



Minutes

Ordinary Council Meeting

24 October 2024

Confirmation of Minutes

I hereby certify that the Minutes and Attachments of the Ordinary Council Meeting held on 24 October 2024 are a true and accurate record of the proceedings contained therein.

Shire President

21/11/2024

Date

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.

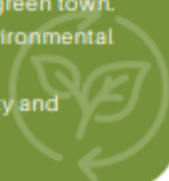
- Increase opportunities for smart and sustainable business ideas.
- Establish Exmouth as a vibrant, welcoming and environmentally aware destination.
- Promote Exmouth as a thriving economy based on its regional strength as a global environmental hotspot.



NATURAL ENVIRONMENT

Embrace natural sensitivities and promote positive change.

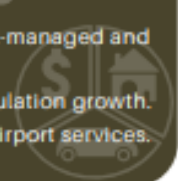
- Establish Exmouth as a clean and green town.
- Prepare Exmouth for changing environmental conditions.
- Increase awareness of sustainability and environmental issues.



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 4.00 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 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

Shire President M (Matthew) Niikkula

Councillor J (Jackie) Brooks Deputy Shire President

Councillor D (Darlene) Allston

Councillor D (David) Gillespie

Councillor T (Todd) Bennett

Councillor K (Kristy) Devereux

Councillor M (Mark) Lucas

Mr Ben Lewis Chief Executive Officer

Mr Ziggy Wilk Chief Operations Officer

Mrs Vikki Lauritsen Chief Financial Officer

Ms Michelle Head Minute Taker

3. Response to Previous Public Questions Taken on Notice

Nil

4. Public Question Time

The following public question was received prior to the Council meeting:

Question received from Leanne Riley

1. *After attending the recent Exmouth Gulf Taskforce information meeting and the Premiers town hall event, it is apparent that the general community of Exmouth has a high level of support for the Exmouth Gulf Taskforce interim recommendation that the WHOLE of the Exmouth Gulf should be protected as a marine park (not just the eastern & southern portions of the Gulf currently considered for protection).*

I see that the Exmouth shire abstained from voting on the Exmouth Gulf Taskforce recommendations to the Minister for Environment in the interim report.

Considering that NOW is the time and opportunity for the outstanding environmental, cultural, economic and social values of the Gulf to be protected, as recognized in the recommendations, my question is, how will the Exmouth Shire vote on these recommendations for the final report?

Shire Response:

The Shire abstained from voting at the time because it was in caretaker mode in September 2023, prior to the October elections last year and we were unable to vote, as was the Shire of Ashburton.

The Shire has since had a presentation from the Exmouth Gulf Taskforce, the recommendation in the interim report is supported by Council and are awaiting to see the final report. The Shire is a stakeholder, and there are community representatives on the group. The Shire is supportive of the interim findings as presented.

Council pushed hard for a Gulf Taskforce and a study to be done into the environmental aspects of the gulf so there was a reference; a set of ground rules. Council was a very big pusher of getting the Exmouth Gulf Taskforce ordained by the Environment Minister.

Questions from Phil Davies

1. *In September 2023, The Exmouth Gulf Taskforce released their interim report regarding Protection and Management of the Exmouth Gulf. At the time the Exmouth council was in "caretaker" mode and therefore, the Shire Representative for the Exmouth Gulf Taskforce, abstained from voting on this important document.*

Given the overwhelming community support to protect the Exmouth Gulf and the Shire's own "Strategic Community Plan" which clearly indicates advocating for the protection of Environmental assetsand it also states from the Community key messages that Protecting the natural environment is an absolute value.

Can the council please now confirm that you've read the Exmouth Gulf Taskforce interim report and form a position on it?

Could this.....then be added as an agenda item at a future meeting?

Shire Response:

Council has since had a presentation from the Exmouth Gulf Taskforce, after the election which took Council through their findings and the current status.

There is no requirement for Council to formally vote on the final report to the Minister. However, Council, through its representative, will continue to advocate for Council's vision and goals as outlined in our Strategic Community Plan.

Council will receive a copy of the final report once it has been formally submitted to the Minister.

Council has no objection to the interim report.

2. *I am one of the volunteers for the Care Group and I help maintain the kangaroo rehabilitation compound and also feed the kangaroos with my daughter.*

Last week on Tuesday 15th October at 130 pm Gascoyne Gateway Limited (GGL) and Traditional owners drove 3 cars around a locked gate to gain access to the CARE Group Lease without prior permission from the CARE group. We have since found out that this entry to the lease was to conduct their cultural heritage surveys for the proposed deepwater port.

My understanding is that GGL had to give the CARE group reasonable notice prior to entry of their lease! This certainly did not happen.

Alarm was raised at 1.39 pm within the CARE Group, and the Shire was also notified of this event shortly afterwards..... (to which they acted swiftly)

GGL, did send an email to CARE group..... but not until 3.30 pm (2 hours after entry to site) and it was probably generated in response to the shire's intervention.

The email GGL sent, stated that "we may see people passing through the "previous" Hale School lease" and only made reference to the shared access, with the CARE Group..... this is what actually happened -GGL gave no notice of plans to enter the lease, drove around the locked gate, over a water line for the animal trough and then parked their cars on the enclosure fence line and then spent significant time within the CARE group lease area. The CARE group understands that these types of surveys need to be done but would like to think protocols need to be followed by GGL- not to mention a common courtesy.

So, as far as the CARE group is concerned, GGL breached their conditions of entry for accessing the CARE Group lease.

I understand that the shire has also put certain conditions on GGL asking them to supply access times, visitor details and description of works in regard to conducting these surveys and access to the CARE Group.

So my question is- Did GGL notify the shire and adhere to all the other requirements set out by the shire..... prior to their environmental studies and access to site or did they fail to do so as they have done with the CARE Group?

If so, may I see the proof please?

Shire Response:

Department of Planning, Lands and Heritage (DPLH) issued a Section 91 licence to access an area for survey. The Shire provided authorisation to Gascoyne Gateway Limited (GGL) to access the leased areas within the Shire's control subject to the following conditions:

- 1. By giving reasonable notice to the CARE Group and also giving CARE Group representatives the option of being present on site in the event they consider it appropriate if animals are on site and in care. Please contact Brittany, contact details below, to ascertain the notice required.**
- 2. Providing both the Shire and CARE Group with the access times and details of personnel/company at site with description of works to be undertaken including time required at site.**
- 3. Ensuring that public and professional liability is provided by yourselves or your agents accessing the land.**
- 4. Advising the Shire and CARE Group when the access to the land will cease.**

The Shire was in receipt of the same emailed correspondence that the CARE Group received.

The Shire is still in discussion with GGL regarding access.

Question from John Devereux

- 1. Gascoyne Gateway recently accessed my private property in the Wilderness Estate without my permission or my knowledge...*

I assume this was part of the cultural survey for their deep-water port development given the markers that were left – but my property is not a part of that development.

I have also learned that GGL accessed the CARE leased land without first seeking permission

for the same survey. I assume GGL were in our vicinity because the Section 91 licence was issued to them by DPLH recently, however my understanding is that the Section 91 would be granted with a list of conditions specified by this Council at the OCM last May.

Also, you as a Council assured the community these conditions would be adhered to, and was the actual reason you supported the Section 91 being granted.

I have some serious concerns that I think this council needs to be aware of and some questions I hope you can answer:

My number one concern is GGLs history of not following the rules/conditions or simple legal procedures:

- In September 2020, GGL placed surveillance cameras overlooking the beach at Qualing Pool without the necessary permits – this incident resulted in a Police investigation.*
- In July 2021, GGL accessed Crown Land between Qualing Pool and the CARE lease, again without the necessary permits, and conducted a number of ground-disturbing soil studies - this incident was investigated by the Shire who then stopped GGLs investigations immediately.*
- And now this - GGL have trespassed on my private land without seeking permission.*

My questions are:

- Can the Shire confirm that the conditions stipulated by the Council in the May 2023 OCM have in fact been applied to the section 91 licence by DPLH?*
- If not, can you please take this on notice and investigate this further and report back the details to the community at a future meeting? Specifically, what conditions were listed and what are the consequences should GGL breach any of these conditions.*

Shire Response:

- 1. Council was requested to provide comment to Department of Planning, Lands and Heritage (DPLH) regarding the application for a Section 91 licence. Council resolved to provide comment and conditions in relation to the issuance of a Section 91 licence. DPLH as the issuing body applies conditions to a license as they see fit which may or may not include the comments and conditions provided by Council. The Shire has not received a copy of the Section 91 license and therefore, cannot confirm what conditions were applied to the licence.**
- 2. The Shire will contact DPLH in an attempt to see what conditions were placed on the licence. However, it needs to be noted that DPLH is not under any obligation to provide details of a licence or conditions to anyone outside of the applicant.**

Public question time closed at 4.21pm.

5. Declarations of Interest

Name	Report	Type and Nature of Interest	Extent of Interest
Cr Darlene Allston	12.3.3 - Lease – Ningaloo Centre Cafe	Financial Interest	Leave the room and not be involved in discussions or debate.

6. Applications for Leave of Absence

Councillor Allston requested a leave of absence for the November Ordinary Council meeting and will be absent from the 18 November 2024 until the 22 November 2024 inclusive.

COUNCIL RESOLUTION	ITEM 6
Res No: 01-1024	
MOVED: Cr Niikkula	
SECONDED: Cr Brooks	
 Councillor Allston requested a leave of absence for the November Ordinary Council meeting and will be absent from the 18 November 2024 until the 22 November 2024 inclusive.	
CARRIED 6/0	
For: President Niikkula, Cr Brooks, Cr Bennett, Cr Devereux, Cr Gillespie, Cr Lucas	

Councillor Gillespie requested a leave of absence for the November Ordinary Council meeting and will be absent from the 18 November 2024 until the 22 November 2024 inclusive.

COUNCIL RESOLUTION	ITEM 6
Res No: 02-1024	
MOVED: Cr Niikkula	
SECONDED: Cr Brooks	
 Councillor Gillespie requested a leave of absence for the November Ordinary Council meeting and will be absent from the 18 November 2024 until the 22 November 2024 inclusive	
CARRIED 6/0	
For: President Niikkula, Cr Brooks, Cr Allston, Cr Bennett, Cr Devereux, Cr Lucas	

7. Confirmation of Minutes of Previous Meetings

That the Minutes and associated attachments of the Ordinary Council Meeting of the Shire of Exmouth held on 19 September 2024 be confirmed as a true and correct record of proceedings.

COUNCIL RESOLUTION	ITEM 7
Res No: 03-1024	
MOVED: Cr Brooks	
SECONDED: Cr Bennett	
 That the Minutes and associated attachments of the Ordinary Council Meeting of the Shire of Exmouth held on 19 September 2024 be confirmed as a true and correct record of proceedings.	
CARRIED 7/0	
For: President Niikkula, Cr Brooks, Cr Allston, Cr Bennett, Cr Devereux, Cr Gillespie, Cr Lucas	

8. Announcements/ Reports of Elected Members

Cr Darlene Allston	25/09	Attendance at the Regional Economic Development Grants Announcement
	25/09	Town Hall Meeting
	26/09	Meeting with Peter Foster MLC, Deputy Premier Rita Saffioti and Kevin Michael MLA

	8/10	As President ALGWA WA, hosted the 2024 Women in Local Government Forum at Perth Convention and Exhibition Centre. The forum hosted 100 attendees with keynote speaker, Hon. Hannah Beazley MLA and other leading executives, elected members and officers from within local government. Regional WA was well represented, and it was a great opportunity for networking in local government.
Cr Jackie Brooks	25/09 25/09 26/09	Attendance at the Regional Economic Development Grants Announcement Town Hall Meeting Meeting with Peter Foster MLC, Deputy Premier Rita Saffioti and Kevin Michael MLA
Cr Lucas	25/09 25/09 26/09 24/10	Attendance at the Regional Economic Development Grants Announcement Town Hall Meeting Meeting with Peter Foster MLC, Deputy Premier Rita Saffioti and Kevin Michael MLA Community and Sporting Grants assessment
Cr Gillespie	25/09 25/09 26/09	Attendance at the Regional Economic Development Grants Announcement Town Hall Meeting Meeting with Peter Foster MLC, Deputy Premier Rita Saffioti and Kevin Michael MLA
Cr Bennett	25/09 25/09 26/09 8-10/10	Attendance at the Regional Economic Development Grants Announcement Town Hall Meeting Meeting with Peter Foster MLC, Deputy Premier Rita Saffioti and Kevin Michael MLA Attended WALGA Local Government Convention
Cr Devereux	25/09 25/09 26/09 8-10/10 24/10	Attendance at the Regional Economic Development Grants Announcement Town Hall Meeting Meeting with Peter Foster MLC, Deputy Premier Rita Saffioti and Kevin Michael MLA Attended WALGA Local Government Convention, including the ALGWA 2024 Women in Local Government Forum Community and Sporting Grants assessment

9. Announcements by the Presiding Person without Discussion

The Shire President attended the following recent events:

- Attended the EDHS Year 12 Presentation Night, and
- Conducted a Citizenship Ceremony for six new Australian Citizens.

10. Petitions/ Deputation/Presentations/ Submissions

Nil

11. Matters Arising from Committees of Council

Nil

12. Reports of Officers

EXECUTIVE SERVICES

12.1.1 SHIRE CHRISTMAS/NEW YEAR CLOSURE

File Reference	GV.CM.0
Reporting Officer	Coordinator Governance
Responsible Officer	Chief Executive Officer
Date of Report	25 September 2024
Applicant/Proponent	Nil
Disclosure of Interest	Nil
Attachment(s)	Nil

Purpose

1. That Council consider the closing period for Shire departments during the annual Christmas and New Year period.

Background

2. In previous years Council has resolved to close the Shire Office over the Christmas and New Year period. Shire staff will take annual or accumulated leave for the days on which the office is closed.
3. This year, the days in question are Friday 27 December, Monday 30 December and Tuesday 31 December 2024.
4. Generally, the town is very quiet at this time of the year, and previous closure periods of this nature have not been an inconvenience to the community. A senior officer of the Shire will be in town during this period should an emergency arise.
5. It is anticipated that the Shire Administration Office, Library and Depot will be closed from 2.00 pm Tuesday 24 December 2024 and reopen Thursday 2 January 2025.

Comment

6. The following table identifies the specific dates Shire departments will be closed during the Christmas period.

	Shire Office	Ningaloo Visitor Centre	Library	Swimming Pool	Waste Facility	Depot	Airport
Tue 24/12	8.30 – 2.00	8.30 – 2.00	8.30 – 2.00	11.00 – 6.00	8.00 – 12.00 1.00 – 3.00	8.00 – 2.00	Normal operating hours will apply during this period.
Wed 25/12	closed	closed	closed	closed	closed	closed	
Thur 26/12	closed	closed	closed	closed	closed	closed	
Fri 27/12	closed	8.30 – 4.30	closed	11.00 – 6.00	8.00 – 12.00 1.00 – 3.00	closed	
Sat 28/12	closed	9.00 – 1.00	closed	12.00 – 6.00	8.00 – 12.00 1.00 – 3.00	closed	
Sun 29/12	closed	9.00 – 1.00	closed	closed	closed	closed	
Mon 30/12	closed	8.30 – 4.30	closed	11.00 – 6.00	8.00 – 12.00 1.00 – 3.00	closed	
Tues 31/12	closed	8.30 – 4.30	closed	11.00 – 6.00	8.00 – 12.00 1.00 – 3.00	closed	
Wed 01/01	closed	closed	closed	closed	closed	closed	
Thur 02/01	All departments return to normal operating hours.						

- No early morning swimming (6 am –7.30 am) Fri 27/12/24 or Mon 30/12/24
- Minimal depot staff will continue to operate during this time to maintain services.

Consultation

7. Executive Leadership Team

Statutory Environment

8. Nil

Policy Implications

9. Nil

Financial Implications

10. Nil

Risk Management

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Service Interruption	Almost certain	Minor	High	A senior staff member in town and contactable. Skelton depot crew for town amenities and waste collection.
Financial Impact	Almost Certain	Minor	High	Reviewed previous years' income vs expenses while being open during this period is insignificant.

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

11. The Shire Offices only close for the public holidays, Wednesday 25 December 2024, Thursday 26 December 2024 and Wednesday 1 January 2025.

Strategic Alignment

12. 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

13. Simple Majority

Officers Recommendation

Item 12.1.1

That Council APPROVE the closing period for Shire departments during the annual Christmas and New Year period as listed below:

	Shire Office	Ningaloo Visitor Centre	Library	Swimming Pool	Waste Facility	Depot	Airport
Tue 24/12	8.30 – 2.00	8.30 – 2.00	8.30 – 2.00	11.00 – 6.00	8.00 – 12.00 1.00 – 3.00	8.00 – 2.00	Normal operating hours will apply during this period.
Wed 25/12	closed	closed	closed	closed	closed	closed	
Thur 26/12	closed	closed	closed	closed	closed	closed	
Fri 27/12	closed	8.30 – 4.30	closed	11.00 – 6.00	8.00 – 12.00 1.00 – 3.00	closed	
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Sun 29/12	closed	9.00 – 1.00	closed	closed	closed	closed	
Mon 30/12	closed	8.30 – 4.30	closed	11.00 – 6.00	8.00 – 12.00 1.00 – 3.00	closed	
Tues 31/12	closed	8.30 – 4.30	closed	11.00 – 6.00	8.00 – 12.00 1.00 – 3.00	closed	
Wed 01/01	closed	closed	closed	closed	closed	closed	
Thur 02/01	All departments return to normal operating hours.						

COUNCIL RESOLUTION

ITEM 12.1.1

Res No: 04-1024

MOVED: Cr Devereux

SECONDED: Cr Allston

That Council APPROVE the closing period for Shire departments during the annual Christmas and New Year period as listed below:

	Shire Office	Ningaloo Visitor Centre	Library	Swimming Pool	Waste Facility	Depot	Airport
Tue 24/12	8.30 – 2.00	8.30 – 2.00	8.30 – 2.00	11.00 – 6.00	8.00 – 12.00 1.00 – 3.00	8.00 – 2.00	Normal operating hours will apply during this period.
Wed 25/12	closed	closed	closed	closed	closed	Closed	
Thur 26/12	closed	closed	closed	closed	closed	Closed	
Fri 27/12	closed	8.30 – 4.30	closed	11.00 – 6.00	8.00 – 12.00 1.00 – 3.00	Closed	
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Sun 29/12	closed	9.00 – 1.00	closed	closed	closed	Closed	
Mon 30/12	closed	8.30 – 4.30	closed	11.00 – 6.00	8.00 – 12.00 1.00 – 3.00	Closed	
Tues 31/12	closed	8.30 – 4.30	closed	11.00 – 6.00	8.00 – 12.00 1.00 – 3.00	Closed	
Wed 01/01	closed	closed	closed	closed	closed	Closed	
Thur 02/01	All departments return to normal operating hours.						

CARRIED by SIMPLE MAJORITY 7/0

For: President Niikkula, Cr Brooks, Cr Allston, Cr Bennett, Cr Devereux, Cr Gillespie, Cr Lucas

12.1.2 LOCAL GOVERNMENT ELECTION – ADVOCACY POSITION

File Reference	GV.EL.0
Reporting Officer	Chief Executive Officer
Responsible Officer	As above
Date of Report	14 October 2024
Applicant/Proponent	Nil
Disclosure of Interest	Nil
Attachment(s)	Nil

Purpose

1. That Council endorse its Election Advocacy Positions and provide to the Western Australian Local Government Association (WALGA) for tabling at the December 2024 State Council meeting.

Background

2. The *Local Government Amendment Act 2023* introduced a range of electoral reforms that came into effect prior to the 2023 Local Government ordinary elections:
 - the introduction of Optional Preferential Voting (OPV);
 - extending the election period to account for delays in postal services;
 - changes to the publication of information about candidates;
 - backfilling provisions for extraordinary vacancies after the 2023 election;
 - public election of the Mayor or President for larger Local Governments;
 - abolishing wards for smaller Local Governments; and
 - aligning the size of councils with the size of populations of each Local Government (change to representation)
3. Following requests from several Zone's, WALGA undertook a comprehensive review and analysis of 5 ordinary election cycles up to and including the 2023 Local Government election against the backdrop of these legislative reforms. The review and report focused on postal elections conducted exclusively by the Western Australian Electoral Commission (WAEC), with the analysis finding evidence of the rising cost and a reduction in service of conducting Local Government elections in Western Australia.

Comment

4. The Elections Analysis Review and Report was presented to State Council 4 September 2024, with State Council supporting a review of WALGA's Local Government Elections Advocacy Positions.
5. WALGA is requesting Councils consider the current and alternative Elections Advocacy Positions and provide a response back to WALGA for the December 2024 State Council meeting.
6. The following is a summary of WALGA's current Advocacy Positions in relation to Local Government Elections:

2.5.15 Elections

Position Statement	<p>The Local Government sector supports:</p> <ol style="list-style-type: none"> 1. Four year terms with a two year spill 2. Greater participation in Local Government elections 3. The option to hold elections through: <ol style="list-style-type: none"> 1. Online voting 2. Postal voting, and 3. In-person voting 4. Voting at Local Government elections to be voluntary 5. The first past the post method of counting votes
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	The Local Government sector opposes the introduction of preferential voting, however if 'first past the post' voting is not retained then optional preferential voting is preferred.
Background	The first past the post (FPTP) method is simple, allows an expression of the electorate's wishes and does not encourage tickets and alliances to be formed to allocate preferences.
State Council Resolution	February 2022 – 312.1/2022 December 2020 – 142.6/2020 March 2019 – 06.3/2019 December 2017 – 121.6/2017 October 2008 – 427.5/2008
Supporting Documents	Advocacy Positions for a New Local Government Act WALGA submission: Local Government Reform Proposal (February 2022)

2.5.16 Method of Election of Mayor

Position Statement	Local Governments should determine whether their Mayor or President will be elected by the Council or elected by the community.
State Council Resolution	February 2022 – 312.1/2022 March 2019 – 06.3/2019 December 2017 – 121.6/2017

2.5.18 Conduct of Postal Elections

Position Statement	The <i>Local Government Act 1995</i> should be amended to allow the Australian Electoral Commission (AEC) and any other third party provider including Local Governments to conduct postal elections.
Background	Currently, the WAEC has a legislatively enshrined monopoly on the conduct of postal elections that has not been tested by the market.
State Council Resolution	May 2023 – 452.2/2023 March 2019 – 06.3/2019 December 2017 – 121.6/2017 March 2012 – 24.2/2012

WALGA has requested the following advocacy positions be considered by Councils:

1. Participation	(a) The sector continues to support voluntary voting at Local Government elections. OR (b) The sector supports compulsory voting at Local Governments elections.
2. Terms of Office	(a) The sector continues to support four-year terms with a two year spill; OR (b) The sector supports four-year terms on an all in/all out basis.
3. Voting Methods	(a) The sector supports First Past the Post (FPTP) as the preferred voting method for general elections. If Optional Preferential Voting (OPV) remains as the primary method of voting, the sector supports the removal of the 'proportional' part of the voting method for general elections. OR (b) The sector supports Optional Preferential Voting (OPV) as the preferred voting method for general elections.

4. Internal Elections	(a) The sector supports First Past the Post (FPTP) as the preferred voting method for all internal elections. OR (b) The sector supports Optional Preferential Voting (OPV) as the preferred voting method for all internal elections.
5. Voting Accessibility	The sector supports the option to hold general elections through: (a) Electronic voting; and/or (b) Postal voting; and/or (c) In-Person voting.
6. Method of Election of Mayor	The sector supports: (a) As per the current legislation with no change – Class 1 and 2 local governments directly elect the Mayor or President (election by electors method), with regulations preventing a change in this method. (b) Return to previous legislated provisions – all classes of local governments can decide, by absolute majority, the method for electing their Mayor or President. (c) Apply current provisions to all Bands of Local Governments – apply the election by electors method to all classes of local governments.

Consultation

7. WALGA

Statutory Environment

8. Nil

Policy Implications

9. Nil

Financial Implications

10. Nil

Risk Management

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance may be affected depending on the outcomes of any future reform changes	Possible	Insignificant	Low	Provide an advocacy position to ensure council's position is made clear
Potential reputational risk to Council should the voting method for electing the President move back to voting within the Council, the community may see this as Council backflipping and not listening to the community	Possible	Insignificant	Low	Council advocates to retain the current method of selecting the President.
Financial impact to Council placing additional financial strain on the organisation	Unlikely	Minor	Low	Moving to a 4 yearly cycle would reduce the cost currently incurred on a 2 year cycle

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

- Council may resolve not to provide a response and not take an advocacy position.

Strategic Alignment

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

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

- Simple Majority

Officers Recommendation	Item 12.1.2
<p>That Council recommends that WALGA adopt the following Local Government Election Advocacy Positions:</p> <ol style="list-style-type: none"> PARTICIPATION – Council support advocacy position: <ol style="list-style-type: none"> The sector continues to support voluntary voting at Local Government elections. OR The sector supports compulsory voting at Local Governments elections. TERMS OF OFFICE - Council support advocacy position: <ol style="list-style-type: none"> The sector continues to support four-year terms with a two year spill; OR The sector supports four-year terms on an all in/all out basis. VOTING METHODS - Council support advocacy position: <ol style="list-style-type: none"> The sector supports First Past the Post (FPTP) as the preferred voting method for general elections. If Optional Preferential Voting (OPV) remains as the primary method of voting, the sector supports the removal of the ‘proportional’ part of the voting method for general elections. OR The sector supports Optional Preferential Voting (OPV) as the preferred voting method for general elections. INTERNAL ELECTIONS - Council support advocacy position: <ol style="list-style-type: none"> The sector supports First Past the Post (FPTP) as the preferred voting method for all internal elections. OR The sector supports Optional Preferential Voting (OPV) as the preferred voting method for all internal elections. 	

5. **VOTING ACCESSIBILITY - Council support advocacy position:**
The sector supports the option to hold general elections through:
- Electronic voting; and/or
 - Postal voting; and/or
 - In-Person voting.
6. **METHOD OF ELECTION OF MAYOR - Council support advocacy position:**
The sector supports:
- As per the current legislation with no change – Class 1 and 2 local governments directly elect the Mayor or President (election by electors method), with regulations preventing a change in this method.
 - Return to previous legislated provisions – all classes of local governments can decide, by absolute majority, the method for electing their Mayor or President.
 - Apply current provisions to all Bands of Local Governments – apply the election by electors method to all classes of local governments.

COUNCIL RESOLUTION

ITEM 12.1.2

Res No: 05-1024

MOVED: Cr Niikkula

SECONDED: Cr Bennett

That Council recommends that WALGA adopt the following Local Government Election Advocacy Positions:

- 1. PARTICIPATION – Council support advocacy position:**
 - The sector continues to support voluntary voting at Local Government elections.**
- 2. TERMS OF OFFICE - Council support advocacy position:**
 - The sector continues to support four-year terms with a two year spill;**
- 3. VOTING METHODS - Council support advocacy position:**
 - The sector supports First Past the Post (FPTP) as the preferred voting method for general elections. If Optional Preferential Voting (OPV) remains as the primary method of voting, the sector supports the removal of the 'proportional' part of the voting method for general elections.**
- 4. INTERNAL ELECTIONS - Council support advocacy position:**
 - The sector supports First Past the Post (FPTP) as the preferred voting method for all internal elections.**
- 5. VOTING ACCESSIBILITY - Council support advocacy position:**

The sector supports the option to hold general elections through:

 - Electronic voting; and**
 - Postal voting.**

6. METHOLD OF ELECTION OF MAYOR - Council support advocacy position:

The sector supports:

- a) As per the current legislation with no change – Class 1 and 2 local governments directly elect the Mayor or President (election by electors’ method), with regulations preventing a change in this method.**

CARRIED by SIMPLE MAJORITY 7/0

For: President Niikkula, Cr Brooks, Cr Allston, Cr Bennett, Cr Devereux, Cr Gillespie, Cr Lucas

12.1.3 PROPOSED SCHEME AMENDMENT NO.12 TO LOCAL PLANNING SCHEME NO. 4 – FINAL ADOPTION CONSIDERATION

File Reference	LP.PL.4.12
Reporting Officer	Strategic Planning Officer
Responsible Officer	Chief Executive Officer
Date of Report	16 September 2024
Applicant/Proponent	Nil
Disclosure of Interest	Nil
Attachment(s)	1. Scheme Amendment Report 2. Schedule of Submissions

Purpose

1. That Council considers supporting final adoption, with modification, of Local Planning Scheme Amendment No.12 to Shire of Exmouth Local Planning Scheme No.4 as follows:
 1. Deleting Restricted Use R1 from scheme text and re-numbering other Restricted Uses accordingly.
 2. Rezoning portion of Lot 1030 (Reserve 28827), portion of Lot 913 (Reserve 33568), portion of Lot 1027 (Reserve 33569), and Lot 1364 (Reserve 41455) from 'Commercial Mixed Business – C3' to 'Commercial Retail Core – C1'."
 3. Adding Additional Use A13 to portion of Lot 1030 (Reserve 28827), portion of Lot 913 (Reserve 22568), portion of Lot 1027 (Reserve 33569), and Lot 1364 (Reserve 41455) for Residential Building, Workforce Accommodation, Grouped Dwelling, Multiple Dwelling, Holiday Accommodation, Hotel, Motel and Serviced Apartment at Schedule 2 – Additional Uses.
 4. Rezoning portion of Lot 1027 (Reserve 33569), portion of Lot 913 (Reserve 33568) and Lot 910 (Reserve 33566) to Reserve local road.
 5. Amending scheme maps accordingly.

(Note-the modification is listed in the Additional Use Schedule as new Point 13, as referenced in the Officers Recommendation of this Report)

Background

2. On 12 March 2019, the Shire of Exmouth Local Planning Scheme No.4 (LPS4) was published in the Government Gazette. LPS4, which includes the Scheme Text and Scheme Maps, provides the overarching planning framework for development within Exmouth; controlling and guiding development, growth and land use within the Shire of Exmouth.
3. The Zoning Table lists the Commercial Zone as having three sub-zones referenced as;
 - Retail Core (C1)
 - Mixed Use (C2)
 - Mixed Business (C3)
4. All sub zones list various land uses in the Zoning Table and in some cases restrict land uses that would in fact enhance a commercial zone.
5. The subject land is identified in the Exmouth Town Centre Structure Plan and the Hassell Report as being suitable for commercial land uses and residential uses noting that the current scheme does not permit such.

6. The subject land is identified as a C3 commercial zone which permits short stay accommodation but limits supermarket land use and residential use.
7. The subject land is currently identified as a Restricted Use for supermarket in Schedule 3 for which is proposed to be deleted. Presently the restricted use is considered as limiting development opportunities for the land. The discretionary land uses also include convenience store, fast food outlet, liquor store, restaurant/café, shop, small bar, tavern and car park.
8. This proposal would result in the land being identified as retail core area thus permitting primary commercial land use (including supermarket). The inclusion of Additional Use Schedule would guide a development for other land uses residential building, workforce accommodation, grouped dwelling, multiple dwelling, holiday accommodation, hotel/motel & serviced apartment.
9. Shire Staff has been liaising with the Department Planning Lands and Heritage Divestment Team for consideration of the land to be put to market by state government so that development in the Exmouth Town Centre can be prioritised and effected.
10. The Divestment Team has indicated that it is interested in the site and that the land is considered suitable for divestment.
11. Council has previously considered the scheme amendment and resolved to initiate the proposal of which has been given public notice.
12. A total of 7 Submissions were received of which all provided general planning advice. A Schedule of Submissions is attached as Appendix 2 of this Report.

Comment

13. Given the current restrictions to the site, administration is of the view that it may be more preferable and desirable as a development option if the land was deconstrained so that the market can more freely determine the appropriate commercial/mixed land use.
14. Additionally, it is considered appropriate to enable short stay or residential land uses as the Mixed Use Commercial zone currently permits.
15. There is a shortage of all accommodation types in Exmouth and limited commercial sites also.
16. Integrating mixed use at this site will enable the market to have greater flexibility to develop the site by permitting more land uses.
17. The *Planning and Development Act 2005 (Act)* and *Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)* set out the statutory process for adopting and amending a local planning scheme. The Act allows a local government to resolve to amend a local planning scheme.
18. It is recommended that Council resolves to support the amendment, as outlined in the Officers Recommendation.

Consultation

19. The Amendment No.12 was given public notice in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015* for a minimum period of 42 days, closing on the 7th September 2024. A Schedule of Submissions is attached as Appendix 2.

20. As a result of comments provided by the Department of Water and Environmental Regulation it is considered appropriate to include a further Point 13 in the Schedule of Conditions that states;

The Exmouth Floodplain Management Study (2007) shows that the general area is affected by major flooding with 1% AEP flood levels vary from 10.5 m AHD to ~11.75 m AHD as shown on the attached plan. Any future development in this area would be subject to a minimum habitable floor level of 0.50 metre above the adjacent 1% AEP flood level to ensure an appropriate level of flood protection.

21. Section 81 of the *Planning and Development Act 2005* requires a local government to refer an amendment to the Environmental Protection Authority for which was undertaken and determined that an assessment was not required.

Statutory Environment

- 22. Planning and Development Act 2005
- 23. Planning and Development (Local Planning Schemes) Regulations 2015
- 24. Local Planning Scheme No.4
- 25. Environmental Protection Act 1986

Policy Implications

26. Nil

Financial Implications

27. Nil

Risk Management

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational – the proposal may attract objections from members of the public or other public authorities.	Possible	Moderate	Moderate	Widely consulting with all parties who may be affected and all relevant public authorities should mitigate any risk in this regard. If necessary, further information can be provided as part of the amendment process. Undertaken and low risk confirmed.
Reputational – the proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning	Unlikely	Moderate	Moderate	In the unlikely event the request is not supported by the Minister however public tice did not result in any objection to the matter and staff has liaised with DPLH Officers on the matter.

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

28. Council may consider alternate options in relation to this item, such as:
- Resolve to not support the proposal however is to provide justification.; or
 - Resolve to support the proposal with modification to the Officer Recommendation and or the scheme provisions.

Strategic Alignment

29. 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>
Natural Environment	<p>Embrace natural sensitivities and promote positive change</p> <p>2.1 Establish Exmouth as a clean and green town</p> <p>2.3 Increase awareness of sustainability and environmental issues</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>
Economy	<p>Enhance a robust, resilient and diversified economy that champions innovation</p> <p>4.2 Establish Exmouth as a vibrant, welcoming and environmentally aware destination</p>
Governance & Leadership	<p>Foster open, transparent & accountable leadership, working collaboratively and in partnership with our community and stakeholders</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

30. Simple Majority

Officers Recommendation	Item 12.1.3
<p>That Council, pursuant to section 75 of the <i>Planning and Development Act 2005</i> and Part 5, the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, resolves to:</p>	
<p>a) SUPPORT Amendment No. 12, with modification, to amend Shire of Exmouth Local Planning Scheme No. 4 to;</p> <ul style="list-style-type: none"> i. Delete Restricted Use R1 from scheme text and re-numbering other Restricted Uses accordingly. ii. Rezone portion of Lot 1030 (Reserve 28817), Lot 913 (Reserve 33568), Lot 1027 (Reserve 33569), Lot 910 (Reserve 33566) and Lot 1364 (Reserve 41455) from ‘Commercial Mixed Business – C3’ to ‘Commercial Retail Core – C1’. iii. Rezone Lot 915 (Reserve 33567) from ‘Local Road’ to ‘Commercial Retail Core – C1’. iv. Add Additional Use A13 to portion of Lot 1030 (Reserve 28817), Lot 913 (Reserve 33568), Lot 1027 (Reserve 33569), Lot 910 (Reserve 33566), Lot 1364 (Reserve 41455) and Lot 915 (Reserve 33567) for Residential Building, Workforce Accommodation, Grouped Dwelling, Multiple 	

Dwelling, Holiday Accommodation, Hotel, Motel and Serviced Apartment at Schedule 2 – Additional Uses, as follows;

Schedule 2-Additional Uses

No	Description of the Land	Additional Use	Conditions
A13	Lots 1364, and Portion of Lot 1030 Maidstone Crescent and Lots 913 and 1027 Payne Street, Exmouth	Discretionary land uses; <ul style="list-style-type: none"> • residential building • workforce accommodation • grouped dwelling • multiple dwelling • holiday accommodation • hotel • motel • serviced apartment 	<ol style="list-style-type: none"> 1. If Additional Uses are proposed a Local Development Plan will be required to be prepared in accordance with Schedule 2, Part 4, clause 48 of the Regulations. 2. A Development Application (DA) is required for development of the land to the satisfaction of Council of which will be "A" use in the scheme. 3. The DA, at a minimum, will consider landscaping, waste management, car parking, traffic access & egress, servicing, pedestrian movement, mainstreet interface, streetscape, and address any upgrades particularly of Maidstone Crescent. 4. Residential Apartments will be required to be developed having regard for the State Planning Policy 7.3 R-Codes-Volume 2-Apartments. 5. It is a requirement for the lots to be amalgamated prior to development. 6. The road unmade road reserve from Maidstone Crescent to Payne Street is required to be constructed by the developer to the satisfaction of Council. 7. The commercial land use, is at all times to be the prominent land use to the satisfaction of Council. 8. If the development is staged the additional use shall proceed following development of the commercial premise. 9. Any additional use is to be placed above storey, generally, of the commercial use at ground storey. 10. The height limit of the overall development is limited to three storeys unless authorised by Council. 11. Trees of significance at the site are to be preserved unless approved by Council for removal.

			<p>12. Cash in Lieu of car parking will be required in the event of parking shortfall and subject to Council approval.</p> <p>13. The Exmouth Floodplain Management Study (2007) shows that the general area is affected by major flooding with 1% AEP flood levels vary from 10.5 m AHD to ~11.75 m AHD.</p> <p>Any future development in this area is subject to a minimum habitable floor level of 0.50 metre above the adjacent 1% AEP flood level to ensure an appropriate level of flood protection.</p>
<p>vii. Amend scheme maps accordingly.</p> <p>b) Receive the Schedule of Submissions and support the Officer Recommendations as detailed in Attachment 2.</p> <p>c) Forward the amendment documentation, to the Western Australian Planning Commission with a request that the Minister for Planning grant approval to the amendment.</p>			

COUNCIL RESOLUTION

ITEM 12.1.3

Res No: 06-1024

MOVED: Cr Gillespie
SECONDED: Cr Brooks

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

- a) **SUPPORT Amendment No. 12, with modification, to amend Shire of Exmouth Local Planning Scheme No. 4 to;**
 - i. **Delete Restricted Use R1 from scheme text and re-numbering other Restricted Uses accordingly.**
 - ii. **Rezone portion of Lot 1030 (Reserve 28817), Lot 913 (Reserve 33568), Lot 1027 (Reserve 33569), Lot 910 (Reserve 33566) and Lot 1364 (Reserve 41455) from 'Commercial Mixed Business – C3' to 'Commercial Retail Core – C1'.**
 - iii. **Rezone Lot 915 (Reserve 33567) from 'Local Road' to 'Commercial Retail Core – C1'.**
 - iv. **Add Additional Use A13 to portion of Lot 1030 (Reserve 28817), Lot 913 (Reserve 33568), Lot 1027 (Reserve 33569), Lot 910 (Reserve 33566), Lot 1364 (Reserve 41455) and Lot 915 (Reserve 33567) for Residential Building, Workforce Accommodation, Grouped Dwelling, Multiple Dwelling, Holiday Accommodation, Hotel, Motel and Serviced Apartment at Schedule 2 – Additional Uses, as follows;**

Schedule 2-Additional Uses			
No	Description of the Land	Additional Use	Conditions
A13	Lots 1364, and Portion of Lot 1030 Maidstone Crescent and Lots 913 and 1027 Payne Street, Exmouth	Discretionary land uses; <ul style="list-style-type: none"> • residential building • workforce accommodation • grouped dwelling • multiple dwelling • holiday accommodation • hotel • motel • serviced apartment 	<ol style="list-style-type: none"> 1. If Additional Uses are proposed a Local Development Plan will be required to be prepared in accordance with Schedule 2, Part 4, clause 48 of the Regulations. 2. A Development Application (DA) is required for development of the land to the satisfaction of Council of which will be "A" use in the scheme. 3. The DA, at a minimum, will consider landscaping, waste management, car parking, traffic access & egress, servicing, pedestrian movement, mainstreet interface, streetscape, and address any upgrades particularly of Maidstone Crescent. 4. Residential Apartments will be required to be developed having regard for the State Planning Policy 7.3 R-Codes-Volume 2-Apartments. 5. It is a requirement for the lots to be amalgamated prior to development. 6. The road unmade road reserve from Maidstone Crescent to Payne Street is required to be constructed by the developer to the satisfaction of Council. 7. The commercial land use, is at all times to be the prominent land use to the satisfaction of Council. 8. If the development is staged the additional use shall proceed following development of the commercial premise. 9. Any additional use is to be placed above storey, generally, of the commercial use at ground storey. 10. The height limit of the overall development is limited to three storeys unless authorised by Council. 11. Trees of significance at the site are to be preserved unless approved by Council for removal. 12. Cash in Lieu of car parking will be required in the event of parking shortfall and subject to Council approval.

			<p>13. The Exmouth Floodplain Management Study (2007) shows that the general area is affected by major flooding with 1% AEP flood levels vary from 10.5 m AHD to ~11.75 m AHD.</p> <p>Any future development in this area is subject to a minimum habitable floor level of 0.50 metre above the adjacent 1% AEP flood level to ensure an appropriate level of flood protection.</p>
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vii. Amend scheme maps accordingly.

- b) Receive the Schedule of Submissions and support the Officer Recommendations as detailed in Attachment 2.**
- c) Forward the amendment documentation, to the Western Australian Planning Commission with a request that the Minister for Planning grant approval to the amendment.**

CARRIED by SIMPLE MAJORITY 7/0

For: President Niikkula, Cr Brooks, Cr Allston, Cr Bennett, Cr Devereux, Cr Gillespie, Cr Lucas

CORPORATE AND COMMERCIAL SERVICES

COUNCIL RESOLUTION

ITEM 12.3.1, 12.3.2

Res No: 07-1024

Cr Niikkula MOVED a motion that the officer recommendations contained in the following reports be moved enbloc:

- **12.3.1 Financial Statement for the Period Ending 30 September 2024**
- **12.3.2 List of Accounts for Period Ending 30 September 2024**

SECONDED: Cr Gillespie

CARRIED by SIMPLE MAJORITY 7/0

For: President Niikkula, Cr Brooks, Cr Allston, Cr Bennett, Cr Devereux, Cr Gillespie, Cr Lucas

12.3.1 FINANCIAL STATEMENT FOR PERIOD ENDING 30 SEPTEMBER 2024

File Reference	FM.FI.0
Reporting Officer	Manager Finance
Responsible Officer	Chief Financial Officer
Date of Report	14 October 2024
Applicant/Proponent	Nil
Disclosure of Interest	Nil
Attachment(s)	1. Monthly Financial Report for period ending 30 September 2024

Purpose

1. That Council accepts the financial report for the financial period ending 30 September 2024.

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 of 30 September 2024, the operating revenue is below budget by \$506,899 (4.34%). The variances mainly relate to the financial assistance grants being paid in advance in June but budgeted for July this year and the timing of term deposit maturities.
4. Operating expenditure is below budget by \$1,111,484 (18.07%). Variances relate to the timing of maintenance and operational projects and timing of the Learmonth Airport lease invoicing. Employee costs are below budget due to staff vacancies.
5. The capital expenditure is below budget. Council has expended \$254,092 of the proposed capital budget of \$4.8M. Milestone requirements also impacted the proceeds from capital grants, subsidies and contributions, which are below budget. Further details of capital projects can be found in Note 5 of the Monthly Financial Report.
6. Rates were levied on 24 July 2024. Rates collected as of 30 September 2024 were 61.50%, compared to 68.80% for the same period last year.

7. The 2023/24 Annual Financial Statements are drafted and currently being audited with presentation due to Council in December 2024. At this time, the final 2023/24 result will be determined and the 2024/25 opening surplus may change.

Consultation

8. Nil

Statutory Environment

9. Section 6.4 of the *Local Government Act 1995* provides for the preparation of financial reports.
 10. 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

11. Nil

Financial Implications

12. 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

13. Nil

Strategic Alignment

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

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

Voting Requirements

15. Simple Majority

Officers Recommendation

Item 12.3.1

That Council RECEIVES the financial report for the financial period ending 30 September 2024.

12.3.2 LIST OF ACCOUNTS FOR PERIOD ENDING 30 SEPTEMBER 2024

File Reference	FM.FI.0
Reporting Officer	Manager Finance
Responsible Officer	Chief Financial Officer
Date of Report	14 October 2024
Applicant/Proponent	Nil
Disclosure of Interest	Nil
Attachment(s)	1. List of Accounts for period ending 30 September 2024

Purpose

1. That Council receives payments made since the previous Ordinary Council Meeting.

Background

2. Local Government (Financial Management) Regulations 1996, Regulation 13 (3) requires a list of payments is to be presented at the next ordinary meeting of council.
3. It has been customary practice that whilst being a leader in the community, we meet our terms of credit as established between suppliers and aspire to obtain discounts where practicable. Payments have been approved by authorised officers in accordance with agreed delegations and policy frameworks.

Comment

4. Council has given delegated authority that allows the Chief Executive Officer to approve payments from Council's bank accounts either via cheque or through electronic lodgement. (refer Attachment 12.3.2).

Payments

Municipal Fund totalling \$1,337,795.85
Incorporating cheques, direct debits, electronic payments and credit cards.

Trust Fund totalling \$NIL
Incorporating electronic payments.

Total Payments: \$1,337,795.85

Consultation

5. Nil

Statutory Environment

6. Payments are to be made in accordance with Part 6, Division 4 of the Local Government Act 1995 and as per the Local Government (Financial Management) Regulations 1996. Payments are to be made through the municipal fund, trust fund or reserve funds. Payments are to be in accordance with approved systems as authorised by the Chief Executive Officer.

Policy Implications

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

Financial Implications

12. Payments are made under delegated authority and are within defined and approved budgets.
 Payment is made within agreed trade terms and in a timely manner.

Risk Management

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

Risk Matrix

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

Alternate Options

13. Nil

Strategic Alignment

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

Governance & Leadership	<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 12.3.2
That Council RECEIVES the report of payments made from the Municipal and Trust bank accounts during the month of September 2024 (totalling \$1,337,795.85).	

Councillor Allston declared a financial interest in the following report and left the meeting at 4.46pm.

12.3.3 LEASE – NINGALOO CENTRE CAFE

File Reference	CP.AD.3.1
Reporting Officer	Chief Financial Officer
Responsible Officer	As above
Date of Report	October 2024
Applicant/Proponent	Ms Sara Dunnet
Disclosure of Interest	Nil
Attachment(s)	1. CONFIDENTIAL Cafe Lease Proposal 2. Café Floor Plan 3. Café Fit-out

Purpose

1. That Council approve to lease to Ms Sara Dunnet the space within the Ningaloo Visitor Centre identified as 'Cafe' including fixtures and fittings belonging to the Shire of Exmouth.

Background

2. The Shire of Exmouth has a management order over Reserve 52730 (Lot 300 on Deposited Plan 408720) designated for the purpose of "Community Centre and Research Centre". The Management Order provides the Shire of Exmouth the power for a term not exceeding twenty one (21) years and also requires Ministerial consent to lease.
3. The existing Ningaloo Centre café lease has expired and has been operating under a 'holding over' clause on a monthly periodic tenancy arrangement.
4. The Café Lease was issued for Tender (RFT 05-24/25) in September 2024 and the required Public Notice was provided.
5. Submissions for the Café Lease tender closed on Wednesday 25 September 2024 with no formal tenders received.
6. One prospective applicant (Ms Sara Dunnet) did contact the Shire with regards to the tender, however noted a decision not to submit an application due to current staff and housing issues.
7. On 3 October 2024, the existing tenant provided the required 21 days' notice of their intention to vacate the lease. The lease space is expected to be cleared by the 28 October 2024.
8. Upon completion of the tender with no formal submissions and imminent closure of the current café, Shire officers made contact with Ms Sara Dunnet to discuss possible negotiations with regards to mutually beneficial lease terms that would make the café operation a more viable opportunity.
9. Ms Sara Dunnet also noted a change in housing circumstance since closure of the tender that could allow for a more positive outcome with regards to taking on the lease.
10. After further discussions with Ms Sara Dunnet, the Shire proposes to enter into a Lease Agreement with the applicant.

Comment

11. The proposed agreement includes a period of reduced rent to take into consideration the cost of purchasing start-up equipment during a period of non-peak sales and to assist the lessee in providing housing assistance for staff.
12. The base monthly rent (after reduced rent period) is in-line with the current café lease and other similar café type lease agreements held by the Shire.
13. The applicant has demonstrated the appropriate skills and abilities to operate a profitable and sustainable café.
14. Shire officers believe the proposed business case will add value and enhance the visitor experience at the Ningaloo Centre.
15. Once approved by Council, the Shire will apply for Ministerial consent to lease and engage McLeods Lawyers to draft a formal Lease Agreement.

Consultation

16. The Café Lease was issued for Tender (RFT 05-24/25) and the required Public Notice was provided.
17. Nil formal submissions were received.
18. Shire followed up on informal proposal.

Statutory Environment

19. *Local Government Act 1995*, Part 3 Division 3 s.3.58 – Disposing of Property

Policy Implications

20. Operational Policy - Leases and Licences

Financial Implications

21. Rent to be received by the Shire per proposed Lease Agreement.

Risk Management

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Financial – Risk of outstanding rent	Possible	Moderate	Moderate	Proposed lessee already has a positive relationship with the Shire with regards to timely payment of invoices
Reputational – risk of poor customer service or café operations reflecting on Ningaloo Centre	Possible	Moderate	Moderate	Proposed lessee has demonstrated experience in managing and operating a profitable and sustainable café
Service Interruption – risk to opening hours and period of lease vacancy	Likely	Minor	Moderate	Lease handover is during non-peak season to minimise impact to visitors. Shire to complete lease agreement in a timely manner to reduce vacancy period.

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

22. Do not approve proposed Lease Agreement:
- Issue café lease for a second round of Tender Applications
 - Negotiate different terms with current applicant
 - Café area remains vacant from 28 October until a new Lease Agreement is signed.

Strategic Alignment

23. 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
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

Voting Requirements

24. Simple Majority

Officers Recommendation

Item 12.3.3

That Council:

- Approve Ms Sara Dunnet in her nominated entity to lease the area identified as café in the main foyer area of the Ningaloo Visitor Centre as per the terms and conditions listed in the Lease Schedule marked confidential Attachment 1 to this report, for a 2 year term + a further 3 x 12 month option terms; and
- Authorise the Chief Executive Officer to apply the common seal of the Shire of Exmouth to the lease agreement; and
- Authorise the Chief Executive Officer to enter into future option terms.

COUNCIL RESOLUTION

ITEM 12.3.3

Res No: 08-1024

MOVED: Cr Lucas

SECONDED: Cr Bennett

Council was advised of an AMENDMENT to the Officers Recommendation in relation to condition 1:

- Approve entering into a lease agreement with Ms Sara Dunnet in her nominated entity for lease the area identified as café in the main foyer area of the Ningaloo Visitor Centre for a period of 2 year term + a further 3 x 12 month option terms; and*

That Council:

- 1. Approve entering into a lease agreement with Ms Sara Dunnet in her nominated entity for lease the area identified as café in the main foyer area of the Ningaloo Visitor Centre for a period of 2 year term + a further 3 x 12 month option terms; and**
- 2. Authorise the Chief Executive Officer to apply the common seal of the Shire of Exmouth to the lease agreement; and**
- 3. Authorise the Chief Executive Officer to enter into future option terms.**

CARRIED by SIMPLE MAJORITY 6/0

For: President Niikkula, Cr Brooks, Cr Allston, Cr Bennett, Cr Devereux, Cr Gillespie, Cr Lucas

Councillor Allston returned to the meeting at 4.50pm and was advised of Councils resolution.

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

Nil

14. New Business of an Urgent nature introduced by Decision of Meeting

Nil

15. Matters to be considered Behind Closed Doors

Nil

16. Closure of Meeting

The Shire President declared the meeting closed at 4.51pm and thanked everyone for their attendance and participation.