



Agenda

Special Council Meeting

2 February 2023

Notice of Meeting

Notice is hereby given that the next Special Council Meeting of the Shire of Exmouth will be held on 2 February 2023, in the Mandu Function Room, Ningaloo Centre, 2 Truscott Crescent, Exmouth commencing at 6.00 pm.

A handwritten signature in black ink, appearing to be 'Ben Lewis', written in a cursive style.

Ben Lewis
CHIEF EXECUTIVE OFFICER

Disclaimer

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

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

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

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

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VISION

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

Goals

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

Social

Nurture a friendly, safe and inclusive community spirit

Natural Environment

Embrace natural sensitivities and promote positive change

Built Environment

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

Economy

Enhance a robust, resilient and diversified economy that champions innovation

Governance and Leadership

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

Disclosure of Interest Form

(Elected Members/Committee Members/Employees/Contractors)
Local Government Act 1995 (Section 5.65, 5.70, 5.71 & 5.71(B))

To: Chief Executive Officer

Name [Click here to enter text.](#)

Elected Member Committee Member Employee Contractor

Ordinary Council Meeting held on [Click here to enter text.](#)

Special Council Meeting held on [Click here to enter text.](#)

Committee Meeting held on [Click here to enter text.](#)

Other [Click here to enter text.](#)

Report No [Click here to enter text.](#)

Report Title [Click here to enter text.](#)

Type of Interest (*see overleaf for further information)

Proximity Financial Impartiality

Nature of Interest

[Click here to enter text.](#)

Extent of Interest (if intending to seek Council approval to be involved with debate and/or vote)

[Click here to enter text.](#)

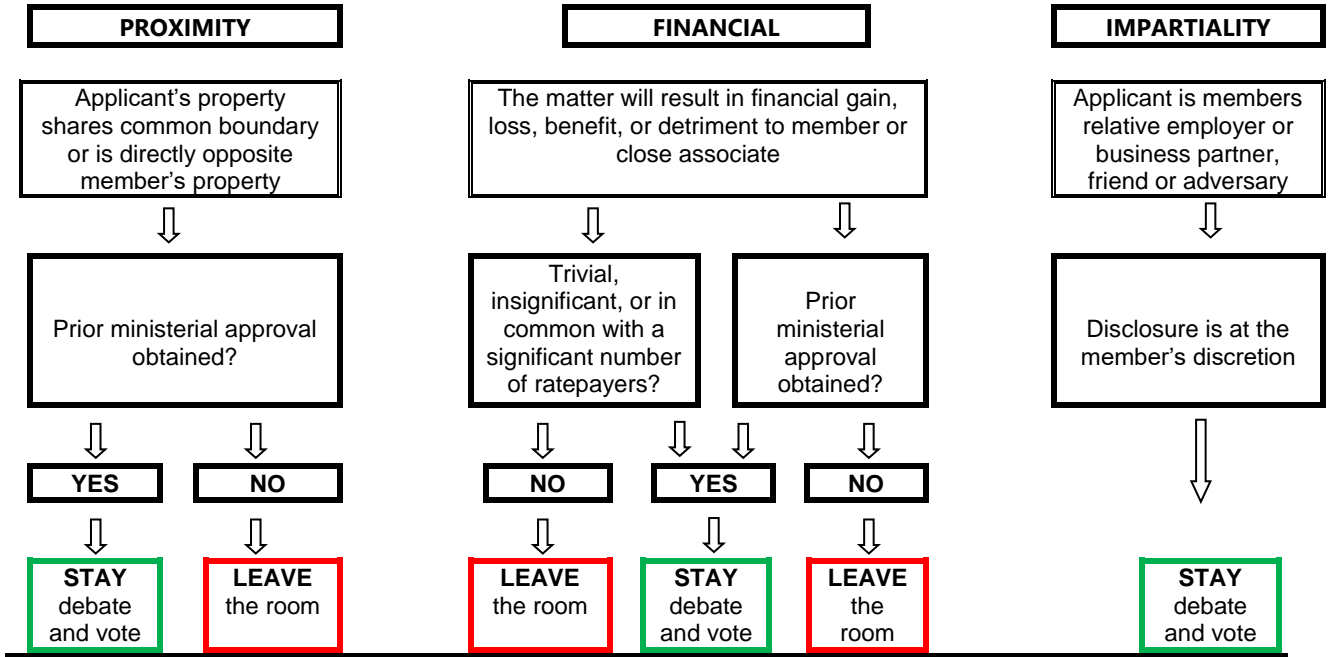
Signed: _____ Date: [Click here to enter text.](#)

- **Note 1** - Elected Members/ Committee Members/Employees refer to the Disclosure of Interest Declaration card when disclosure is being read out at Council or Committee Meeting.
- **Note 2:** For Ordinary meetings of the Council, elected members and employees are requested to submit this completed form to the Chief Executive Officer prior to the meeting. Where this is not practicable, disclosure(s) must be given to the Chief Executive Officer prior to the matter being discussed.
- **Note 3:** Employees or Contractors disclosing an interest in any matter apart from at meetings, where there is a conflict of interest including disclosures required by s5.71 are required to submit this form to the CEO as soon as practicable.

CEO: _____ Signed: _____ Date: _____

OFFICE USE ONLY	
<input type="checkbox"/> Particulars recorded in Minutes	<input type="checkbox"/> Particulars recorded in Register

*** Declaring an Interest**



Local Government Act 1995 – Extract

s.5.60A - Financial Interest

A person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

s.5.60B – Proximity Interest

A person has a proximity interest in a matter if the matter concerns —
 (a) a proposed change to a planning scheme affecting land that adjoins the person's land; or
 (b) a proposed change to the zoning or use of land that adjoins the person's land; or
 (c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land.

5.65 - Members' interests in matters to be discussed at meetings to be disclosed.

- (1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest:
 - (a) in a written notice given to the CEO before the meeting; or (b) at the meeting immediately before the matter is discussed. (Penalties apply).
- (2) It is a defence to a prosecution under this section if the member proves that he or she did not know:
 - (a) that he or she had an interest in the matter; or (b) that the matter in which he or she had an interest would be discussed at the meeting.
- (3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

5.70 - Employees to disclose interests relating to advice or reports.

- (1) In this section: 'employee' includes a person who, under a contract for services with the local government, provides advice or a report on a matter.
- (2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.
- (3) An employee who discloses an interest under this section must if required to do so by the council or committee, as the case may be, disclose the extent of the interest. (Penalties apply).

5.71 - Employees to disclose interests relating to delegated functions.

If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and:

- (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter. (Penalties apply)

5.71A. - CEOs to disclose interests relating to gifts in connection with advice or reports

- (1) A CEO who has an interest relating to a gift in a matter in respect of which the CEO proposes to provide advice or a report, directly or indirectly, to the council or a committee must disclose the nature of the interest in a written notice given to the council.
- (2) A CEO who makes a disclosure under subsection (1) must not provide the advice or report unless the CEO is allowed to do so under section 5.71B(2) or (6).
- (3) A CEO who has an interest relating to a gift in a matter in respect of which another employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when the advice or report is provided.

Local Government (Administration) Regulations 1996 – Extract - In this clause and in accordance with Regulation 19AA "Interest" means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

1. Declaration of Opening and Announcements

2. Attendance, Apologies and Approved Leave of Absence

Councillor D (Darlene) Allston	Shire President
Councillor J (Jackie) Brooks	Deputy Shire President
Councillor H (Heather) Lake	
Councillor M (Mark) Lucas	
Councillor D (David) Gillespie	
Mr Ben Lewis	Chief Executive Officer
Mr Chris McNamara	Deputy CEO/Community and Economic Growth
Mr Mike Richardson	Executive Manager Infrastructure Services
Mr Gollie Coetzee	Executive Manager Corporate Services
Ms Michelle Head	Minute Taker

Gallery

Apologies

Councillor M (Matthew) Niikkula

Leave of Absence

3. Response to Previous Public Questions Taken on Notice

Nil

4. Public Question Time

5. Declarations of Interest

6. Applications for Leave of Absence

Nil

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 15 December 2022 be confirmed as a true and correct record of proceedings.

8. Announcements/ Reports of Elected Members

Nil

9. Announcements by the Presiding person without discussion

10. Petitions/ Deputation/Presentations/ Submissions

Nil

11. Matters Arising from Committees of Council

Nil

12. Reports of Officers

12.1.1 Acceptance of Lottery West Funding

File Reference	GS.PR.4 / GS.PR.30
Reporting Officer	Community and Economic Growth
Responsible Officer	Deputy CEO / Community & Economic Growth
Date of Report	10 January 2023
Applicant/Proponent	Nil
Disclosure of Interest	Nil
Attachment(s)	Nil

Purpose

1. That Council accepts the Lottery West funding of \$103,240 to continue the development of the Dark Sky Festival for the Ningaloo Eclipse 2023.

Background

2. The Shire of Exmouth will produce numerous free community activities and events that will form part of the Dark Sky's Festival that are accessible and inclusive, which will increase community connectivity. It will allow access to STEM education and cultural activities of a calibre that would otherwise be difficult to experience in a remote community.
3. The First Light Drone Show will be held in Exmouth on the night of the eclipse and the String Symphony will perform three times a day for three days at Federation Park alongside numerous other educational and recreational events.
4. The Shire needed supplementary funding to complement the Dark Sky Festival for the Ningaloo Eclipse. Funding has been secured from Lottery West to fund the First Light Drone show and Spare Parts Puppet Theatre to bring String Symphony to Exmouth.

Comment

5. The Shire has been working with JTSI and Mellen Events to produce the Dark Sky festival program. The Dark Sky Program is scheduled to be released to the public by JTSI in early February 2023.

Consultation

6. Lottery West
7. Department of Jobs Tourism, Science and Innovation
8. Mellen Events
9. Shire Executive Team

Statutory Environment

10. Local Government Act 1995
11. Local Government (Financial Management) Regulations 1996

Policy Implications

12. Nil

Financial Implications

13. \$103,240 to be received as revenue from Lottery West which will be expended for the Dark Sky Festival.

Risk Management

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance (operational) The staff will not be able to progress the events required for the eclipse without the allocation of funds.	Almost Certain	Major	High	Allocation of a budget will allow staff to confirm bookings and secure acts and services.
Financial Without a budget the event will rely on State funding only. This would limit the acts available to be part of the Dark Sky Festival.	Almost Certain	Major	High	Allocating a budget will allow the Shire to secure these acts.
Reputational Failure to run the event or provide the services to support the event would damage our reputation to the community, interstate and international travellers and the State Government.	Likely	Major	High	Provide the level of service expected by the State Government and travellers.

Risk Matrix

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

Alternate Options

14. Council has the option to not accept the funding agreement, which is not recommended.

Strategic Alignment

15. 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.
 - 1.2 Ensure a full suite of services to meet the needs of families and individuals at all ages and stages of life.
 - 1.3 Building Community cohesion and connectedness.
- Built Environment | **Enable sustainable development and infrastructure that meets the needs of the community, visitors and industry**
 - 3.1 Infrastructure and assets are well-managed and maintained.
 - 3.2 Plan and cater for increased population growth.
 - 3.3 Revitalisation and expansion of airport services.

Economy	Enhance a robust, resilient and diversified economy that champions innovation 4.1 Increase opportunities for smart and sustainable business ideas. 4.2 Establish Exmouth as a vibrant, welcoming and environmentally aware destination. 4.3 Promote Exmouth as a thriving economy based on its regional strength as a global environmental hotspot.
Governance & Leadership	Foster open, transparent & accountable leadership, working collaboratively and in partnership with our community and stakeholders 5.1 Forward-thinking leadership for efficient and sustainable operations. 5.2 Continued focus on transparent, accountable leadership and community stakeholder engagement. 5.3 Council and administration plan and lead with good governance.

Voting Requirements

16. Simple Majority

Officers Recommendation	Item 12.1.1
That Council: 1. Accept the Lottery West Funding of \$103,240; and 2. Approve the expenditure of \$103,240 for the Dark Sky Festival.	

12.1.2 Acceptance of Funding from the Department of Jobs, Tourism Science and Innovation

File Reference	GS.PR.30
Reporting Officer	Deputy CEO / Community & Economic Growth
Responsible Officer	Chief Executive Officer
Date of Report	9 January 2023
Applicant/Proponent	Nil
Disclosure of Interest	Nil
Attachment(s)	1. Letter from Deputy Premier, Minister for Tourism

Purpose

1. That Council accept the State Government funding of \$1,254,780 to continue the development the Welch Street camping site.

Background

2. Council at its ordinary Council meeting dated 25 August 2022 resolved the following:

COUNCIL RESOLUTION**ITEM 12.1.3****Res No: 04-0822****MOVED: Cr Lucas****SECONDED: Cr Brooks****ALTERNATE RECOMMENDATION****That Council:**

- 1 **Approve a budget of \$550,000 for the planning and development of the Total Solar Eclipse, which will be funded through the estimated Welch St camping revenue of \$550,000;**
- 2 **Approve the proposed new fees for the camping sites at the proposed Welch Street temporary camping site:**
 - a. **Camping Site (access to ablutions) - \$120 / per night (two people) and \$20 / per night for every extra person (up to a maximum of 6 people per site);**
 - b. **Self-contained Site (no access to ablutions) - \$80 / night (two people) and \$20 / per night for every extra person (up to a maximum of 6 people per site); and**
- 3 **Authorise to give local public notice of the intent to propose new fees for the camping sites at the proposed Welch Street temporary camping site which will be imposed on 28 September 2022.**

CARRIED by ABSOLUTE MAJORITY 6/0

3. It was anticipated that the Shire would need between \$2-\$2.4 million to successfully deliver the proposed projects taking place during the Total Solar Eclipse period (TSE).
4. In June 2022, the Shire successfully obtained \$975,000 from JTSI for the development of TSE projects.
5. The Shire Administration has continued to negotiate with the State to ensure that Council is not responsible for funding the eclipse over and above its normal daily service delivery.

6. The new Financial Assistance Agreement will reflect that the state government has committed a total of \$2,520,640. \$2,229,780 of the total funding is for the Shire of Exmouth for the Total Solar Eclipse and \$290,860 will go to Mellen Events for the Dark Sky Festival program.
7. This supplementary funding of \$1,254,780 is in addition to the \$975,000 already approved by JTSI.

Comment

8. The funding allocated by JTSI for Welch Street will provide up to a total of 1000 sites, with a mixed ratio of self-contained and camping sites.
9. Currently there are 360 of the 500 allocated 'self-contained' sites booked in Welch Street. The 'tent site' - non-self-contained bookings, (when open for booking) may be a challenge to fill, as the majority of International Tour Operators (ITOs) have cancelled their proposed bookings due to a number of factors outside the control of the Shire. The revenue from Welch Street campground may be less than initially anticipated. It is expected that the revenue from Welch Street will be offset against internal wages and associated operational costs.
10. Welch Street will be open from 07 April 2023 to 30 April 2023 (inclusive) for bookings.
11. Town Beach Upgrades are on track and the official opening is set for late March 2023.
12. A waste management plan has been developed and the RFQ closed on 1 February 2023.

Consultation

13. Shire Executive Team
14. Department of Jobs Tourism, Science and Innovation

Statutory Environment

15. Local Government Act 1995
16. Caravan Parks and Camping Grounds Regulations 1997
17. Local Government (Financial Management) Regulations 1996
18. Public Health Act 2016

Policy Implications

19. Nil

Financial Implications

20. Accept \$1,254,780 to allow for the continuation of the development of the Welch Street temporary campsite.

Risk Management

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance (operational) the staff will not be able to progress the works required for the eclipse without the allocation of funds.	Almost Certain	Major	High	This budget will allow Welch St to be developed.
Financial Without the budget, the Shire would not be able to complete Welch St The Shire would have to refund all the bookings.	Almost Certain	Major	High	This budget will allow Welch St to be developed. No bookings will need to be refunded.
Environmental	Almost Certain	Major	High	This budget will allow a 1000 site to be developed.

Without the budget, this could allow for illegal camping.				
Reputational Failure to provide the camp site to support the event would damage our reputation to the community, interstate and international travellers and the State Government.	Almost Certain	Major	High	Provide the level of service expected by the State & Local Government and visitors.

Risk Matrix

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

Alternate Options

21. Not Accept the funding and cancel the project, which is not recommended.

Strategic Alignment

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

Social	<p>Nurture a friendly, safe and inclusive community spirit</p> <p>1.1 Improve local community and visitor experiences.</p> <p>1.2 Ensure a full suite of services to meet the needs of families and individuals at all ages and stages of life.</p> <p>1.3 Building Community cohesion and connectedness.</p>
Built Environment	<p>Enable sustainable development and infrastructure that meets the needs of the community, visitors and industry</p> <p>3.1 Infrastructure and assets are well-managed and maintained.</p> <p>3.2 Plan and cater for increased population growth.</p> <p>3.3 Revitalisation and expansion of airport services.</p>
Economy	<p>Enhance a robust, resilient and diversified economy that champions innovation</p> <p>4.1 Increase opportunities for smart and sustainable business ideas.</p> <p>4.2 Establish Exmouth as a vibrant, welcoming and environmentally aware destination.</p> <p>4.3 Promote Exmouth as a thriving economy based on its regional strength as a global environmental hotspot.</p>
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>

Voting Requirements

23. Simple Majority

Officers Recommendation

Item 12.1.2

That Council:

1. Accept the State Government funding of \$1,254,780; and
2. Approve the expenditure of \$1,254,780 for the development of the Welch Street temporary campsite.



**Deputy Premier
Minister for State Development, Jobs and Trade;
Hydrogen Industry; Tourism; Science**

Mr Ben Lewis
Chief Executive Officer
Shire of Exmouth
PO Box 21
EXMOUTH WA 6707
Email:

Further to my response of 29 November 2022 to the Shire of Exmouth's (the Shire) request for additional funding to assist its planning for the Total Solar Eclipse (TSE), I understand work to ensure the delivery of the safe and enjoyable event to the community and visitors is continuing.

I am pleased to advise that the Government will provide funding of up to \$1,254,780 to the Shire to develop the Welch Street camping site. This complements the work being carried out by Water Corporation to provide temporary water infrastructure on the Welch Street site for the TSE, and permanent upgrades within the Exmouth township.

An additional \$290,860 will be allocated from The Department of Jobs, Tourism, Science and Innovation's (JTSI) existing TSE budget to support delivery of recommended events in Exmouth. This will be provided to the Mellen Events and We Are Gather Joint Venture, working in collaboration with the Shire to increase efficiencies and ensuring that these events form part of the Dark Sky Festival program.

Together with previous funding provided through a Financial Assistance Agreement (FAA), the Government has committed up to \$2,520,640 to the Shire for the TSE.

I am advised that JTSI is continuing to work with the Shire to finalise the detail of the funding request as well as developing a new FAA to facilitate the Welch Street funding.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Roger Cook'.

**HON ROGER COOK MLA
DEPUTY PREMIER
MINISTER FOR STATE DEVELOPMENT, JOBS & TRADE**

- 6 JAN 2023

13. Elected Members Motions of which previous Notice has Been Given
14. New Business of an Urgent nature introduced by Decision of Meeting
15. Matters to be considered Behind Closed Doors
16. Closure of Meeting