for Period Ending 30 June 2023

File Reference	FM.FI.0
Reporting Officer	Executive Manager Corporate Services
Responsible Officer	As above
Date of Report	20 July 2023
Applicant/Proponent	Nil
Disclosure of Interest	Nil
Attachment(s)	1. List of Accounts for period ending 30 June 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 \$2,031,641.37 Incorporating cheques, direct debits, electronic payments and credit cards.
Trust Fund	totalling \$NIL Incorporating electronic payments.
Total Payments:	\$2,031,641.37

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

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 June 2023 (totalling \$2,031,641.37).	

COUNCIL RESOLUTION	ITEM 12.4.4
Res No: 07-0723	
MOVED: Cr Lake	
SECONDED: Cr Gillespie	
<p>That Council RECEIVES the report of payments made from the Municipal and Trust bank accounts during the month of June 2023 (totalling \$2,031,641.37).</p> <p style="text-align: right;">CARRIED by SIMPLE MAJORITY 4/0 For: Cr Allston, Cr Gillespie, Cr Lake, Cr Niikkula</p>	

13. Elected Members Motions of which Previous Notice has Been Given

13.1.1 Councillor Niikkula: Flying the American National Flag

Motion

That Council endorse the Flying of the American National Flag in front of the Ningaloo Centre on a full time basis to acknowledge the unique heritage of the town.

In accordance with the "Australian Flags" booklet produced by the Department of the Prime Minister and Cabinet, the order of flying the flags, from left to right will be:

1. Australian National Flag
2. American National Flag
3. Australian Aboriginal Flag
4. Shire of Exmouth Flag

COUNCIL RESOLUTION

ITEM 13.1.1

Res No: 08-0723

MOVED: Cr Niikkula

SECONDED: Cr Gillespie

Cr Allston proposed the following ALTERNATE MOTION to include the following flags:

1. Australian National Flag
2. Western Australia State Flag
3. American National Flag
4. Australian Aboriginal Flag, deleting the Shire of Exmouth flag from the fourth pole.

Alternate Motion LOST for want of a seconder.

Substantive Motion

That Council endorse the Flying of the American National Flag in front of the Ningaloo Centre on a full time basis to acknowledge the unique heritage of the town.

In accordance with the "Australian Flags" booklet produced by the Department of the Prime Minister and Cabinet, the order of flying the flags, from left to right will be:

1. Australian National Flag
2. American National Flag
3. Australian Aboriginal Flag
4. Shire of Exmouth Flag

CARRIED 3/1

For: Cr Gillespie, Cr Lake, Cr Niikkula
Against: Cr Allston

13.1.2 Councillor Lake: Educational Campaign

Motion

That the CEO initiate an educational campaign for the protection of our coastal dune areas by the 2023 September/October Holiday period with the following inclusions:

- Brief outline of the Shire's Coastal Hazard Risk Management and Adaption Plan that indicates how threats to our dune system can affect coastal settlements.
- Examples of the damage caused by vehicles and motor bikes travelling over dunes.
- Options to prevent damage.
- Commence the preparation of a Local Law that can be exercised to protect our dune assets in accordance with the Exmouth Strategic Community Plan, Natural Environment outcome - 2.3 *Increase awareness of sustainability and environmental issues.*
- Invitation to Exmouth Police for input on the safe use of vehicles and motorbikes at beach areas and on the roads accessing those areas.

COUNCIL RESOLUTION

ITEM 13.1.2

Res No: 09-0723

MOVED: Cr Lake

SECONDED: Cr Gillespie

That the CEO initiate an educational campaign for the protection of our coastal dune areas by the 2023 September/October Holiday period with the following inclusions:

- **Brief outline of the Shire's Coastal Hazard Risk Management and Adaption Plan that indicates how threats to our dune system can affect coastal settlements.**
- **Examples of the damage caused by vehicles and motor bikes travelling over dunes.**
- **Options to prevent damage.**
- **Commence the preparation of a Local Law that can be exercised to protect our dune assets in accordance with the Exmouth Strategic Community Plan, Natural Environment outcome - 2.3 *Increase awareness of sustainability and environmental issues.***
- **Invitation to Exmouth Police for input on the safe use of vehicles and motorbikes at beach areas and on the roads accessing those areas.**

CARRIED 4/0

For: Cr Allston, Cr Gillespie, Cr Lake, Cr Niikkula

14. New Business of an Urgent Nature

14.1.1 Annual Budget 2023/2024

File Reference	FM.BU.23.24
Reporting Officer	Executive Manager Corporate Services
Responsible Officer	As above
Date of Report	24 July 2023
Applicant/Proponent	Nil
Disclosure of Interest	Nil
Attachment(s)	1. 2023/2024 Annual Budget 2. 2023/2024 Statement of Objects and Reasons 3. 2023/2024 Fees and Charges 4. 2023/2024 Projects

Purpose

1. That Council adopt the Annual Budget for the 2023/24 financial year together with supporting schedules, including imposition of rates and minimum payments, fees & charges, reserves and projects.

Background

2. Council is required to prepare and adopt by absolute majority and in the form and manner prescribed, an annual budget for the financial year ending on the 30 June by no later than 31 August each year in accordance with Section 6.2 of the *Local Government Act 1995*.
3. As per section 6.2(4) the annual budget is to incorporate:
 - a) Estimated expenditure proposed to be incurred;
 - b) Information relating to the rates and service charges that will apply;
 - c) Fees and charges proposed to be imposed;
 - d) Particulars of borrowings and other financial accommodation proposed to be entered into;
 - e) Amounts to be set aside, or used from reserve accounts;
 - f) Particulars of proposed land transactions and trading undertakings;
 - g) Other matters as are prescribed.

The budget has been compiled based on the principles contained in the Strategic Community Plan and the Business Plan.

Comment

Rates and Minimum Payments 2023/24

4. The Shire of Exmouth may impose differential general rates on rateable land within the Municipality of Exmouth in accordance with Section 6.33 of the *Local Government Act 1995*. At the March 2023 Ordinary Council meeting council resolved the following:

Res No: 12-0323

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 Local Government Act 1995.

CARRIED by SIMPLE MAJORITY 6/0

5. There have been no submissions received and the budget has been prepared with these ratings.
6. Payment options are available to ratepayers for the payment of rates and service charges:
 - a. **Option 1 (Full payment)**
 - i. Full amount of rates and charges including arrears, to be paid on or before 5 September 2023 or 35 days after the date of service appearing on the rate notice, whichever is the later.
 - b. **Option 2 (Two instalments)**
 - i. First instalment to be made on or before 5 September 2023 or 35 days after the date of service appearing on the rate notice, whichever is later and including all arrears and half the current rates and service charges; and
 - ii. Second instalment to be made on or before 17 November 2023, or 2 months after the due date of the first instalment, whichever is later.
 - c. **Option 3 (Four instalments)**
 - i. First instalment to be made on or before 5 September 2023 or 35 days after the date of service appearing on the rate notice, whichever is later and including all arrears and a quarter of the current rates and service charges;
 - ii. Second instalment to be made on or before 17 November 2023, or 2 months after the due date of the first instalment, whichever is later;
 - iii. Third instalment to be made on or before 23 January 2024, or 2 months after the due date of the second instalment, whichever is later; and
 - iv. Fourth instalment to be made on or before 3 April 2024, or 2 months after the due date of the third instalment, whichever is later.
7. An admin charge of \$16 is proposed for rate payers electing to pay via instalments and 5.5% instalment interest charge. The penalty interest rate on charges that remain overdue after the due date is 7%.

8. The penalty interest rate will not apply to ratepayers who apply for the financial hardship and enter into a payment arrangement with Council as set out in Council Policy CS014 Financial Hardship Policy.
9. The Shire of Exmouth acts as a collection agent on behalf of the State Government in collecting the Emergency Services Levy that is levied on rate payers. These rates are set by State Government, and a penalty rate of 7% has been set on overdue ESL amounts.

Fees and Charges 2023/24

10. The fees and charges have been reviewed and increased using various methods, including cost recovery, CPI, market reviews. Statutory fees and charges have been reviewed against the relevant legislation.

Capital Works and Borrowings 2023/24

11. The Shire's planned capital works budget for 2023/24 is \$10.5m. These projects are funded through grants, reserves, borrowings and general revenue as per the table 1 and table 2 below.

12. **Table 1: Capital Works 2023/24 by Funding Source**

Capital Expenditure	Grants & Contributions	Reserves	Borrowings	General Revenue	Total
Buildings – Specialised	2,500,000	-	1,500,000	490,000	4,490,000
Furniture and equipment	-	-	-	15,000	15,000
Plant and equipment	-	1,654,000	-	10,000	1,664,000
Infrastructure – Roads*	2,115,000	260,000	-	350,000	2,725,000
Infrastructure - Other	470,000	783,000	-	342,000	1,595,000
Total	5,085,000	2,697,000	1,500,000	1,207,000	10,489,000

**includes financial assistance funding – roads*

13. **Table 2: Capital Works 2023/24**

Capital Expenditure	New/Upgrade	Renewal	Total
Buildings – Specialised	4,070,000	420,000	4,490,000
Furniture and equipment	15,000	-	15,000
Plant and equipment	10,000	1,654,000	1,664,000
Infrastructure – Roads	-	2,725,000	2,725,000
Infrastructure - Other	1,490,000	105,000	1,595,000
Total	5,585,000	4,904,000	10,489,000

14. There is \$10.5m budgeted for capital works, with \$4.9 directed at renewal works. The main projects are \$4m allocated towards the heliport upgrades, there is still \$1.2m remaining for the disaster recovery road works with an additional \$1.5m being invested into road and footpath renewals. Due to the delay and limited availability of plant there has been plant rolled over to the new year resulting in \$1.4m budget for plant replacement.

15. There is \$1.5m borrowing proposed to fund the heliport upgrade works for the 2023/24 financial year. This project is partly funded through grants and partly through borrowings with an estimated cost of \$4m.
16. The purpose of these borrowings is to fund long term assets and spread the cost across multiple years to reduce the cash impact and ensure Council has sufficient funds available during the financial year.
17. Interest rate of the proposed borrowings would need to be confirmed at the time of the loan being approved by Western Australian Treasury Corporation (WATC). The estimated interest rate is expected to be around 5.5%. There is also an additional 0.7% p.a. Government Guarantee Fee (GFEE) payable by Local Government Authorities for loans outstanding with WATC.

Table 3 lists the capital projects budgeted for the 2023/24 financial year.

Table 3: Capital Works and Funding Sources

Project Name	Budgeted Project Cost	Grants & Contributions	Reserve Transfer	New Loan	General Revenue
Beach Volleyball	10,000				10,000
Pool Renewals	45,000				45,000
Events Trailer	10,000				10,000
Youth Precinct - Skate Park	430,000	300,000	103,000		27,000
NADC Interpretive Works Upgrade	120,000	120,000			
Mangrove Zone Exhibit	25,000				25,000
NADC Workshop Upgrade	70,000				70,000
Lighting - Ross Street Mall and Federation Park	40,000				40,000
Water Spray Park Refurbishment	35,000				35,000
Chlorine Storage Compound	90,000				90,000
Depot Office Renovation	250,000				250,000
Sentinel Chicken Pen Upgrades	30,000				30,000
Plant Replacement	1,394,000		1,394,000		
Asphalt Intersection Overlays	100,000	100,000			
Bitumen Road Reseals	200,000	200,000			

Footpath Construction	200,000				200,000
Murat Rd Pedestrian Crossover	80,000		80,000		
Murat Rd Works	235,000	175,000			60,000
Portable Traffic Lights	15,000				15,000
Reid St Asphalt Overlay	390,000	390,000			
Yardie Creek Rd Works	320,000	230,000			90,000
Disaster Recovery Works	1,200,000	1,020,000	180,000		
Waste Water Irrigation Pond	40,000				40,000
Qualing Scarp Fencing	50,000		50,000		
Landfill Recyclables Storage Shed	80,000		80,000		
Landfill Waste Compactor	260,000		260,000		
Building Renewals	170,000				170,000
Heliport Works	4,000,000	2,500,000		1,500,000	
Light Pole Replacement & Mains Upgrade	500,000		500,000		
Aerodrome Airstrip Upgrades	100,000	50,000	50,000		

10,489,000 5,085,000 2,697,000 1,500,000 1,207,000

Reserves 2023/24

18. The Shire intends to keep their existing reserves and transfer \$3.78m into reserves which includes interest earned on investing these reserves. Council intends to utilise \$2.95m to fund projects in the 2023/24 financial year. This will result in an estimated closing balance of \$13.7m at 30 June 2024.

Material Variance Reporting for 2023/24

19. Each financial year a Local Government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances. It is recommended that this be set at \$25,000 or 10%.

Budget 2023/24

20. Table 4 below provides a summary of the proposed budget.

Table 4: Rate Setting Statement by Nature and Type

		2023/24	2022/23	2022/23
	NOTE	Budget	Est. Actual	Budget
OPERATING ACTIVITIES				
Revenue from operating activities				
		\$	\$	\$
Rates	2(a)	4,223,000	3,926,631	3,822,000
Specified area rates	2(a)	62,000	57,254	54,000
Grants, subsidies and contributions	11	2,380,000	5,100,044	2,446,000
Fees and charges	16	11,168,000	9,107,817	8,330,000
Interest revenue	12(a)	292,000	204,377	140,000
Other revenue	12(b)	400,000	401,004	451,000
		18,525,000	18,797,127	15,243,000
Expenditure from operating activities				
Employee costs		(8,529,000)	(7,248,318)	(7,385,000)
Materials and contracts		(6,408,000)	(4,979,254)	(4,338,000)
Utility charges		(940,000)	(850,382)	(859,000)
Depreciation	6	(3,683,000)	(3,681,307)	(3,675,000)
Finance costs	12(d)	(98,000)	(111,753)	(112,000)
Insurance		(709,000)	(608,637)	(579,000)
Other expenditure		(690,000)	(214,097)	(476,000)
		(21,057,000)	(17,693,748)	(17,424,000)
Non-cash amounts excluded from operating activities	3(b)	3,683,000	3,681,307	3,675,000
Amount attributable to operating activities		1,151,000	4,784,686	1,494,000
INVESTING ACTIVITIES				
Inflows from investing activities				
Capital grants, subsidies and contributions	11	4,662,000	4,182,126	2,717,000
Proceeds from disposal of assets	5	140,000	65,600	146,000
		4,802,000	4,247,726	2,863,000
Outflows from investing activities				
Payments for property, plant and equipment	5(a)	(6,169,000)	(446,823)	(1,050,000)
Payments for construction of infrastructure	5(b)	(4,320,000)	(4,627,023)	(4,510,000)
		(10,489,000)	(5,073,846)	(5,560,000)
Amount attributable to investing activities		(5,687,000)	(826,120)	(2,697,000)
FINANCING ACTIVITIES				
Inflows from financing activities				
Proceeds from new borrowings	7(a)	1,500,000	0	0

Transfers from reserve accounts	9(a)	2,953,000	961,928	1,561,000
Proceeds from community loans		38,000	27,600	12,000
		4,491,000	989,528	1,573,000
Outflows from financing activities				
Repayment of borrowings	7(a)	(367,000)	(354,034)	(354,000)
Payments for principal portion of lease liabilities	8	(7,000)	(1,911)	(6,000)
Payments for community loans		0	(102,267)	0
Transfers to reserve accounts	9(a)	(3,779,000)	(2,584,434)	(1,771,000)
		(4,153,000)	(3,042,646)	(2,131,000)
Amount attributable to financing activities		338,000	(2,053,118)	(558,000)
MOVEMENT IN SURPLUS OR DEFICIT				
Surplus or deficit at the start of the financial year				
	3	4,198,722	2,293,274	1,772,556
Amount attributable to operating activities		1,151,000	4,784,686	1,494,000
Amount attributable to investing activities		(5,687,000)	(826,120)	(2,697,000)
Amount attributable to financing activities		338,000	(2,053,118)	(558,000)
Surplus or deficit at the end of the financial year				
	3	722	4,198,722	11,556

21. The proposed budget for 2023/24 has a surplus of \$722. The budget is financially prudent and has been built bearing in mind the adverse trends of Council's ratios with funds being allocated to Shire reserves for the future preservation of Shire assets.
22. Inflation continues to have a significant impact on Council's costs with insurance, materials and utilities having significant increases. The Shire of Exmouth has a large asset base and inflation has a substantial impact on Council's ability to continue to renew its assets to ensure assets are kept at an acceptable condition.
23. Revenue from operating activities is increasing annually and is mainly fluctuating as a result of available operational grant funding and the early payment of Financial Assistance Grants.
24. Learmonth Airport operations continues to expand with an expectation that heliport will have a positive impact and continues to be a large contributor to Council's revenue with 33% of Council's operational income being generated from its operations. Council is significantly impacted by fluctuation in travellers moving through Learmonth Airport.
25. Council continues to look for opportunities to expand and ensure the Airport continued operations to ensure it continues to make major contributions to Council's revenue to reduce the impact tourism services have on rate payers. Currently rates only contribute 21% of Council's revenue.

Consultation

26. Ratepayers
27. Councillors
28. Staff

29. Public notice is mandatory under section 6.36 of the *Local Government Act 1995*, before imposing any differential rates or minimum payments.
30. An elector or ratepayer has 21 days from the 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.
31. 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.
32. Council have not received any submissions.

Statutory Environment

33. *Local Government Act 1995*
34. *Local Government (Financial Management) Regulations 1996*

Policy Implications

35. Nil.

Financial Implications

36. The budget outlines the financial plans for the Shire during the 2023/24 financial year and contains estimated revenue and expenditure which is monitored throughout the year with an estimated closing surplus of \$722.

Risk Management

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance (operational) – Council is required to prepare and adopt a budget by 31 August., in the form and manner prescribed, a budget for its municipal fund for the financial year ending on 30 June next following that 31 August	Unlikely	Moderate	Medium	Council to adopt the budget before 31 August

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

37. Council may adopt the 2023/24 Annual Budget and list any changes in the resolution.
38. Council may defer the adoption of the 2023/24 Annual Budget to a later date and list the reasons.

Strategic Alignment

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

Governance & Leadership	<p>Foster open, transparent & accountable leadership, working collaboratively and in partnership with our community and stakeholders</p> <p>5.1 Forward-thinking leadership for efficient and sustainable operations</p>
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- 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

40. Absolute Majority

Officers Recommendation	Item 14.1.1	
That Council RESOLVES to:		
Budget 2023/24		
1. Pursuant to the provisions of Section 6.2 of the <i>Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996</i> , council ADOPT the Budget as contained in Attachment 1 for the 2023/2024 financial year.		
General and Minimum Rates, Instalment Payment and Interest		
2. For the purpose of yielding the deficiency disclosed by the Municipal Fund Budget, council pursuant to Sections 6.32, 6.33, 6.34 and 6.35 of the <i>Local Government Act 1995</i> IMPOSE the following differential general rates and minimum payments on Gross Rental and Unimproved Values.		
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
3. ADOPT the following specified area rates on rateable land within the Shire of Exmouth in accordance with Section 6.33 of the <i>Local Government Act 1995</i> the following schedule of differential rates:		
Rate Category	Rate in the Dollar \$	Minimum payment \$
GRV Specified Area Rate	0.0158	Nil
4. Pursuant to Section 6.45 of the <i>Local Government Act 1995</i> and regulation 64(2) of the <i>Local Government (Financial Management) Regulations 1996</i> , council nominates the following due dates for the payment in full by instalments:		
<ul style="list-style-type: none"> a. Option 1 (Full payment) <ul style="list-style-type: none"> ii. Full amount of rates and charges including arrears, to be paid on or before 5 September 2023 or 35 days after the date of service appearing on the rate notice, whichever is the later. b. Option 2 (Two instalments) <ul style="list-style-type: none"> iii. First instalment to be made on or before 5 September 2023 or 35 days after the date of service appearing on the rate notice, whichever is later and including all arrears and half the current rates and service charges; and 		

- iv. Second instalment to be made on or before 17 November 2023, or 2 months after the due date of the first instalment, whichever is later.

c. Option 3 (Four instalments)

- v. First instalment to be made on or before 5 September 2023 or 35 days after the date of service appearing on the rate notice, whichever is later and including all arrears and a quarter of the current rates and service charges;
 - vi. Second instalment to be made on or before 17 November 2023, or 2 months after the due date of the first instalment, whichever is later;
 - vii. Third instalment to be made on or before 23 January 2024, or 2 months after the due date of the second instalment, whichever is later; and
 - viii. Fourth instalment to be made on or before 3 April 2024, or 2 months after the due date of the third instalment, whichever is later.
5. Pursuant to Section 6.45 of the *Local Government Act 1995* and regulation 67 of the *Local Government (Financial Management) Regulations 1996*, council ADOPTS an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$16 for each instalment after the initial instalment is paid.
6. Pursuant to Section 6.45 of the *Local Government Act 1995* and regulation 68 of the *Local Government (Financial Management) Regulations 1996*, council ADOPTS an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option.
7. Pursuant to Section 6.51(1) and subject to Section 6.51(4) of the *Local Government Act 1995* and regulation 70 of the *Local Government (Financial Management) Regulations 1996*, council ADOPTS an interest rate of 7% for rates (and service charges) and costs of proceedings to recover such charges that remains unpaid after becoming due and payable.
8. ADOPT the Statement of Objects and Reasons for Proposed Rates and Minimum Payments as per attachment 2.
9. NOTE that Council did not receive any public submissions in relation to the published notice of intention to impose rates.
10. NOTE that the Emergency Services Levy (ESL) rates are set by the State Government and Council acts as a collection agent for the funds on behalf of the State Government. The interest rate set by the State Government for late payment of ESL by property owners is 7% per annum and will be charged 30 days after the due date.

Fees and Charges 2023/24

11. Pursuant to Section 6.16 of the *Local Government Act 1995* and other relevant legislation, council ADOPT the Fees and Charges included as per attachment 3 for the Financial Year ending 30 June 2024.

Material Variance Reporting For 2023/24

12. In accordance with regulation 34(5) of the *Local Government (Financial Management) Regulations 1996*, the level to be used in statements of financial activity in 2023/2024 for reporting material variances shall be 10% or \$25,000, whichever is the greater.

Borrowings

13. APPROVE the proposed borrowing of \$1,500,000 over a 10 year term.

COUNCIL RESOLUTION

ITEM 14.1.1

Res No: 10-0723

MOVED: Cr Niikkula
SECONDED: Cr Gillespie

That Council RESOLVES to:

Budget 2023/24

1. Pursuant to the provisions of Section 6.2 of the *Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996*, council **ADOPT** the Budget as contained in Attachment 1 for the 2023/2024 financial year.

General and Minimum Rates, Instalment Payment and Interest

2. For the purpose of yielding the deficiency disclosed by the Municipal Fund Budget, council pursuant to Sections 6.32, 6.33, 6.34 and 6.35 of the *Local Government Act 1995* **IMPOSE** the following differential general rates and minimum payments on Gross Rental and Unimproved Values.

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

3. **ADOPT** the following specified area rates on rateable land within the Shire of Exmouth in accordance with Section 6.33 of the *Local Government Act 1995* the following schedule of differential rates:

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

4. Pursuant to Section 6.45 of the *Local Government Act 1995* and regulation 64(2) of the *Local Government (Financial Management) Regulations 1996*, council nominates the following due dates for the payment in full by instalments:

a. Option 1 (Full payment)

iii. Full amount of rates and charges including arrears, to be paid on or before 5 September 2023 or 35 days after the date of service appearing on the rate notice, whichever is the later.

b. Option 2 (Two instalments)

- i. **First instalment to be made on or before 5 September 2023 or 35 days after the date of service appearing on the rate notice, whichever is later and including all arrears and half the current rates and service charges; and**
 - ii. **Second instalment to be made on or before 17 November 2023, or 2 months after the due date of the first instalment, whichever is later.**
 - c. **Option 3 (Four instalments)**
 - i. **First instalment to be made on or before 5 September 2023 or 35 days after the date of service appearing on the rate notice, whichever is later and including all arrears and a quarter of the current rates and service charges;**
 - ii. **Second instalment to be made on or before 17 November 2023, or 2 months after the due date of the first instalment, whichever is later;**
 - iii. **Third instalment to be made on or before 23 January 2024, or 2 months after the due date of the second instalment, whichever is later; and**
 - iv. **Fourth instalment to be made on or before 3 April 2024, or 2 months after the due date of the third instalment, whichever is later.**
5. **Pursuant to Section 6.45 of the *Local Government Act 1995* and regulation 67 of the *Local Government (Financial Management) Regulations 1996*, council ADOPTS an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$16 for each instalment after the initial instalment is paid.**
6. **Pursuant to Section 6.45 of the *Local Government Act 1995* and regulation 68 of the *Local Government (Financial Management) Regulations 1996*, council ADOPTS an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option.**
7. **Pursuant to Section 6.51(1) and subject to Section 6.51(4) of the *Local Government Act 1995* and regulation 70 of the *Local Government (Financial Management) Regulations 1996*, council ADOPTS an interest rate of 7% for rates (and service charges) and costs of proceedings to recover such charges that remains unpaid after becoming due and payable.**
8. **ADOPT the Statement of Objects and Reasons for Proposed Rates and Minimum Payments as per attachment 2.**
9. **NOTE that Council did not receive any public submissions in relation to the published notice of intention to impose rates.**
10. **NOTE that the Emergency Services Levy (ESL) rates are set by the State Government and Council acts as a collection agent for the funds on behalf of the State Government. The interest rate set by the State Government for late payment of ESL by property owners is 7% per annum and will be charged 30 days after the due date.**

Fees and Charges 2023/24

11. **Pursuant to Section 6.16 of the *Local Government Act 1995* and other relevant legislation, council ADOPT the Fees and Charges included as per attachment 3 for the Financial Year ending 30 June 2024.**

Material Variance Reporting For 2023/24

12. In accordance with regulation 34(5) of the *Local Government (Financial Management) Regulations 1996*, the level to be used in statements of financial activity in 2023/2024 for reporting material variances shall be 10% or \$25,000, whichever is the greater.

Borrowings

13. APPROVE the proposed borrowing of \$1,500,000 over a 10 year term.

CARRIED by ABSOLUTE MAJORITY 4/0

For: Cr Allston, Cr Gillespie, Cr Lake, Cr Niikkula

15. Matters to be Considered Behind Closed Doors

Nil

16. Closure of Meeting

The Shire President advised the next Ordinary Council Meeting is scheduled for the 24 August 2023, and declared the meeting closed at 5.01 pm and thanked the gallery for their attendance.

Ningaloo

Priorities for the future

Is Ningaloo the best preserved Coral Reef in the world?

Dr Geoff Taylor - author "Whale Sharks, Giants of Ningaloo Reef"

Geoff Taylor

This is not 1980

This is our back reef today

Ningaloo Reef

How vulnerable is Ningaloo??

- Coral Reefs are dying throughout the world
- Several major threats to coral reefs:-
- Biological: Acanthaster (Crown of thorns) , Drupella Cornus
- Ocean warming, and ocean acidification due to rising CO2
- Silt - due to land clearing and Agriculture
- Destruction of Mangroves

Ningaloo Coral Reef

chequered history

- If our Coral Reefs are to survive it is vital we learn the lessons of history
- So, What is the history of Ningaloo Reef??

Exmouth history

brief summary! - 1993 was a pivotal year for the town

- In 1993, the US Navy effectively pulled out of Exmouth - the town lost its major employer
- Such was the concern for the future of the town, the Premier, Mark Taylor, held a commission to investigate future options for the town
- employment: the Navy Base, The prawn industry, Tourism

Tourism

- Prior to 1991, Tourism was mainly based on Grey Nomads escaping to the North-West from the winter cold - fishing was a major drawcard
- Shark phobia - Very few people dived outside the reef on the west coast
- Post 1992 - Diving and Whale Sharks
- Ningaloo Marine park (gazetted in 1987 - management plan 1993)

Prophetic statement (Ted Smyer 1982):
“No-one goes diving outside the reef here -
there are big sharks out there



Whale shark tourism

Started in 1993

- In 1980s some crazy guy started diving outside the reef and recognised there was an annual predictable aggregation of large numbers of whale sharks at Ningaloo. The sharks were filmed, documentaries were made, books were written and the news went viral (pre-internet).
- The whale shark tourism industry was born - Exmouth was the first in the world to offer whale shark tourism.
- Whale sharks became the emblem for Exmouth, and for the State of WA.

Whale Shark tourism is now available in 42 countries in the world - we cannot take it for granted



What is the greatest threat to Whale shark survival?

**SHIPPING!!
SHIPPING**



Threats to the whale shark

30% of whale sharks show scars from propellor damage

Shipping is a major threat to our Whale Sharks. The last thing whale sharks need is an increase in shipping on our coast - we do not need a port on the North-West Cape

So What is the state of our Coral Reef??

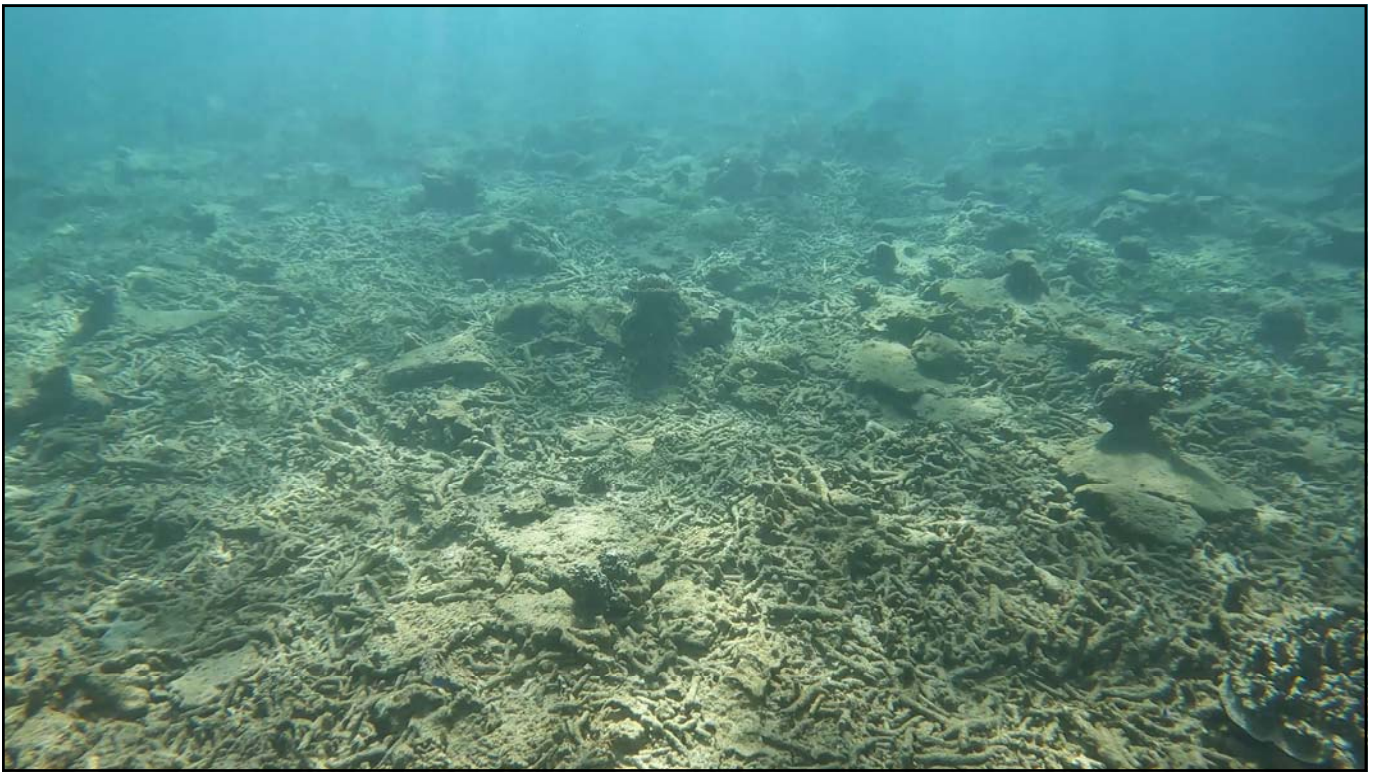
Our Coral Reef has in the past been devastated - started in 1980s

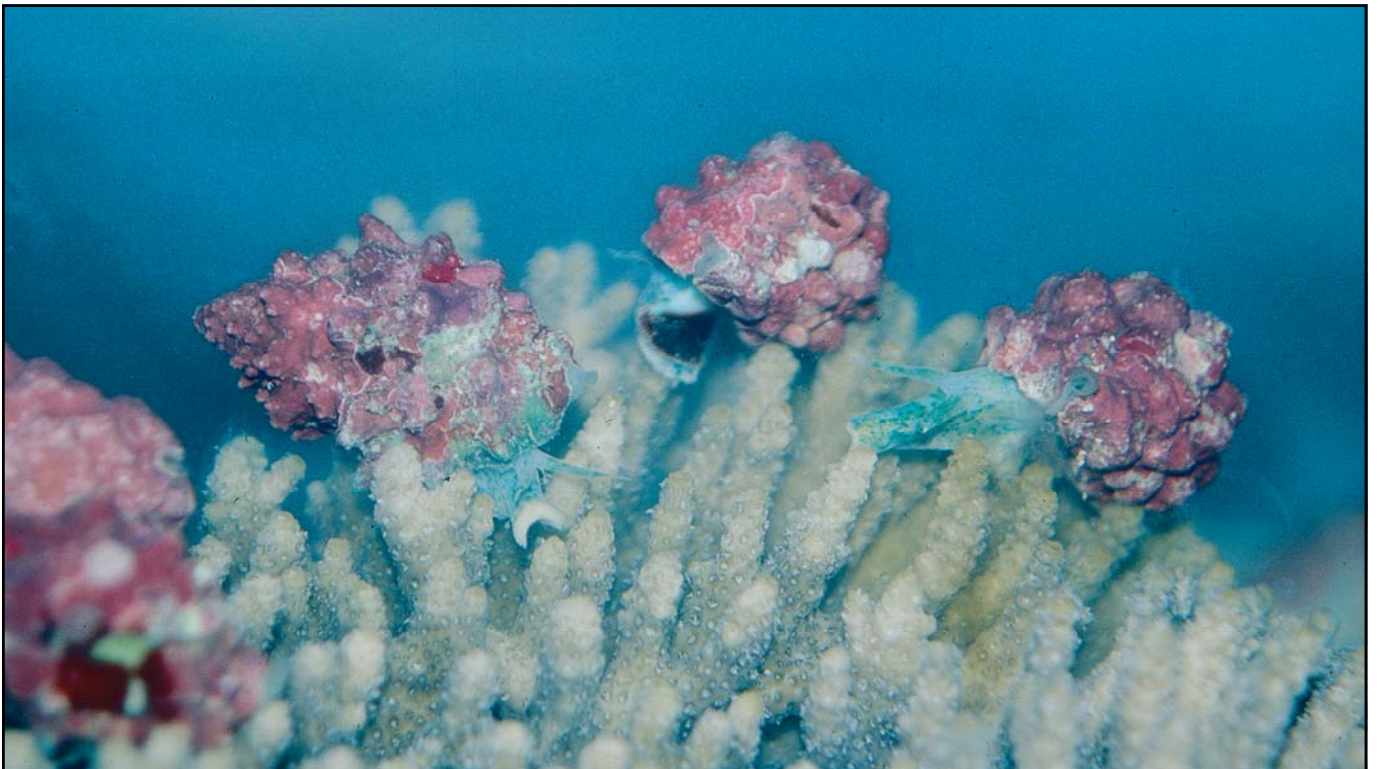
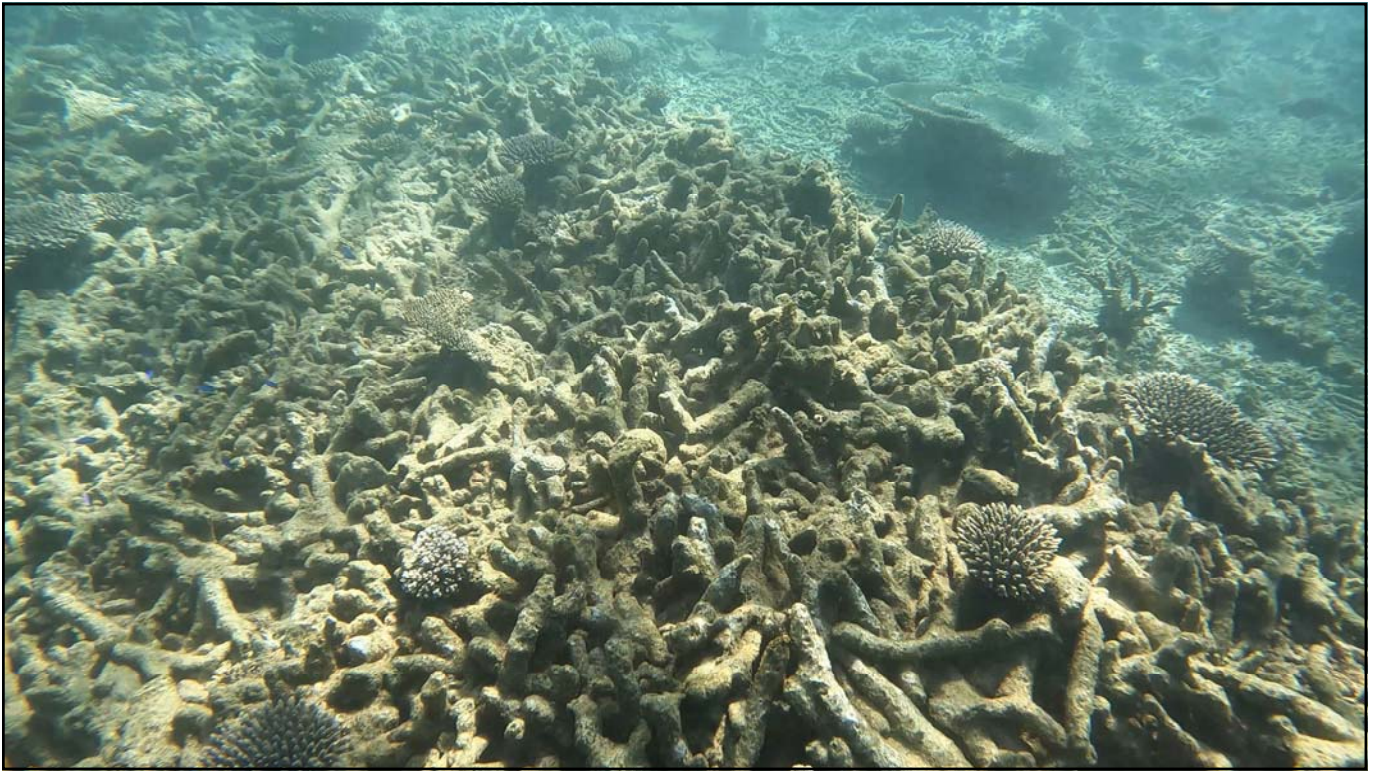
Ningaloo Marine Park

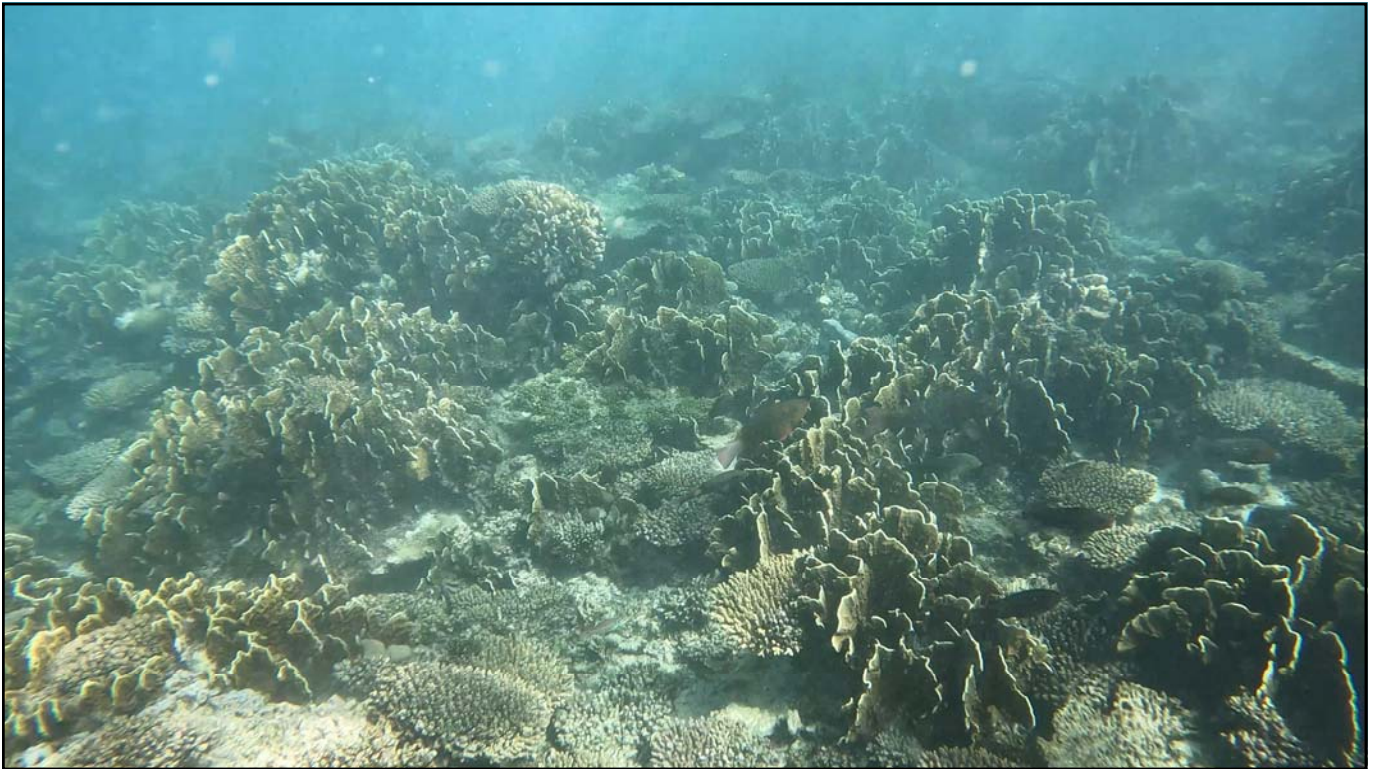
Fringing Coral Reef 260km long

- Many residents of Exmouth today would not know that in the 1980s, the Ningaloo Reef was devastated by a plague of Marine Snail - *Drupella cornus*.
- It mainly affected the corals of the Back Reef and lagoon. Over 95% of the corals were destroyed.
- The coral was replaced by algae and soft corals
- Large areas of “Blue coral” - *Heliopora coerulea* - took over in the lagoon (not a true coral - soft coral with an exoskeleton)
- Blue Coral is the legacy of the *Drupella* plague.









Why do most of us not know about the destruction?

- When the Drupella plague was first discovered in 1985-6 the Government was in the process of promoting the Ningaloo Reef/Marine Park.
- A political decision was made not to publicise the reef's destruction
- The Government did not want adverse publicity for the new Marine Park

Porites corals

- Thankfully, the huge Porites bombies generally survived the Drupella plague



Ningaloo Marine Park - Bundegi Reef

- The jewel in the crown was “Bundegi Reef” - over 7km of spectacular coral reef with huge diversity of corals in Exmouth Gulf.
- Bundegi was the jewel as a tourism asset, not only because of the diversity of corals, but because of its accessibility. A coral viewing boat operated there prior to 1999. It can be accessed by wave skis and even snorkelling off the shore.
- Bundegi Reef was ultimately destroyed by Cyclone Vance in 1999. While the storm itself smashed much of the coral, this has happened before with rapid recovery - it was the SILT in the water which ultimately killed the coral
- The silt came from the ranges and pastoral leases to the south of the gulf, where there has been massive erosion - Giralia Station (no longer an active lease).

Ningaloo Reef

Further insults

- The reefs started to recover BUT
- In 2010 a major warming event occurred affecting the whole West coast of Australia
- 2016 - a second major warming event
- West coast corals suffered major bleaching even as far south as Rottnest where the pocillopora Reef was severely impacted.

Ningaloo Reef is not a pristine Reef but a reef that is desperately trying to recover from past insults

Ningaloo Reef destruction

What is the impact of losing the reef?

- loss of coral diversity
- Loss of fish species
- COASTAL EROSION -
 - Increased water and currents in the lagoon (Turquoise Bay)
 - Increased wave action - erosion of sand dunes
 - Anchorages such as at Bundegi no longer protected

**If the reef is to survive we must
optimise conditions for survival**

One major lesson from Cyclone Vance destroying Bundegi Reef in 1999 is that SILT can be a major cause of coral damage

Throughout the world it is land clearing, agriculture and deforestation that is destroying coral reefs

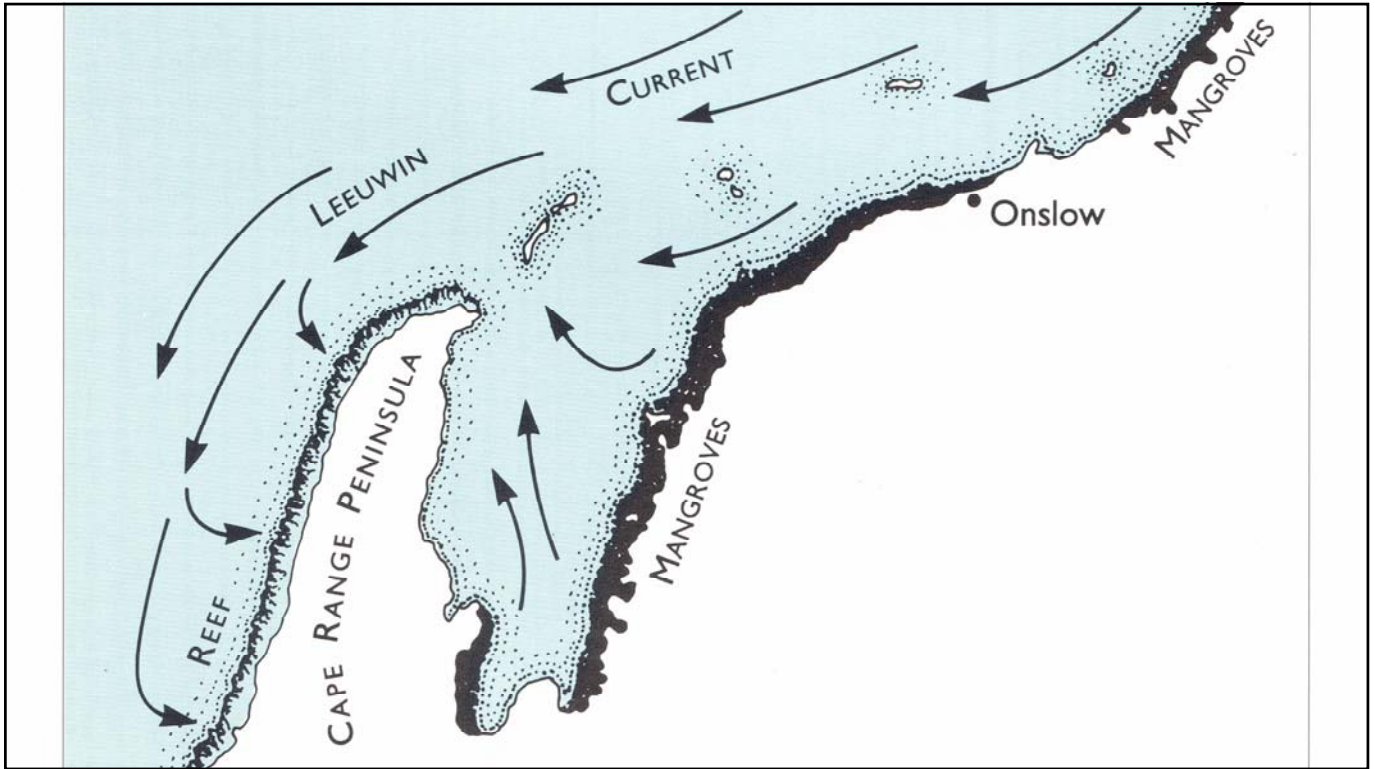
What sustains the coral Reef?

Corals are carnivorous

- As all farmers and horticulturalists know, all biological systems need Nitrogen to sustain them - tropical waters are very low in dissolved nitrogen, yet they appear to have high productivity.
- So where do the corals get their nitrogen? - they eat zooplankton - the wall of mouths concept

Sources of Zooplankton

- one major source of Zooplankton/Nitrogen:
- Mangroves - mangroves have the unique ability to fix nitrogen through their leaves and the siphonophores from their roots. Much of the zooplankton is the larvae of creatures from the mangroves and Exmouth Gulf.
- Plankton trawls showed whale sharks on the west coast are eating swimmer crab larvae and mantis shrimps.

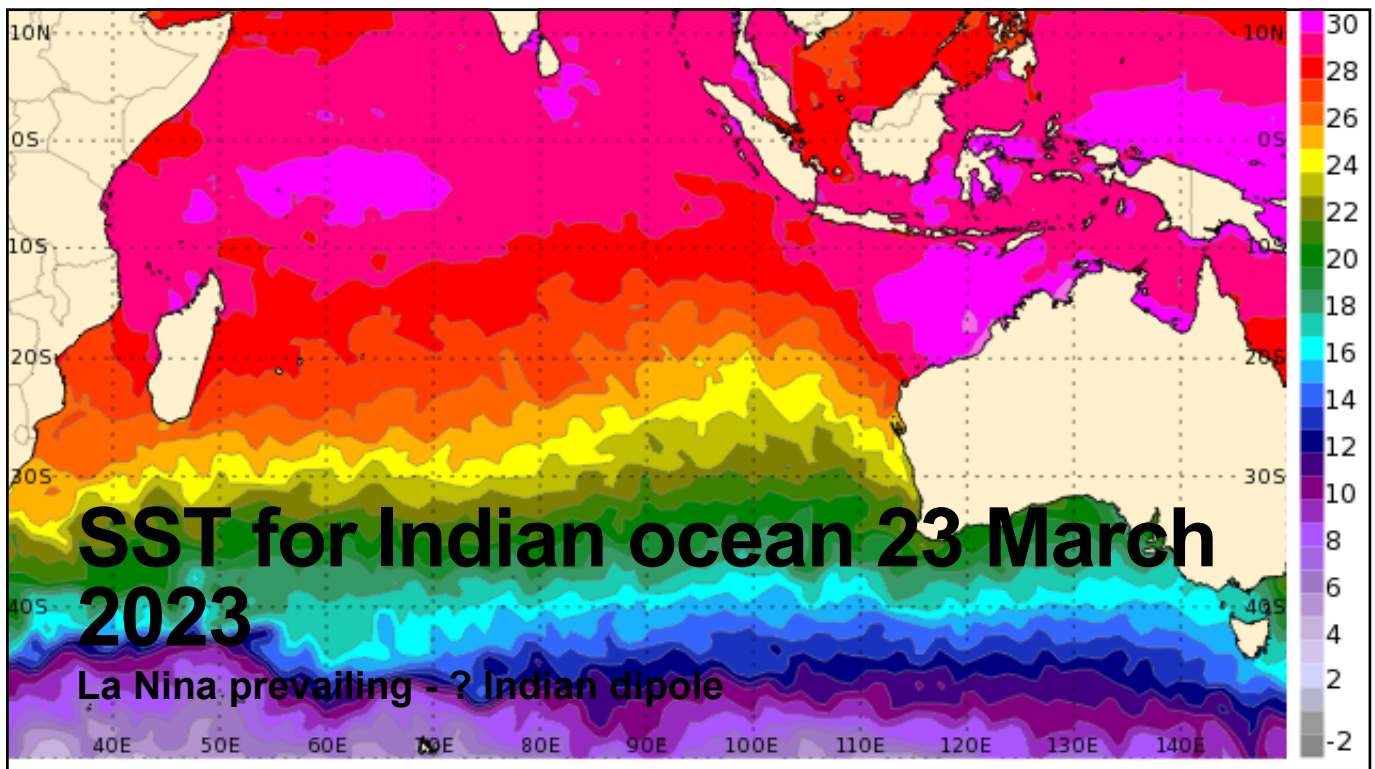




Our Coral Reef is largely sustained by the massive stands of Mangroves in Exmouth Gulf and to the north east - we should not be allowing industry that can destroy our mangroves

Oceanic warming

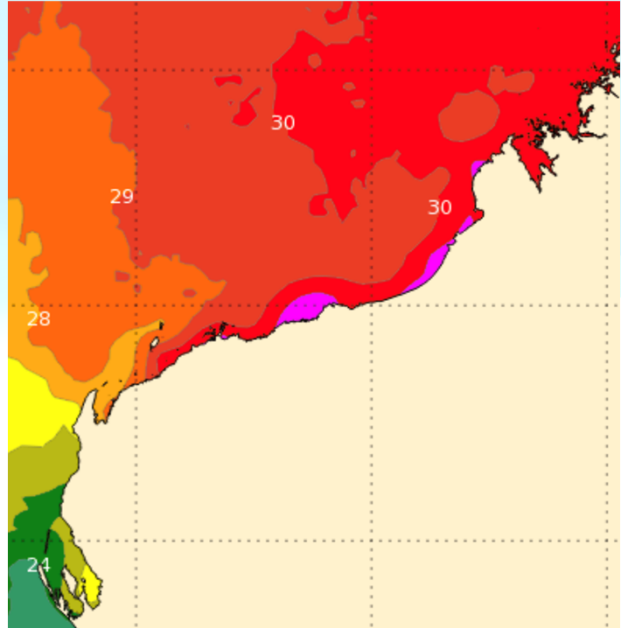
- One can expect to see Coral Bleaching when Sea Temperatures are 2 DegC above “Normal maximums”



SST

9th January 2022

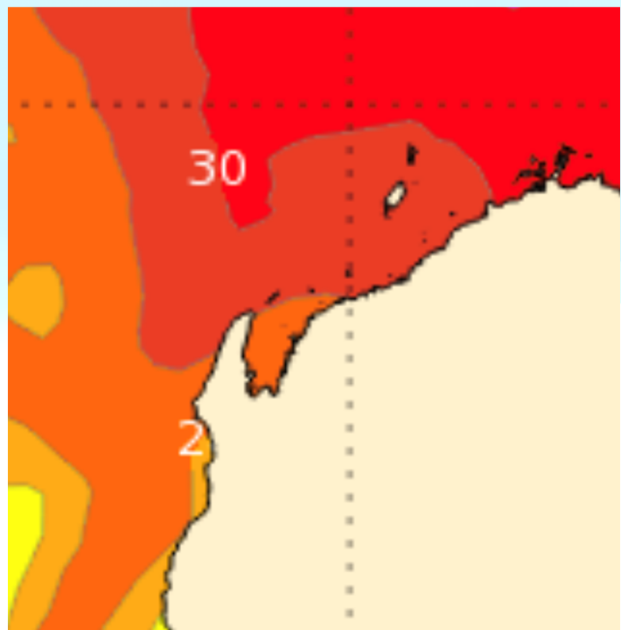
- Hot tropical water streams down the coast



SST

April 9th 2022

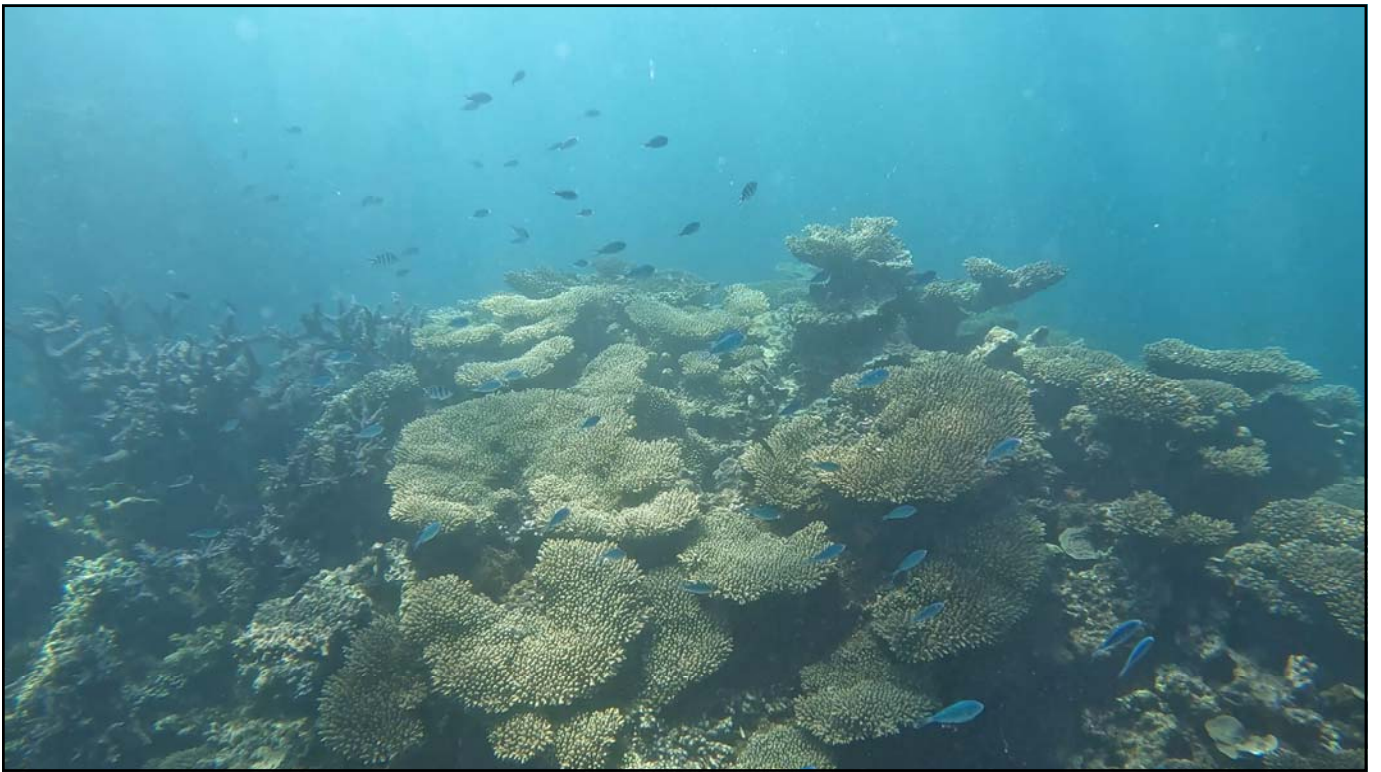
- The 30 degree water is receding north (had reached the cape for a few days)
- Cooler water streaming up the coast from south



The Bad News & the Good News

- In 1992 we were diving in Water of 26-27 degC at the end of summer - we thought this was hot!
- In 2022 we dive regularly in water of 29 -30 degC
- BUT, The good news is that in some areas the coral cover is as good as it was in the early 1980s.
- In many areas of the west coast that were devastated 38 years ago there has been remarkable recovery





Reef recovery

- The fast growing Acropora corals - stag horns and plate corals - show excellent recovery
- We cannot be complacent - these corals are susceptible to damage
- Undoubtedly we have lost a huge diversity of coral species, and some fish species.

The really good news is that after 24 years, Bundegi Reef is recovering



The message is that the last thing Bundegi Reef needs is a Port built in Exmouth Gulf - dredging and silt from such a port will destroy it again.

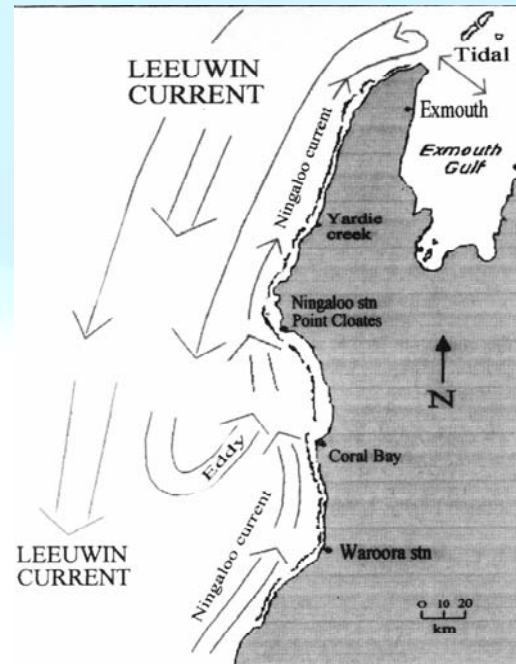
Why is Ningaloo Reef surviving so much better than other reefs?

The Ningaloo Current

- Discovered in the early 1990s - the Ningaloo current is an inshore, northward flowing current that brings cold water north along the reef front.
- It is Wind driven and strongest in the summer months. It usually flows until the end of April. Major influence on the distribution of coral spawn and the whale shark aggregation
- The end of summer is when the Reef is subjected to warm tropical water encroaching from the north.
- (Taylor JG & Pearce AF 1999, J. Roy Soc. WA, 82 57-65)

Ningaloo current

Acts as a counter-current to the Leeuwin current



The Ningaloo Current

Is Ningaloo Reef recovering better than many other reefs

- In spite of water of 29-30 degC encroaching on northern Ningaloo in the past 3 years, the corals on our west coast appear to be recovering with many areas of >90% coral cover.
- It would appear that the cold Ningaloo current may be protecting our west coast.
- The evidence is that the corals that have survived are now more heat tolerant than the corals 30 years ago

It is possible that Ningaloo Reef will end up one of the best preserved coral reefs in the world



Is Ningaloo one of the best preserved coral reefs in the world

Diversity and coral cover

The recovery and preservation of our reef should be a top priority of Government at all levels

Dangers of shipping

Ballast Water

- Ships travel the world taking on Sea water to control their ballast
- A major concern of operating a port in Exmouth Gulf is the introduction of exotic organisms which have the potential to destroy fisheries, coral etc
- There are already many examples around Australia and the world.

Any plan to Industrialise North West Cape carries the risk that we will destroy the golden goose of tourism - the coral Reef and whale sharks