

ORDINARY
COUNCIL MEETING

CONFIRMED
MINUTES

21st APRIL 2023

COUNCIL CHAMBERS
NORTHAMPTON

1.00PM

SHIRE OF NORTHAMPTON
GRANT MIDDLETON
ACTING CHIEF EXECUTIVE OFFICER





SHIRE OF NORTHAMPTON

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Signed _____

A handwritten signature in black ink, appearing to read 'Grant Middleton', is written over a horizontal line.

Date 14th April 2023

GRANT MIDDLETON
ACTING CHIEF EXECUTIVE OFFICER

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ORDER OF BUSINESS**1 OPENING**

The Deputy President presided over the meeting in the absence of the President and thanked all Councillors and staff present for their attendance and declared the meeting open at 1.00pm.

2 ACKNOWLEDGEMENT OF COUNTRY

We would like to respectfully acknowledge the Yamatji People who are the Traditional Owners and First People of the land on which we meet. We would like to pay our respects to the Elders past, present and future for they hold the memories, the traditions, the culture and hopes of the Yamatji People.

3 PRESENT

Elected Members		In	Out
Cr Liz Sudlow (President)	Northampton	1-00pm	2-51pm
Cr Rob Horstman (Deputy President)	Northampton	1-00pm	2-51pm
Cr Ros Suckling	Northampton	1-00pm	2-51pm
Cr Des Pike	Kalbarri	1-00pm	2-51pm
Cr Richard Burges	Kalbarri	1-00pm	2-51pm
Cr Tim Hay	Northampton	1-02pm	2-51pm
Officers			
Grant Middleton (Acting Chief Executive Officer)		1-00pm	2-51pm
Neil Broadhurst (Manager Works and Technical Services)		1-00pm	2-35pm
Leanne Rowe (Acting Deputy Chief Executive Officer)		1-00pm	2-51pm
Michelle Allen (Planning Officer)		1-00pm	2-51pm
Sonya Hasleby (Executive Support Officer)		1-00pm	2-51pm
Visitors			

3.1 PREVIOUSLY APPROVED LEAVE OF ABSENCE**3.2 APOLOGIES**

Cr Trevor Gibb

4 QUESTION TIME

Nil

5 DISCLOSURE OF INTEREST

Ms M Allen declared a financial interest in item 11.4 Budget Submissions 2023/2024 as she is a member of the Northampton Motors and Machinery Group Inc. and may incur a financial gain or loss from the decision of Council.

6 CONFIRMATION OF MINUTES

6.1 ORDINARY COUNCIL MEETING FRIDAY 17th MARCH 2023

Moved Cr Suckling

Seconded Cr Horstman

That the minutes of the Ordinary Meeting of Council held on Friday 17th March 2023 be confirmed as true and correct.

CARRIED 6/0
Minute Reference 04/23-01

6.2 BUSINESS ARISING FROM MINUTES

Nil

7 RECEIVAL OF MINUTES

OFFICER REPORTS

8 WORKS & ENGINEERING REPORT

8.1 INFORMATION ITEMS – MAINTENANCE/CONSTRUCITON WORKS PROGRAM

Noted

1:15pm – Neil Broadhurst departed the meeting.

9. HEALTH AND BUILDING REPORT

9.1 BUILDING STATISTICS FOR MONTH OF MARCH 2023

Noted.

10 TOWN PLANNING REPORT

10.1 - PROPOSED REALIGNMENT (CLOSURE OF PORTIONS) OF COOLCALALAYA ROAD, COOLCALALAYA – LOTS 5138-5140, 5142, 5144 & 5145 ON DEPOSITED PLAN 232552

10.2 PROPOSED DEVELOPMENT APPROVAL AND LICENSE AGREEMENT – MOBILE FOOD VEHICLE – NHANDA BILLY TEA AND DAMPER – RESERVE 26591 MURCHISON RIVER FORESHORE, KALBARRI AND RESERVE 12996 AJANA-KALBARRI ROAD, KALBARRI

10.3 SUMMARY OF PLANNING INFORMATION ITEM

10.1 - PROPOSED REALIGNMENT (CLOSURE OF PORTIONS) OF COOLCALALAYA ROAD, COOLCALALAYA – LOTS 5138-5140, 5142, 5144 & 5145 ON DEPOSITED PLAN 232552

Location	Lots 5136 – 5140, 5142, 5144 & 5145 on DP 232552
Applicant	Shire of Northampton
Owner/Lessee	State of Western Australia
File Reference	10.8.2 (A5120) (A2529)
Date of Report	13 April 2023
Reporting Officers	Hayley Williams, Consultant Planner and Michelle Allen, Planning Officer
Responsible Officer	Maurice Battilana, Acting Chief Executive Officer

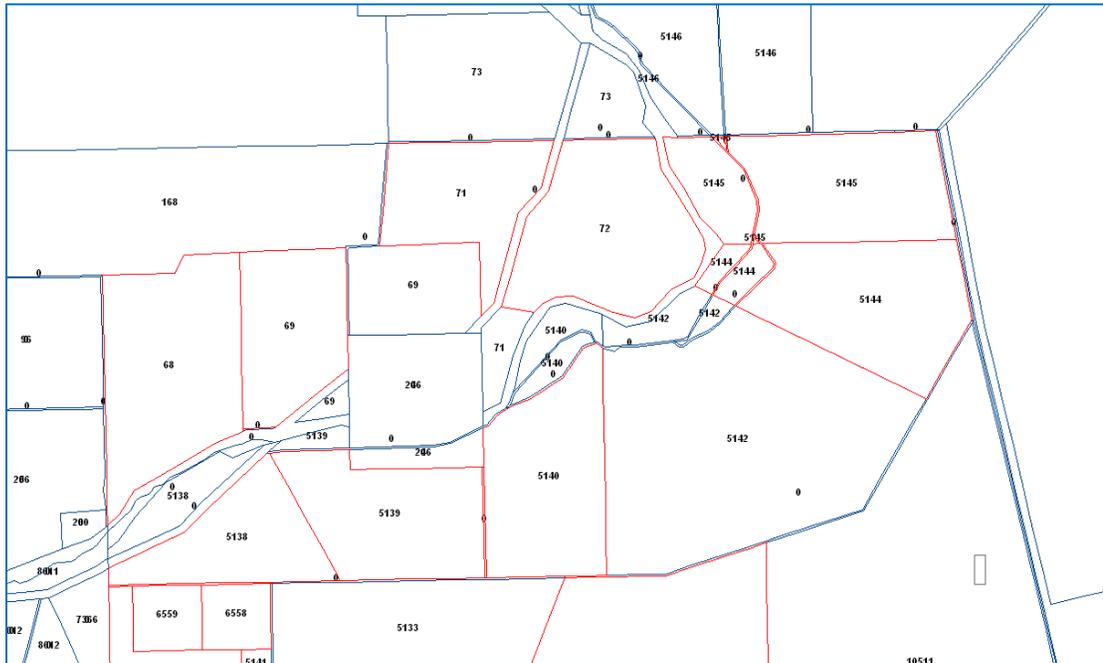
SUPPORTING DOCUMENTS:

Reference	Description	In Report	Separate Cover
Appendix 1	Plans denoting road realignment and closure	✓	

BACKGROUND:

There are sections of Coolcalalaya Road where the actual constructed alignment is not within the road reserve but on private property, refer **Appendix 1**.

Council considered the matter and determined to publicly advertise its intention to close those portions of Coolcalalaya Road Reserve, where it passes through Lots 5138-5140, 5142, 5144 & 5145 on Deposited Plan 232552 as shown as an attachment to the February 2023 Ordinary Council Meeting (Appendix 1) for a period of 35 days in accordance with the section 58 of the *Land Administration Act 1997*.

Figure 10.1(a) – Location map for Lots 5136-5140, 5142, 5144 and 5145

This matter was first raised with Council in April 2012 due to a request from Mr Bob Porter to have sections of the road re-surveyed and create a road reserve for the correct alignment of the road. The Council at the time resolved to list for consideration a provision of \$50,000 in the 2012/13 Budget however this provision was deleted when adopting that budget.

The matter of the alignment was raised again recently by the Department of Biodiversity, Conservation and Attractions (DBCA) to allow areas of bushland under a restrictive covenant with the Department of Biodiversity, Conservation and Attractions however the actual road reserve and constructed road needs to be rectified to allow the restrictive covenant to progress.

The DBCA provided advice that Mr Porter indicated that in 1990 he gave land to the Shire to make the road suitable for road train use and relocate the road from flood prone areas however at the time the actual property boundaries to reflect the above changes on a correct road reserve was not undertaken.

The Department of Planning Lands and Heritage also advise that as there has been no request from the Shire of Northampton (Shire) to close portions of Coolcalalaya Road and dedicate an alternate route through the Lots owned by Mr Porter, it is the position of DPLH that the redundant portions of dedicated road should be formally closed and amalgamated into the land owned by Mr Porter. Action to initiate road closure and dedication rests with the Shire.

Council at their Ordinary Meeting held on 18 February 2022 resolved:

That Council progress with survey and subdivision to re-align the road reserve onto the actual constructed road where this occurs along the Coolcalalaya Road, and appoint HTD Surveyors to undertake the required survey and subdivision process at an estimated cost of \$ 35,000 and this be declared authorised expenditure.

However, a resolution to resolve to advertise the proposed road closure in accordance with section 58 of the *Land Administration Act 1997* (LAA) had not occurred and was the subject of a recent report to Council.

Council at their Ordinary Meeting held on 17 February 2023 resolved:

That Council publicly advertise its intention to close those portions of Coolcalalaya Road Reserve, where it passes through Lots 5138-5140, 5142, 5144 & 5145 on Deposited Plan 232552 as shown as an attachment to the February 2023 Ordinary Council Meeting (Appendix 1) for a period of 35 days in accordance with the section 58 of the Land Administration Act 1997.

COMMUNITY & GOVERNMENT CONSULTATION:

Following Council's resolution to publicly advertise its intention to close portions of Coolcalalaya Road to facilitate its realignment, advertisement was placed in the local newspaper and local community newsletters in accordance with section 58 of the *Land Administration Act 1997* (LAA) and section 9 of the *Land Administration Regulations 1998*.

Section 58(3) requires a minimum advertising period of 35 days along with consideration of any objections made during that period.

The application was advertised for a period of 35 days from 3 March to 7 April 2023 with no submissions forthcoming in relation to the proposal.

FINANCIAL IMPLICATIONS:

Advertising costs were incurred by Council during the advertising process for the sum of \$348-73.

STATUTORY IMPLICATIONS:

State: Planning and Development Act 2005
Land Administration Act 1997

Local: Shire of Northampton Local Planning Scheme No. 10 – Northampton

Section 58 of the *Land Administration Act 1997* outlines the process for closing roads, while section 9 of the *Land Administration Regulations 1998* outlines the requirements for Local Government in requesting to close a road permanently:

9. Local government request to close road permanently (Act s. 58(2)), requirements for For the purposes of preparing and delivering under section 58(2) of the Act a request to the Minister to close a road permanently, a local government must include with the request —

- (a) written confirmation that the local government has resolved to make the request, details of the date when the relevant resolution was passed and any other information relating to that resolution that the Minister may require; and
- (b) sketch plans showing the location of the road and the proposed future disposition of the land comprising the road after it has been closed; and
- (c) copies of any submissions relating to the request that, after complying with the requirement to publish the relevant notice of motion under section 58(3) of the Act, the local government has received, and the local government's comments on those submissions; and
- (d) a copy of the relevant notice of motion referred to in paragraph (c); and
- (e) any other information the local government considers relevant to the Minister's consideration of the request; and
- (f) written confirmation that the local government has complied with section 58(2) and (3) of the Act.

The subject land that will form part of the road closure and realignment will also need to be rezoned at some point in the future. A record of this will be kept so as to update the Scheme Maps when the road closure is finalised.

POLICY/PROCEDURE IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

Nil

COMMENT:

The process to realign Coolcalalaya Road commenced in 2022, however, in order to proceed further Council resolved to advertise the proposed road closure/s in accordance with section 58 of the *Land Administration Act 1997*. Advertising of Council's intention occurred on 3 March 2023 and closed on 7 April 2023 during which time no submissions were received in relation to the proposed application.

Council's resolution to publicly advertise its intention to close those portions of the road specified (refer **Appendix 1**), also proposed that all submissions received during the advertising period would be presented to Council for consideration. As no submissions were forthcoming, Council is asked to consider making a formal resolution of its intention to close the portions of road reserve to facilitate the realignment of Coolcalalaya Road and continue with the formal application for Road Closure to be lodged with the Department of Planning Lands and Heritage.

RISK ASSESSMENT:

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response

10.2 PROPOSED DEVELOPMENT APPROVAL AND LICENSE AGREEMENT – MOBILE FOOD VEHICLE – NHANDA BILLY TEA AND DAMPER – RESERVE 26591 MURCHISON RIVER FORESHORE, KALBARRI AND RESERVE 12996 AJANA-KALBARRI ROAD, KALBARRI

Location	Reserve 26591 Murchison River Foreshore and Reserve 12996 Ajana-Kalbarri Road, Kalbarri
Applicant	Jennifer Clayton
Owner/Lessee	State of Western Australia / Shire of Northampton
File Reference	10.6.1.3/10.6.7/R12996 (A3608)/ R26591 (A
Date of Report	13 April 2023
Reporting Officers	Hayley Williams, Consultant Planner and Michelle Allen, Planning Officer
Responsible Officer	Grant Middleton, Acting Chief Executive Officer

SUPPORTING DOCUMENTS:

Reference	Description	In Report	Separate Cover
Appendix 1	Application Information	✓	
Appendix 2	Schedule of Submissions	✓	

BACKGROUND:

An Application for Development Approval seeking to operate a Mobile Food Vehicle has been received for the mobile food van (Nhanda Billy Tea and Damper) to operate from Reserve 26591 Murchison River Foreshore and Reserve 12996 Ajana-Kalbarri Road, Kalbarri) for the purpose of providing billy tea and damper to tour patrons (refer **Figures a and b**).

Figure 10.2(a) – Location Plan of Reserve 26591 Murchison River Foreshore, Kalbarri

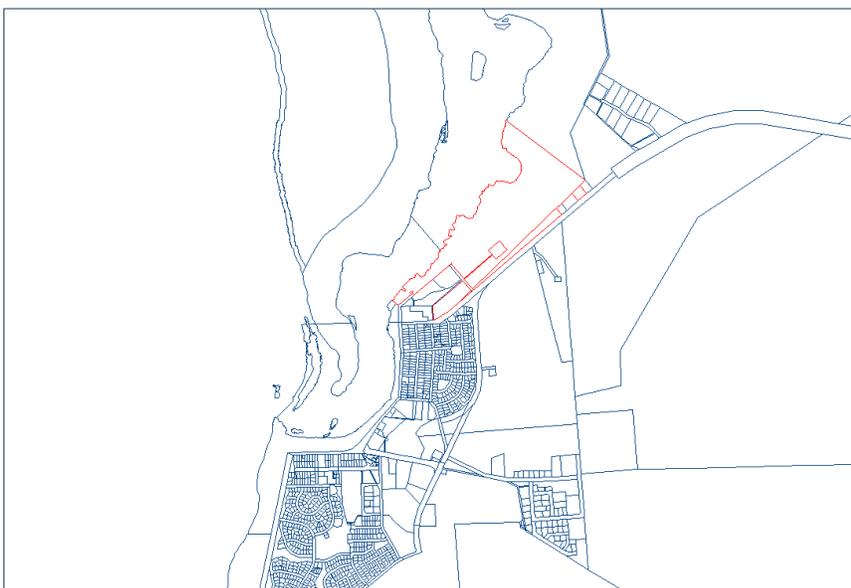
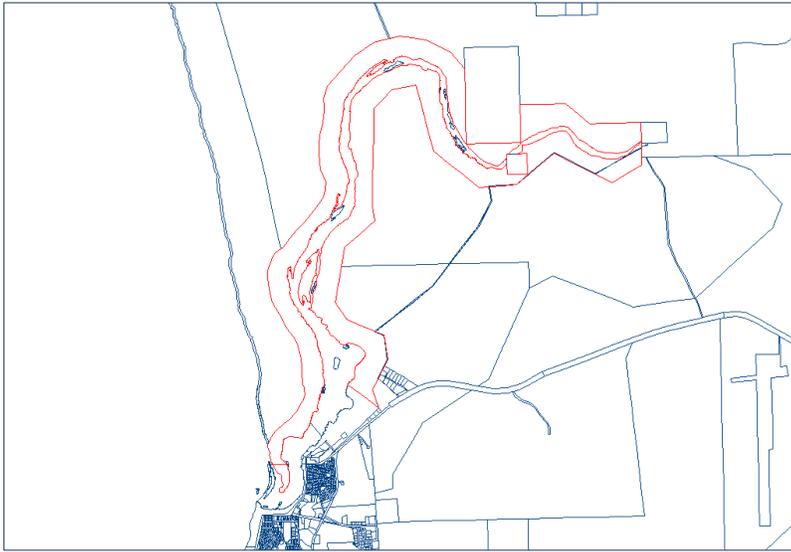


Figure 10.2(b) - Location Plan of Reserve 12996 Ajana-Kalbarri Road, Kalbarri

Parking of Mobile Food Vehicle

The Applicant proposes to store the food van at an address in Geraldton, where the van would be cleaned, connected to mains power and the food stored appropriately when the van is not in use.

COMMUNITY & GOVERNMENT CONSULTATION:

The application for the operation of the proposed mobile food vehicle was advertised in accordance with clause 64, Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, for a period of 21 days from 3 March until 24 March 2023 with a range of advertising undertaken as per the following:

- Public advertising - notice of the development placed in the Geraldton Guardian;
- 88 letters to adjacent land and business owners in townsite;
- A Notice of the development was also advertised at each of the Shire's administration buildings in Kalbarri and Northampton;
- A Notice of the development was advertised upon the Shire's website and social media page; and
- A notice of the development was also advertised in the local Community Newsletter 'Kalbarri Town Talk'.

During the above advertising period a total of seven (7) submissions were received as follows:

- One (1) valid planning objection to the mobile food vehicle;
- One (1) non-valid planning objection;
- Three (3) submissions supporting the proposed mobile food vehicle; and
- Two (2) submissions raising no objections but highlighting potential economic impacts for consideration.

A submission schedule, including a summary of the submissions received and comments made from the advertising process, is provided as **Appendix 2** to this report.

FINANCIAL IMPLICATIONS:

The applicant has paid a total sum of \$597-00 in respect of the application as follows:

- the sum of \$222 being part payment of the total application fee of \$447 (under the Shire's 'Commercial Recreational Tourism Activity on Crown Reserves' Local Planning Policy and the sum of \$375 advertising fee. It is noted the balance of the application fee of \$225 is still to be paid.

Should Council grant formal planning approval of this application and enter into a Licence Agreement for a period of one (1) year as proposed, the applicant will be required to pay in advance the total sum of \$875 being an annual Reserve User Fee of \$500.00 as per Council Policy 9.2 as well as a \$150 fee for the preparation of the License Agreement and the sum of \$225 being remainder of the application fee.

Alternatively, should Council refuse this application and the applicant proceed to exercise their right of appeal, costs are likely to be imposed on the Shire through its involvement in the appeal process.

STATUTORY IMPLICATIONS:

State: *Planning and Development Act 2005*

Planning and Development (Local Planning Scheme) Regulations 2015

Local: *Shire of Northampton Local Planning Scheme No. 11 – Kalbarri Townsite*

Reserves 12996 and 26591 are vested with the Shire for the purposes of 'Parkland and Recreation' and "Parklands" respectively under *Local Planning Scheme No.11 (Kalbarri)*.

Shire of Northampton Local Planning Scheme No. 11 (Kalbarri)

Clause 2.2 *Local Reserves of the Scheme* provides the following objectives for Reserves situated on the Foreshore:

Foreshore	<ul style="list-style-type: none"> • To set aside areas for foreshore reserved abutting a body of water or water course, particularly those required pursuant to State Coastal Planning Policy 2.6 - State Coastal Planning Policy and any other Commission policy. • To provide for the protection of natural values, a range of active and passive recreational uses, cultural and community activities, activities promoting community education of the environment and/or uses that are compatible with and/or support the amenity of the reservation.
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Reserve 12996 is zoned 'Public Open Space' under *Local Planning Scheme No. 11 (Kalbarri)* and is vested with the Shire of Northampton for the purposes of "Parkland and Recreation".

Clause 2.2.3 of the Scheme states the following objectives for Public Open Space Reserves:

- *“To set aside areas for public open space, particularly those established under the Planning and Development Act 2005 s. 152.*
- *To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.”*

Planning and Development (Local Planning Scheme) Regulations 2015

Clause 67 of Schedule 2 of the Regulations outlines a number of other matters that should be considered by local government when determining an application. The most relevant provisions are outlined below:

“In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application -

- (a) *the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (c) *any approved State planning policy;*
- (g) *any local planning policy for the Scheme area;*
- (i) *in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;*
- (m) *the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) *the amenity of the locality including the following -*
 - (i) *environmental impacts of the development;*
 - (ii) *the character of the locality;*
 - (iii) *social impacts of the development;*
- (o) *the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*
- (q) *the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;*
- (r) *the suitability of the land for the development taking into account the possible risk to human health or safety;*
- (s) *the adequacy of –*
 - (i) *the proposed means of access to and egress from the site; and*
 - (ii) *arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) *the availability and adequacy for the development of the following -*
 - (i) *public transport services;*
 - (ii) *public utility services;*
 - (iii) *storage, management and collection of waste;*

- (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
- (v) access by older people and people with disability;
- (v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;
- (w) the history of the site where the development is to be located;
- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
- (y) any submissions received on the application;
- (za) the comments or submissions received from any authority consulted under clause 66;
- (zb) any other planning consideration the local government considers appropriate.

POLICY/PROCEDURE IMPLICATIONS:

Local: Shire of Northampton Kalbarri Coastal Management Strategy

Kalbarri Coastal Management Strategy (2015)

The *Kalbarri Coastal Management Strategy* is a strategic document that provides guidance for the management of coastal and human use impacts on the Kalbarri foreshore reserve, which includes Reserves 26591 and 12996.

The objectives of this strategy include the following:

- *Protect and maintain the environmental and cultural values of the Murchison River. To conserve areas of geological, environmental and cultural significance, minimise the impact of human activities on the values and preserve the important cultural and recreational values of the River Reserve.*
- *Protect and enhance the attraction of Kalbarri as a tourist destination. To ensure that Kalbarri can continue to support a local tourist economy and to enhance Kalbarri's position as a premier holiday destination within Western Australia.*
- *Protect and maintain facilities and access for commercial and recreational use. To facilitate ongoing, sustainable public access and recreational use of the area for current and future generations. Ensure the facilities are adequate to meet the current needs of the community, visitors and local industry.*

Section 2.7.2 of the Strategy outlines the following in relation to Aboriginal Heritage:

"The study area contains a number of cultural sites that are important to the Nanda people ... some of which are registered with the Department of Aboriginal Affairs.

The area covered by this Strategy has previously been the focus of a number of dedicated ethnographic and archaeological studies into the extensive Aboriginal heritage and sites of importance to the Nanda people ... There is a concentration of heritage throughout the

study area and Murchison River Reserve, particularly in Paradise flats (Reserve 12996) which includes numerous camping grounds, freshwater springs, engravings, artefacts and mythological sites”

The Recreational values of the Kalbarri community are also addressed within the Strategy:

“Off road vehicle use is a significant activity within the study area. Vehicles can access the beach directly at Wittecarra Creek, in the townsite and along parts of the Murchison River Reserve.

Commercial recreational tourism is permitted in the Murchison River Reserve. This includes Quadbike Tours and horse riding.

In addition to organised tours, off road vehicles including quad bikes and dirt bikes often access the Murchison River Reserve on both the northern and southern shores. The level of access is felt by the community to be increasing and is likely to lead to further impacts on the values of the Reserve such as loss of vegetation, noise and degradation of coastal dune landforms.”

Two of the key issues identified within the Strategy is stated as per below:

Off Road Vehicles

“Problems associated with the use of off road vehicles are still being experienced throughout the Murchison River Reserve and it is necessary to control vehicle use to limit environmental damage, protect heritage and culturally significant sites.”

Lack of awareness regarding cultural values

“The traditional Nanda inhabitants of the Kalbarri area have a long history of use and strong cultural association with the River Reserve and in particular Gregory’s Rocks and the Paradise Flats area... The Murchison House Station was historically a big employer of aboriginal people in the area and there is a permanent use of the station and paradise flats area for recreational and cultural activities.

There are numerous sites of cultural and mythological significance that experience the highest incidence of recreational use by members of the Kalbarri community and visitors to the area.

These areas are registered with the Department of Aboriginal Affairs and known to the local community but there is no other recognition of the significance of the locations and heritage.”

Commercial Recreational Tourism Activity on Crown Reserves Local Planning Policy (2019)

The application has been lodged under Council’s ‘Commercial Recreational Tourism Activity on Crown Reserves’ Local Planning Policy.

The objectives of the Policy are as follows:

- *To ensure that commercial activities on reserves do not diminish the recreational amenity of residents or visitors who are attracted to the Shire for its natural beauty and environment;*
- *To ensure ecologically sustainable use and protection of reserves for the benefit and enjoyment of future generations;*
- *To retain reserves (where appropriate) as places for passive and/or active recreation for residents and visitors;*
- *To regulate the level and intensity of commercial activities on reserves as necessary to ensure that it does not destroy the value and nature of the activity and the resource on which it is based;*
- *To enable appropriate (limited) opportunities for commercial tourism operators to provide services and facilities to the public to enhance their visit to the Shire; &*
- *To provide criteria for assessing and determining applications.*

Section 3.3.1 of the Policy states the following in relation to land-based activities:

- 3.3.1.1 *The natural systems should be able to sustain the form of recreation or activity which is proposed.*
- 3.3.1.2 *The activity should be compatible with the vesting purpose of the land and with the preservation values of the land, eg. they do not impinge upon rare or fragile ecosystems or impair key features of the landscape, or increase visitor pressure on land to an unacceptable level and do not detract from the reasonable enjoyment of the land by the public.*
- 3.3.1.3 *Generally the widest range of activities consistent with the reserve purpose should be allowed. Uses that impair other forms of use to an unreasonable extent or place the safety of others in jeopardy should be controlled or eliminated. In certain instances, for safety reasons, priority use may be allocated to specialised recreation activities at sites that are uniquely suited to those activities (eg. jet ski hire).*
- 3.3.1.4 *Sites that are likely to suffer environmental/stability problems from increased human activity or have a high conservation value will be excluded.*
- 3.3.1.5 *The Shire will endeavour within the resources available to it to provide an appropriate level of supervision of activities on the reserve or UCL. This is particularly important where natural and cultural values may be impaired. If this cannot be done, the activity should where practicable be restricted, relocated or eliminated.*
- 3.3.1.6 *The activity should enhance the appropriate use of, enjoyment, understanding and appreciation of the land.*
- 3.3.1.7 *The activity should meet all statutory and industry requirements relevant to the operation including compliance with statutory town planning requirements (ie. zoning provisions, development control, Scheme purposes and objectives) and any relevant strategic planning report recommendations.*
- 3.3.1.8 *If an application is received for an existing activity by a previous Agreement holder of that activity and on the same site, Council will give preference to the previous Agreement holder where no recorded breach of any condition has been noted by Council.*

Furthermore Section 3.4.2 and the attached Schedule of the Policy states:

“3.4.2.1 Based on experience of the impacts of previous/similar activities (within or outside the Shire), the fragile nature of certain areas, and/or the dominant public use of certain areas, Council is of the view that certain activities should not be supported in certain areas and also that a restriction on the number of certain activities in certain areas should be prescribed.

3.4.2.2 These restrictions are attached to this policy and are based on knowledge and experience at this time and may be amended from time to time by Council as further knowledge and experience is accumulated.”

Location	Restriction
Reserve 12996 & 26591 “Paradise Flats” Kalbarri	<p>No further approvals will be issued other than for the following:</p> <ul style="list-style-type: none"> • Horse Riding Tours – 1 Agreement (maximum of 45 horses); (Current agreement is 18 horses including staff horses) • 4 Wheel Bike Tours – 1 Agreement (maximum of 7 bikes); • Canoe Safaris – 1 Agreement (maximum of 14 canoes). <ul style="list-style-type: none"> - Including 1x guided vessel and 3x 4wd trucks and 2 x trailers • Land-based fishing tours - 1 Agreement <ul style="list-style-type: none"> - 1x six seater ATV, 2x canoes and 1x motorised pontoon for staff use only.

At present the Policy outlines restrictions in relation to vehicles and activities currently approved to operate on the Reserve locations. Should Council approve the Nhanda Billy Tea and Damper tour application the Schedule of the Commercial Recreational Tourism Activity on Crown Reserves policy should be updated reflecting an increase in the number of five (5) off road vehicles permitted to operate on Reserves 12996 and 26591 for an initial period of one year.

A Local Planning Policy shall not bind Council in respect of any application for Planning Approval but Council shall take into account the provisions of the policy and objectives which the policy was designed to achieve before making its decision.

STRATEGIC IMPLICATIONS:

Local: Shire of Northampton Planning for the Future 2016-2026

COMMENT:

The proposed Billy Tea and Damper tours are considered to accord with the *Shire of Northampton Local Planning Scheme No. 11 – Kalbarri Townsite, the Shire of Northampton’s Kalbarri Coastal Management Strategy* and the *Shire of Northampton Local Planning Policy - Commercial Recreational Tourism Activity on Crown Reserves*.

The Kalbarri Coastal Management Strategy highlights concerns regarding environmental and cultural degradation, one of the primary concerns being the use of off road vehicles (ORV’s) along the Murchison River Foreshore area. It is noted however that this would typically apply to the *uncontrolled* use and management of ORV’s within the foreshore Reserve area .

For a number of years within the recreational reserve area, a number of tour operators have existed utilising existing and well-established tracks only and offering only supervised, guided tours. No complaints have been received in relation to this activity or to users in relation to having a detrimental impact upon the natural environment or sites of cultural heritage significance.

It is also noted that the proposed tour business is proposing to utilise existing and well-established tracks by four wheel drive vehicles which is a new ‘use’ not previously proposed or approved in the area.

It is therefore considered that whilst operational activities of the business are not considered to pose an unacceptable risk to the environmental or cultural values of the area and any potential risk can be managed through appropriate conditions of approval, it is considered that should no issues arise during the initial one year approval period, delegation to the Chief Executive Officer and Planning Officer be considered to deal with preparation and execution of the subsequent renewal Licence Agreement for a three (3) year period.

Should Council grant approval of this application, a Licence Agreement for an initial period of one (1) year will be entered into with the applicant. Should no issues arise within that initial one year period of time, Council consider authorising delegation to the Chief Executive Officer and the Planning Officer for preparation and execution of renewal of the License Agreement for a further three (3) year period.

Should any issues/disputes arise the renewal application will be referred back to Council for determination.

RISK ASSESSMENT:

Risk rating is considered Level 1 – *Insignificant*.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response
Minor (2)	First aid injuries	\$1,001 - \$10,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response
Moderate (3)	Medical type injuries	\$10,001 - \$50,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact, moderate news profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies
Major (4)	Lost time injury	\$50,001 - \$150,000	Prolonged interruption of services – additional resources; performance affected < 1 month	Non-compliance results in termination of services or imposed penalties	Substantiated, public embarrassment, high impact, high news profile, third party actions	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies
Catastrophic (5)	Fatality, permanent disability	More than \$150,000	Indeterminate prolonged interruption of services – non-performance > 1 month	Non-compliance results in litigation, criminal charges or significant damages or penalties	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions	Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment & building	Uncontained, irreversible impact

VOTING REQUIREMENT:

Simple Majority required

STAFF RECOMMENDATION/COUNCIL RESOLUTION:

Moved Cr Burges

seconded Cr Pike

Having taken into consideration the requirements of the Shire of Northampton's *Local Planning Scheme No. 11 (Kalbarri)*, *Kalbarri Coastal Management Strategy* and *Local Planning Policy 'Commercial Recreational Tourism Activity on Crown Reserves'*, it is recommended that approval be issued to Nhanda Billy Tea and Damper Tours for Reserve 26591 Murchison River Foreshore and Reserve 12996 Ajana-Kalbarri Road, Kalbarri for a period of twelve (12) months with particular note that the Applicant contact the Department of Biodiversity Conservation and Attractions to determine the need for any relevant permits in relation to collection of native flora and fauna.

That Council grant Development Approval for a Commercial Recreational Tourism Activity (Mobile Food Vehicle 'Nhanda Billy Tea and Damper) over Reserve 26591 Ajana-Kalbarri Road, Kalbarri and Reserve 12996 Ajana-Kalbarri Road, Kalbarri subject to the following conditions:

- 1 This Planning Approval is an approval for the proposed use for the purposes of the Shire of Northampton's *Local Planning Scheme No. 11 – Kalbarri* and the *Planning and Development Act*

(2005) only and does not constitute an approval of the proposed use by the Shire in its capacity as management body of the reserve within which the use is proposed to be located;

- 2 This Development Approval is valid until 19 April 2024, after which further renewal of the approval by the local government will be required. It is the responsibility of the operator to reapply in good time before expiration, and the local government will not automatically re-issue approvals
- 3 Approval of the Minister of Lands in accordance with the provisions of the Land Administration Act (1997);
- 4 A licence agreement being entered into by the applicant and the Shire in accordance with Council's Local Planning Policy – Commercial Recreational Tourism Activity on Crown Reserves;
- 5 This Development Approval shall remain valid whilst the licence agreement referred to in Condition (d) remains current and valid, and on the expiration or in the termination of such licence agreement, this Development Approval shall cease to be valid.
- 6 Should consistent and regular provision of the commercial recreational tourism activity (mobile food vehicle) not be provided throughout the approved licensing period, the Shire of Northampton reserves the right to review and/or revoke this Development Approval;
- 7 The Applicant shall conduct the tours using existing pathways, roads and tracks only, and shall not negatively impact, degrade or damage the natural amenity or cultural heritage sites within the approved land locations in any way;
- 8 The Applicant shall maintain Public Liability Insurance coverage to a minimum of \$20 million, and forward a copy of this certificate to the Shire of Northampton, to comply with the provisions of the Shire of Northampton's Local Planning Policy – Commercial Recreational Tourism Activity
- 9 The approved hours of operation of this food van are between 10-00am and 12 noon and 2-00pm and 4-00 pm as follows:
 - In summer, between October and February, for a maximum of two (2) tours per week on Saturday and Sunday;
 - In winter, between April and September, a maximum of two (2) tours per day for a maximum of three (3) days per week;
- 10 The maximum number of five (5) vehicles is permitted to participate in each tour (being four (4) tour participants' vehicles and one (1) tour operator vehicle) with a maximum number of 12 persons to be involved on each tour with each tour being conducted for a maximum period of 2.5 hours;
- 11 The Applicant shall at no time interfere or obstruct the operations and activities of Reserve 26591 and Reserve 12996, or any approved users of the Reserves to the satisfaction of the local government;
- 12 Should substantiated ongoing complaints be received in relation to Condition No. (11), the Shire of Northampton reserves the right to review and/or revoke this Development Approval;

- 13 No signage is permitted in relation to this Development Approval unless otherwise approved in writing by the local government;
- 14 This approval is issued only to Jennifer Clayton and is NOT transferable to any other person or to any other land parcel, without the further application and approval of the Shire of Northampton;
- 15 The food van is approved to sell Billy Tea and Damper only;
- 16 The Applicant is required to provide adequate rubbish disposal facilities, remove all rubbish associated with the operation and maintain clean and sanitary conditions at all times;
- 17 The land use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product or otherwise;
- 18 The mobile food vehicle is required to be removed from the approved Reserve locations at the close of business each day and is not permitted to be stored overnight upon any Reserve;
- 19 The use of a generator by the Applicant is only approved upon Reserve 12996 and is the approved power source (subject to Conditions 20, 21, and 22) and the use of a generator upon Reserve 26591 is not approved for this commercial purpose. The Applicant shall only utilise a power source available with prior written approval of the Shire of Northampton;
- 20 Should approval be granted by the Shire of Northampton, the Applicant shall be wholly financially responsible for the use and cost of electricity accessed via the metered outlet upon Reserve 26591;
- 21 Generators used for the purpose of providing power to the mobile food van shall not have a manufacturer-specified operational volume greater than 75dB;
- 22 The Applicant is required to monitor noise emissions on an ongoing basis to ensure ageing equipment remains below this threshold;
- 23 Should the Applicant fail to comply with Conditions No. 19, 20, 21, and/or 22 above, compliance procedures shall apply which may include restricting or prohibiting the use of the generator;
- 24 The Shire of Northampton reserves the right to reposition the mobile food vehicle's permitted trading area, to be undertaken in consultation with the Applicant, so as to improve the efficiency and effectiveness of the site's use, if required.
- 25 Authorise delegation to the Chief Executive Officer and Planning Officer for preparation and execution of the Licence Agreement with any disputes to be referred back to Council for final determination.

Advice Notes:

- i *The Applicant is advised that it is not the responsibility of the local government to ensure that all correct approvals are in place and that all conditions contained within said approvals are upheld during the operations of the business;*
- ii *With regard to Condition 25 and prior to the commencement of the approved development/land use, the Applicant should liaise with the Department of Biodiversity, Conservation and Attractions to determine the need for permits for collection of native bush tucker (flora and fauna), as outlined in correspondence dated 23 March 2023.*
- iii. *Where an approval has lapsed, no development/use shall be carried out without the further approval of the local government having first been sought and obtained.*
- iv *If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of determination*
- v *The Applicant is advised that compliance with any and all governmental legislation and regulations, including but not limited to the Health Act and Regulations, the Food Act and Regulations and the Environmental Protection (Noise) Regulations, is required at all times;*

CARRIED 6/0
Minute Reference 04/23-03

10.3 – SUMMARY OF PLANNING INFORMATION ITEMS

Noted.

11 FINANCE REPORT

- 11.1 ACCOUNTS FOR PAYMENT**
- 11.2 MONTHLY FINANCIAL STATEMENTS – MARCH 2023**
- 11.3 BUDGET REVIEW 2022/2023**
- 11.4 BUDGET VARIATIONS**

11.1 ACCOUNTS FOR PAYMENT

File Reference	1.1.1
Date of Report	10 th April 2023
Reporting Officer	Leanne Rowe, Acting Deputy Chief Executive Officer
Responsible Officer	Leanne Rowe, Acting Deputy Chief Executive Officer

SUPPORTING DOCUMENTS:

Reference	Description	In Report	Separate Cover
Appendix	List of Accounts	✓	

DISCLOSURE OF INTEREST:**BACKGROUND:**

A list of payments submitted to Council on 21st April 2023, for confirmation in respect of accounts already paid or for the authority to those unpaid.

COMMUNITY & GOVERNMENT CONSULTATION:

Not applicable

FINANCIAL IMPLICATIONS:

A list of payments is required to be presented to Council as per section 13 of the Local Government Act (Financial Management Regulations 1996).

STATUTORY IMPLICATIONS:

Local Government (Financial Management) Regulation 13 1996
Local Government Act 1995 Section 6.10

POLICY/PROCEDURE IMPLICATIONS:

Council Delegation F02 allows the CEO to make payments from the Municipal bank accounts. These payments are required to be presented to Council each month in accordance with Financial Management Regulations 13 (1) for recording in the minutes.

COMMENT:

Council to authorise the payments as presented.

RISK ASSESSMENT:

As Council has complied with legislative requirements there is no associated risk of failing to comply with Local Government Financial Regulations requiring monthly reporting of Financial Activity. Risk rating is considered Level 1 – Insignificant.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response

VOTING REQUIREMENT:

Absolute Majority required

STAFF RECOMMENDATION/COUNCIL RESOLUTION:

Moved Cr Suckling

seconded Cr Hay

That Municipal Fund Cheques 22346 to 22358 inclusive totalling \$34,661.90, Municipal EFT payments numbered EFT24657 to EFT24765, and EFT24812 inclusive totalling \$944,939.25, Direct Debit payments numbered GJ0903 to GJ0913 inclusive totalling \$676,136.92 be passed for payment and the items therein be declared authorised expenditure.

CARRIED BY ABSOLUTE MAJORITY 6/0

Minute Reference 04/23-04

11.2 MONTHLY FINANCIAL STATEMENTS – MARCH 2023

File Reference	1.1.1
Date of Report	12 th April 2023
Reporting Officer	Grant Middleton, Deputy Chief Executive Officer
Responsible Officer	Grant Middleton, Deputy Chief Executive Officer

SUPPORTING DOCUMENTS:

Reference	Description	In Report	Separate Cover
Appendix	Monthly Financial Report for March 2023	✓	

DISCLOSURE OF INTEREST:**BACKGROUND:**

This information is provided to Council in accordance with provisions of the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996.

The Monthly Statements of Financial Activity for the period ending 31 March 2023 are detailed from page 1 to page 22 per the attached Monthly Financial Report.

COMMUNITY & GOVERNMENT CONSULTATION:

Not applicable

FINANCIAL IMPLICATIONS:

The 31 March 2023 financial position is comprised of the following:

Total operating revenue has a surplus position of \$871,155 and operating expenditure has a deficit position of \$486,758 to the end of March 2023. The surplus revenue position is largely due to the receipt of \$750,000 for Insurance and LRCI2 final grant revenue component. The expenditure variances are largely related to Cyclone Seroja building repair works that are offset by insurance payout revenue whilst the additional depreciation expenses are associated with the increased building valuations associated with the revaluation of Land and Buildings in 2021/2022.

Investing and Financing variances will reconcile as the year progresses and it is anticipated there will be no significant budget variations.

Further explanations of material variations are detailed by reporting program in Note 15 of the Monthly Financial Report.

STATUTORY IMPLICATIONS:

Local Government (Financial Management) Regulation 34 1996
Local Government Act 1995 Section 6.4

POLICY/PROCEDURE IMPLICATIONS:

Council is required annually to adopt a policy on what it considers to be material as far as variances that require to be reported for Council. The current Council Policy sets the material variance at \$5,000.

COMMENT:

Council to adopt the monthly Financial Report as presented.

RISK ASSESSMENT:

As Council has complied with legislative requirements there is no associated risk of failing to comply with Local Government Financial Regulations requiring monthly reporting of Financial Activity. Risk rating is considered Level 1 – Insignificant.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response

VOTING REQUIREMENT:

Absolute Majority required

STAFF RECOMMENDATION/COUNCIL RESOLUTION:

Cr Hay **seconded Cr Suckling**

That Council adopts the Monthly Financial Report for the period ending 31 March 2023.

CARRIED BY ABSOLUTE MAJORITY 6/0

Minute Reference 04/23-05

Michelle Allen declared an interest in Item 11.3 as she is a member of the Northampton Motors and Machinery Group.

Michelle Allen left the meeting at 1.45pm.

Neil Broadhurst entered the meeting at 1.53pm.

Neil Broadhurst left the meeting at 1.55pm.

Neil Broadhurst entered the meeting at 2.07pm.

Neil Broadhurst left the meeting at 2.35pm.

Michelle Allen entered the meeting at 2.35pm.

11.3 BUDGET VARIATIONS

File Reference	1.1.2
Date of Report	12 th April 2023
Reporting Officer	Grant Middleton, Deputy Chief Executive Officer
Responsible Officer	Grant Middleton, Deputy Chief Executive Officer

SUPPORTING DOCUMENTS:

Reference	Description	In Report	Separate Cover
Appendix	LRCI Phase 3 – Work Schedule	✓	

DISCLOSURE OF INTEREST:

Nil

BACKGROUND:

Council to approve the following budget variation request:

Kalbarri Airport Runway and Apron Reseal Works

The 2022/2023 Budget has an expenditure provision of \$630,000 for Kalbarri Airport runway and apron reseal. Due to additional costs associated with consultant fees and the provision of a Work Site Safety Officer (CASA requirement), associated line marking, and increased bitumen costs the total reseal works have been estimated at \$685,000 with a contingency of \$15,000 taking the total to \$700,000.

Additionally it has been identified that there was an error in the 2022/2023 budget allocation which listed the Local Roads and Community Infrastructure Program Phase 3 (LRCI3) Grant revenue at \$200,000 for this project, the LRCI3 grant revenue is in fact \$290,602. This change in the LRCI3 grant allocation will enable the works to be completed without removing or deferring any further projects listed in the 2022/2023 budget. The municipal funds associated with the runway reseal works will reduce from \$225,000 to \$204,398.

The expenditure and budget variation details are per the information provided below:

Current budget for the project is comprised of the following:

Expenditure – GL 4624	
Bitumen Contractors	\$580,000
Tender Evaluation and Supervision Contractor	<u>\$50,000</u>
Total	\$630,000

Revenue – GL 4675/4665	
LRCI 3 Grant Funding	\$200,000
Transfer From Aerodrome Reserve	\$205,000
Muni funds	<u>\$225,000</u>
Total	\$630,000

Revised Budget allocation required

Expenditure – GL 4624	
Bitumen Contractors	\$557,000
Line Marking	\$50,000
Tender Evaluation and Supervision Contractor	\$62,000
Work Site Safety Officer (CASA requirement)	\$16,000
Contingency	<u>\$15,000</u>
Total	\$700,000

Revenue – GL 4675/4665	
LRCI 3 Grant Funding	\$290,602
Transfer From Aerodrome Reserve	\$205,000
Muni Funds	<u>\$204,398</u>
Total	\$700,000

The Federal Government funded LRCI3 grant includes funding for the following:

Kalbarri Airport – Runway Reseal	\$290,602
Grey street Asphalt Works	\$550,000
NCC Ablutions	<u>\$140,000</u>
Total	\$980,602

Council has received \$490,301 which is 50% of the total funding allocation. It is anticipated that all LRCI3 work will be completed by 30/6/2023. The requirement for LRCI3 funds to be fully expended by 30/6/23 has been revised to 30/6/2024.

COMMUNITY & GOVERNMENT CONSULTATION:

Not applicable

FINANCIAL IMPLICATIONS:

There will be no overall increase to the 2022/2023 budget provision to accommodate the revised budget allocations listed above due to the additional revenue exceeding the additional expenditure associated with the works. Additionally, the budget revision will not impact on the Long Term Financial Plan (LTFP).

STATUTORY IMPLICATIONS:

Local Government Act 1995 – Section 6.8, authorising unbudgeted expenditure.

Local Government Act (1995) – Section 6.8. - Expenditure from municipal fund not included in annual budget

(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure:

- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or*
- (b) is authorised in advance by resolution*; or*
- (c) is authorised in advance by the mayor or president in an emergency.*

** Absolute majority required.*

(1a) In subsection (1):

additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.

(2) Where expenditure has been incurred by a local government —

- (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
 (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

POLICY/PROCEDURE IMPLICATIONS:

No Policy or Procedure implications

COMMENT:

All of the budget variation items listed are considered to be a priority in nature and need to be funded this financial year.

COA/Job No.	COA/Job Description	Adopted Budget	Proposed Revised Budget	Budget Variance	Comments
146240.08	Kalbarri Airport runway reseal works	\$630,000	\$700,000	\$70,000	Additional funds to complete the reseal works
146750.18	LRCI3 Grant Revenue	\$200,000	\$290,602	\$90,602	Additional grant funds from LRCI3

RISK ASSESSMENT:

The associated risk of not approving the budget variations will impact on project being completed and subsequently the Kalbarri Airport to operate safely. The risk rating is considered Level 4 – Major.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Major (4)	Lost time injury	\$50,001 - \$150,000	Prolonged interruption of services – additional resources; performance affected < 1 month	Non-compliance results in termination of services or imposed penalties	Substantiated, public embarrassment, high impact, high news profile, third party actions	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies

VOTING REQUIREMENT:

Absolute Majority Required: - As there will be a change to the 2022/2023 Budget Council is required to approve the expenditure by an absolute majority as per Section 6.8 of the Local Government Act 1995.

STAFF RECOMMENDATION/COUNCIL RESOLUTION**Moved Cr Suckling****seconded Cr Hay**

That Council approve of the following Budget Variation's and this be declared authorised expenditure.

1. Vary the Kalbarri Airport Runway reseal construction budget from \$630,000 to \$700,000.
2. Vary the Local Roads and Infrastructure (LRCl3) grant allocation for the Kalbarri Airport Reseal from \$200,000 to \$290,602 per the Local Roads and Community Infrastructure Program Phase 3 – Work Schedule.

GL 146240.08 Kalbarri Airport runway reseal works +\$70,000
 GL 146750.18 Local Roads and Infrastructure (LRCl3) grant +\$90,602

CARRIED BY ABSOLUTE MAJORITY 6/0
Minute Reference 04/23-06

11.4 BUDGET SUBMISSIONS 2023/2024

File Reference	1.1.1
Date of Report	10 th April 2023
Reporting Officer	Grant Middleton, Deputy Chief Executive Officer
Responsible Officer	Grant Middleton, Deputy Chief Executive Officer

SUPPORTING DOCUMENTS:

Reference	Description	In Report	Separate Cover
Appendix	Detailed Budget Submissions	✓	

DISCLOSURE OF INTEREST:

Nil

BACKGROUND:

Council to consider budget submissions from groups or organisations for funding in the 2022/2023 Budget.

The public advertising period for the lodgement of Budget submissions for projects to be considered in the 2023/2024 budget closed on 31st March 2023. The document was advertised and available on Council's website with hardcopy forms at both the Northampton and Kalbarri Offices.

The submissions detailed below have been received and Council is requested to consider if these projects are to be included within the 2023/2024 Draft Budget for consideration. Details of the funding requests have been provided as an attachment to this agenda item. There are no deferred projects from the 2022/2023 budget process that need to be considered for 2023/2024.

It is also suggested that applicants actively pursue alternate funding opportunities where projects can be funded from other sources to offset expenditure. In some cases it may be prudent to defer items until 2024/2025 whilst funding is being sought.

It is requested that Council consider the following projects for listing in the draft 2023/2024 budget.

COMMUNITY & GOVERNMENT CONSULTATION:

Not applicable

FINANCIAL IMPLICATIONS:

Any budget items listed for inclusion will be included in the 2023/2024 draft budget.

STATUTORY IMPLICATIONS:

POLICY/PROCEDURE IMPLICATIONS:

No Policy or Procedure implications

COMMENT:

New Budget Requests

1. Northampton Visitor Centre - \$35,000

The Northampton Tourist Association has requested an operating grant of \$35,000 for the 2023/2024 financial year.

Management comment – The Visitor Center request of \$35,000 is the same amount that was approved by Council in the 2021/2022 & 2022/2023 budget. The group plans to upgrade signage and work on the Information Bay. The group is also responsible for the insurance of the AFL figures. The Northampton Tourist Association Operational Grant was \$25,000 for 2016/2017 - 2020/2021, and \$35,000 for 2021/2022 – 2022/2023

2. Kalbarri Visitor Centre - \$50,000

The Kalbarri Visitor Centre has requested funding totaling \$50,000 for their annual operational subsidy. This request represents the same funding allocated for the last three years. The Kalbarri Visitor Centre is a level 1 accredited Visitor Centre and provides valuable ongoing support for the local tourist industry as tourists return to the region in greater numbers.

Management comment – The Kalbarri Visitor Centre Operational Grant was \$25,000 2013/2014., \$30,000 – 2014/2015 - 2015/2016, \$35,000 2016/2017 – 2018/2019, \$50,000 – 2019/2020 – 2022/2023

3. Kalbarri Visitor Centre (Specified Area Rate) - \$30,000

There has been a request for funding of \$30,000 to continue with the Specified Area Rate to be utilised for TV, digital and print media campaigns and attendance at tourism trade shows.

Management comment – The Kalbarri Specified Area rate of \$30,000 was levied from 2017/2018 – 2022/2023 for advertising and promotion, \$31,500 in 2016/2017 for advertising and promotion, \$30,000 in 2015/2016 comprising \$15,000 advertising and promotion and \$15,000 for entry statements. The Visitor Centre has been working to clear unspent Specified Area funds from prior years including the 2022/2023 allocation. Any unspent funds at 30th June 2023 will be spent during the 2023/2024 financial year.

3. St John Ambulance Northampton \$1,160

The Northampton St John volunteer Ambulance service has requested funding of \$1,160 for defibrillator pads and batteries for community based defib units within the Shire.

Management comment – St John have not been allocated funding in prior years budgets for the defib units.

4. Northampton Old School - \$4,000

The Northampton Old School community has requested funding assistance for grounds and buildings upkeep.

Management comment – This old school is a Council owned facility but operated by the lease holders. No funding has been provided in prior years for this activity. Major building maintenance is generally paid for by the Shire.

5. Northampton District Bowling Club- \$4,840

The Northampton Bowling Club has requested \$4,840 in assistance to fund the replacement of the electricity switch board. This upgrade was required due to the club installing solar panels in 2022.

Management comment – Th club submitted this funding request last financial year but unfortunately the request was not included for consideration in the 2022/2023 budget. The bowling club premises are Council owned and operated by the bowling club.

6. PEET Park Kalbarri- \$7,000

The Peet Park Community project was completed in 2012. The reticulation infrastructure requires attention as there are problems with burst pipes and subsequently lawn areas and gardens have died off.

Management comment – The applicant has estimated the cost to repair the reticulation at \$7,000, it is anticipated that the reticulation could be repaired by Council staff rather than engaging an external contractor.

7. Northampton Motors and Machiney Restoration Group \$5,000

The Northampton Motors and Machinery Restoration Group Inc is seeking support with the construction of a new shed. The new 8m x 15m shed/exhibition facility will cost approximately \$41,300 (inc GST) to purchase and construct and the group is seeking a contribution of \$5,000 to assist with the project. The group has been proactive and has already secured the relevant planning and building approvals.

Management comment – The group has not received any funding in the past and the Shire has the land as a vested reserve and the existing buildings on our Asset Register and Insurance Schedule.

8. Kalbarri Sport and Recreation Club \$6,000

The Kalbarri Sport and Recreation club has requested assistance with the purchase of 100 chairs, 25 barstools and 10 trestle tables. The total cost of the furniture is approximately \$12,000 and the group will contribute \$6,000. Additionally there has been a request to repair/replace the inside storeroom and kitchen roller doors. Staff had included a provision of \$3,000 in the draft 2023/2024 for the associated works.

Management comment – The Sport and Recreation building is a Shire asset, this is the first request for assistance from the group for this type of assistance.

9. Kalbarri Childcare \$1,000

The Kalbarri Childcare committee has requested assistance with the purchase of paint, palms, soil and garden beds. The committee would like to paint their cubby house and plant palms in the garden beds to beautify the area and start a veggie patch for the children.

Management comment – The childcare facility is operated by volunteers out of a Shire owned building

10. Binu Tennis Club \$25,000

The Binu Tennis Club Inc (and Hall) have requested funding to install a suspended ceiling and air conditioning at the Binu Hall. The cost to install the suspended ceiling is approximately \$50,000 and the cost to install the air conditioning and upgrade power is approximately \$30,000. If you allow for a contingency of \$5,000 the total cost of the upgrades will be approximately \$85,000. The group will contribute \$20,000 plus NAG have committed to contributing funding for the project.

Management comment – The Binu Hall is a Shire asset that is operated and maintained by the groups. The requirement for a suspended ceiling and air conditioning has been under consideration for a number of years. The facility is utilised extensively and the provision of an insulated ceiling with improved lighting and air conditioning will improve the amenity of the building considerably.

11. KMECC Committee STAGE 1 \$55,000 & Stage 2 \$52,500

The following funds have been requested for the procurement and costs associated with the proposed Kalbarri Multi-Purpose Evacuation Community Centre.

Stage 1 – Project Management \$10,000, Architect Fees \$10,000, Land Survey \$5,000, Engineering Documents \$20,000 & Geotechnical and Soil Report \$10,000

Stage 2 – Costs to develop concept design \$30,000, Quantity Surveyor \$7,500, Economic analysis Report \$5,000, Business Case Report \$5,000 & Grant Application \$5,000

Management comment – The Kalbarri Multi Purpose Evac Centre project is in the early phase of concept and design with public consultation undertaken and a draft concept design presented, the group has proposed an alternative lay-out in the attached documentation. Council will need to determine the amount, timing and funding source for any proposed buildings on this site.

12. Astrotourism Town Project \$30,000

There has been a request for the Shire to be part of Astrotourism Town Project. The 12 month project to establish a Dark sky Tourism destination, The four phases of the project will include the following:

Phase 1: Dark sky location site assessment and selection

Phase 2: Community engagement and capacity building

Phase 3: Promotion and advocacy

Phase 3: Free Community stargazing Event

Management comment – The Shire has not contributed funding for this type of event in recent years.

RISK ASSESSMENT:

The associated risk of not approving the budget requests for listing in the draft 2023/2024 budget will vary depending on the level of risk associated with each project.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response
Minor (2)	First aid injuries	\$1,001 - \$10,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response
Moderate (3)	Medical type injuries	\$10,001 - \$50,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact, moderate news profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies

This project be addressed through the Shire Maintenance Program

PEET Park Kalbarri (Reticulation Upgrade) - \$2,000 (Materials) Shire workforce to undertake the works

That the following projects be deferred and not included in the draft 2023/2024 Budget.

Northampton Old School (Grounds and Buildings upkeep) - \$4,000 (more information required from applicant)

KMECC Committee (Evacuation Centre Project Management/Design etc) STAGE 1 \$55,000 & Stage 2 \$52,500 (Defer pending decision on the provision of future funding, letter explaining deferral and thanking applicant for their submission to be sent)

Astrotourism Town Project (Establish dark sky tourism destination) - \$30,000

CARRIED 6/0
Minute Reference 04/23-07

12 ADMINISTRATION & CORPORATE REPORT

- 12.1 WALGA – BEST PRACTICE GOVERNANCE REVIEW
- 12.2 REGIONAL EARLY EDUCATION DEVELOPMENT – LEASE 47 SMITH ST, KALBARRI

12.1 WALGA - BEST PRACTICE GOVERNANCE REVIEW

Location	All WA Local Government Authorities
Applicant	Western Australian Local Government Association (WALGA) State Council
Owner/Lessee	NA
File Reference	4.1.4
Date of Report	31 March 2023
Reporting Officer	Acting Chief Executive Officer
Responsible Officer	Acting Chief Executive Officer

SUPPORTING DOCUMENTS:

Reference	Description	In Report	Separate Cover
7.5.1(a)	WALGA Steering Committee (Final-Report)		✓
7.5.1(b)	WALGA Constitution		✓
7.5.1(c)	WALGA Webinar Power Point Presentation		✓

DISCLOSURE OF INTEREST:

Nil

BACKGROUND:

Council resolved the following at the December 2022 OCM on this matter:

“Council advise WALGA as a response to the WALGA Best Practice Governance Review their preference is Option 5(i.e. the Status Quo be retained).”

WALGA advises the following on the Best Practice Governance Review feedback from local government authorities:

“Submissions were received from 99 Local Governments, of these 35 supported the current model, 33 Model 1, 11 Model 3, 8 Model 4, 5 Model 2 and 9 did not have a preference. Noting responses were not received from 40 Local Governments. This represents a comprehensive review and as always, the range of responses were as varied and diverse as is our State.

Taking all the data and feedback into account the Steering Committee endorsed Model 1 to be offered as an alternate model for consideration against the current model at this year’s AGM.”

State Council, at their 1 March meeting, considered the Steering Committee’s recommendations and resolved as follows:

That:

1. *The Best Practice Governance Review Stage 3 Final Report be received;*
2. *The proposed changes to WALGA’s governance structure as per the revised Model 1, detailed in the Stage 3 Final Report, be noted;*
3. ***Members be engaged on the detail of the model and a Final Report be presented to the May 2023 State Council meeting for consideration;***
4. *Any recommendation to the 2023 AGM include Option 5 as the Current Model and Option 1 as an alternative to the Current Model; and*
5. *Subject to points 1, 2, 3 and 4 above, constitutional changes be developed for consideration by State Council.*

Changes made by the WALGA State Council to Model 1 from the Original Report (provided at the December 2022 OCM) to the Final Report are as follows:

- *The Policy Council renamed to State Council (demonstrating no change to the current State Council)*
- *The State Council will elect the President and the Deputy President. Previously the Board elected the President and Deputy President.*
- *The Board will have to consult with the State Council on key items being the Strategic Plan and the State Budget Submission*
- *The State Council and Zones will meet at least 3 times and not 2 times as previously stated.*

COMMUNITY & GOVERNMENT CONSULTATION:

WALGA advised all LGAs wanting to gain a broader understanding of the details of Model 1, Elected Members and senior officers were invited to attend a webinar where the review team provided an overview of Council submissions to the consultation process, and outlined the details of Model 1, and the process going forward.

The webinar was held from **2:00pm until 3:00pm on Tuesday, 21 March 2023.**

WALGA advised feedback was required by **Friday, 31 March** which will be included in the agenda item for Zone meetings. Feedback received after 31 March, but before Friday, **21 April**, will be provided to State Council directly. The problem with the above timeline for the Shire of Northampton was:

1. The Webinar held on 21/3/2023 to explain Model 1 was after the Shire's Ordinary Council Meeting (OCM) held on 17/3/2023.
2. The deadline for comments of 31/3/2023 is prior to the Shire's next OCM scheduled for 21/4/2023.
3. Comments received after 31/3/23 and prior to 21/4/23 would not form part of the WALGA State Council or Zone Agendas yet would be provided to State Council members direct. This is considered an inappropriate process and indicates late submission being rendered less significant than those received by 31/3/2023.

A verbal request from the Acting CEO seeking an extension to the submission closure date, to both the WALGA President and CEO, resulted in a firm response of no extension being possible. The reason provided was due to the tight timeframe to have the Model 1 option being sent to legal consultants for the WALGA Constitutional amendments to be compiled in readiness for the WALGA AGM to be held on 18 September 2023.

I believe such an important matter should not be rushed through, as it appears to have been, and more time should have been afforded for LGA's and Zones to better understand and deal with the possible issues associated with Model 1.

WALGA has confirmed the following as the next steps in the process:

State Council	State Council	2023 AGM
3 May	5 July	18 September
Following the Member feedback period, a report will be presented to Zones and State Council recommending a way forward for the Governance Review.	Subject to State Council support the Project will then move into stage 4, during which amendments to WALGA's constitution will be drafted for consideration by State Council at its meeting in July.	Any proposed changes to the Constitution will be presented to Members for consideration at the 2023 Annual General Meeting.

FINANCIAL IMPLICATIONS:

There may be additional costs associated with the introduction of Model 1 as this structure adds another layer to the existing structure and it may be necessary to pay the WALGA Board representatives (specifically the three additional, skill-based members). However, these perceived additional costs may be offset by less regularity of the proposed State Advisory Council meetings. The cost comparison to the Status Quo (Model 5) and Model 1 should be determined and form part of the discussion/consultation process as any possible additional costs will come from the LGAs WALGA annual subscriptions.

STATUTORY IMPLICATIONS:

Though it appears there is no specific State or Commonwealth Statute directly involved with amending the WALGA Constitution. The Associations Constitution is a legally binding document, which must be adhered to when considering any form of change to this constitution.

Clause 29 of the WALGA Constitution states

29. AMENDMENT TO THE CONSTITUTION

The Constitution of the Association may be altered, added to or repealed by:

1. *A resolution at any meeting of the State Council on the receipt of a special majority of not less than 75% of representatives or by their deputy representatives; and*
2. *A resolution at an Annual General Meeting or Special General Meeting passed by a majority of not less than 75% of delegates or duly authorise a proxy vote to be exercised on their behalf, provided that:*
 - a) *75% of Ordinary Members who are eligible to vote are present or represented; and*
 - b) *the Chief Executive Officer has given not less than sixty (60) days notice of any proposal to alter, add or repeal the Constitution to all Ordinary Members.*

WALGA has 139 LGA members with each LGA is given two votes at the WALGA AGM's. This is a total of 278 votes with 209 (75%) needing to vote in the affirmative for any proposed constitutional change to be successful.

There are 32 Metro LGAs (including Serpentine Jarrahdale, Mundaring & Mandurah) and 107 Regional LGA's (including large regional centres such as Geraldton, Bunbury, Busselton, Kalgoorlie, Albany), Therefore, if the regional LGAs overwhelmingly oppose a constitutional change to introduce Model 1, as it is considered an erosion of regional representation on the WALGA State Council, then they do have a strong base to ensure the vote at the AGM is below the minimum 75% affirmative threshold required i.e.

- 26% No Vote = approx.. 73 votes (or approx...37 LGAs combined votes).

A full copy of the WALGA Constitution is provided at **Attachment 7.5.1(b)**.

POLICY/PROCEDURE IMPLICATIONS:

No Shire Policy or Procedure affected.

COMMENT:

The Shire President attended the WALGA Webinar on the 21 March 2023 and sent an email to all Elected Members on 22 March 2023 (via the Acting CEO), seeking feedback for an *Out-Of-Session* submission to be presented to WALGA. This email highlighted the following items to be included into a submission:

- a) It will not be easy to select 4 Board members from 12 Country Zones. The temptation will be to do this in regions rather than the merit of State Councillors. It is believed this will result in a majority of the regional LGAs having their voice at the WALGA State Council totally removed.

- b) The existing WALGA Zone system is considered by some as being cumbersome yet still provides a better conduit of communication from regional LGAs to the State Council than what is being proposed. The proposed Model 1 being advocated by the WALGA State Council for consideration would eventually render the Zone system superfluous if Zones do not have the ability to be at the decision-making table of WALGA. If LGAs feel they are not being represented appropriately at WALGA it is believed they will ignore the Zone system.
- c) The Model 1 proposal simply retains the existing 24 Elected Member structure as an Advisory body to the 11 Member Board, which will be the decision makers. This just adds another level of governance to the WALGA process and if the Zones participation in the regional areas disintegrates due to individual LGA disinterest, in time it is envisaged the regional Zones significantly reducing in number (e.g., Zone amalgamations) or even disappearing. This will not be the case in the Metropolitan areas as they will still have strong representation (i.e., 4 WALGA Board Members elected from 5 Zones).
- d) Regional Local Governments collectively (yet unsuccessfully) lobbied against the State Government's move to amend the make-up of the State Legislative Council, which resulted in significant reduction in regional representation on the Legislative Council. The WALGA State Council's proposed Model 1 for the restructure of the WALGA Governance is yet again another example of metropolitan centric politics aiming to deplete the regional voice and representation.
- e) The argument has been made of the population disparity between the metropolitan and non-metropolitan areas of the State (i.e., approx.. 75% Metro – v – 25% Non-Metro) and how this should be considered as part of the WALGA State Council structure. This gets back to the State Government's *one vote – one value* rationale and totally ignores the productivity value the State derives from the regions (e.g., mining, agriculture, fishing, etc.). WALGA State Council should be careful in using the population issue as a reason to introduce a new governance model as this will result in the regional LGAs being ostracised and could lead to a push for the regional LGAs considering the option to revert back to their own Association (i.e., to Country Shire Council Association structure of the past). This would be an undesirable outcome.
- f) One would assume the three Independent Board members would be from the Metro area. This has the potential to reduce the representation of the non-metro regions.
- g) It is assumed board members would need to be appropriately paid. Currently the State Councillors are paid approximately \$3000. Will Board Members be paid significantly more.

As a result of feedback from both Elected Members and Staff the following are some additional points which were added to the items above and have been included into the WALGA submission:

- h) The WALGA data analysis on submissions received appears to have manipulated the figures to create an outcome reflecting a majority of respondent required a change to the current structure (i.e., Model 5). The data should be calculated on a "*First-Past-The-Post*" response, not on "*Preferences*". It should not be assumed those who voted for Models other than Models 1 & 5 would prefer wholesale changes (i.e. Model 1). Local Government argued (unsuccessfully) for the "*First-Past-The-Post*" vote counting process and opposed the "*Preferential or Optional Preferential*" system when responding to the recent Local Government Act Reform process. If the "*First-Past-The-Post*" count system was used to calculate the submissions, then it is obvious the current status quo is most favoured (i.e. Model 5).
- i) It was stated at the Webinar WALGA State Council would consider **Council Endorsed Submission**. As WALGA's timeframe for the current consultation process limits the ability for Agenda Items to be presented to Council for endorsement then it is requested all submissions are accepted in this instance and not only those with prior Council endorsement.

- j) Independent Board Members:
 - i. What is the need for these members?
 - ii. Should there be an even number (i.e., 2 or 4) and it be stipulated these be evenly appointed from Metro and Non-Metro areas to ensure there is not an imbalance created by these members?
- k) Will the positions of President and Deputy President continue to be rotated between Metro and Non-Metro Elected Members as is the case now?
- l) Has any thought been given to perhaps looking at reducing the number of Regional Zones and adjusting the Metropolitan Zones to include some of the Outer Metro LGAs? Maybe this could be more easily sold than the current Model 1 which will always be tainted with the comment of under representation of regional LGAs i.e.
 - i. Regions (107 LGAs) – reduced from 12 to 4 derived from 12 existing Zones.
 - ii. Metro (32 LGAs) – reduced 12 to 4 derived from 5 existing Zones.

Regional Local Government areas are serviced by State departments/organisation adequately and perhaps some reference to these boundaries could be considered to reduce the number of regional zones e.g.

- iii. 9 Regional Development Commissions
- iv. 10 Regional Road Groups

There could also be some Zone boundary adjustments to bring some of the Outer Metro LGAs in the Metro Zones. An example could be as follows:

- v. Seven (7) Regional Zones – All LGAs still represented.
- vi. Seven (7) Metro/Outer Metro Zones – All LGAs still represented.
- vii. Ex-Officio President

This could potentially reduce WALGA State Council number down from 25 to 15 (which is assumed is the desired outcome). This is basically a variation to Model 3 with the removal of the Board, which is simply adding another tier of governance within the WALGA structure.

With telecommunication technology the Zone meeting can be held by teleconference, rather in-person so the tyranny of distance should be an issue. Maybe limited in-person meetings for Zones. This would also help WALGA will staff travel, accommodation, etc.

RISK ASSESSMENT:

The perceived risk with the WALGA Constitution being changed to reflect proposed Model 1 (as presented by the WALGA State Council) could have an *uncontained, irreversible impact* on regional local government representation on the WALGA State Council. This Model could also see the diminished relevance, importance and possible existence of the current WALGA Zone system. Therefore the risk in this instance is considered **major/catastrophic**.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response
Minor (2)	First aid injuries	\$1,001 - \$10,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response
Moderate (3)	Medical type injuries	\$10,001 - \$50,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact, moderate news profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies
Major (4)	Lost time injury	\$50,001 - \$150,000	Prolonged interruption of services – additional resources; performance affected < 1 month	Non-compliance results in termination of services or imposed penalties	Substantiated, public embarrassment, high impact, high news profile, third party actions	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies
Catastrophic (5)	Fatality, permanent disability	More than \$150,000	Indeterminate prolonged interruption of services – non-performance > 1 month	Non-compliance results in litigation, criminal charges or significant damages or penalties	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions	Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment & building	Uncontained, irreversible impact

VOTING REQUIREMENT:

Simple Majority required

STAFF RECOMENDATION/COUNCIL RESOLUTION

Moved Cr Horstman seconded Cr Sudlow

That Council endorses the following *out-of-session* submission presented to the WALGA State Council on the *WALGA Best Practice Governance Review Stage 3 Final Report* and the resolution by the State Council to present Model 1 to the 2023 WALGA Annual General Meeting:

- a) It will not be easy to select 4 Board members from 12 Country Zones. The temptation will be to do this in regions rather than the merit of State Councillors. It is believed this will result in a majority of the regional LGAs having their voice at the WALGA State Council totally removed.
- b) The existing WALGA Zone system is considered by some as being cumbersome yet still provides a better conduit of communication from regional LGAs to the State Council than what is being proposed. The proposed Model 1 being advocated by the WALGA State Council for consideration would eventually render the Zone system superfluous if Zones do not have the ability to be at the decision-making table of WALGA. If LGAs feel they are not being represented appropriately at WALGA it is believed they will ignore the Zone system.
- c) The Model 1 proposal simply retains the existing 24 Elected Member structure as an Advisory body to the 11 Member Board, which will be the decision makers. This just adds another level of governance to the WALGA process and if the Zones participation in the regional areas disintegrates due to individual LGA disinterest, in time it is envisaged the regional Zones significantly reducing in number (e.g., Zone

amalgamations) or even disappearing. This will not be the case in the Metropolitan areas as they will still have strong representation (i.e., 4 WALGA Board Members elected from 5 Zones).

- d) Regional Local Governments collectively (yet unsuccessfully) lobbied against the State Government's move to amend the make-up of the State Legislative Council, which resulted in significant reduction in regional representation on the Legislative Council. The WALGA State Council's proposed Model 1 for the restructure of the WALGA Governance is yet again another example of metropolitan centric politics aiming to deplete the regional voice and representation.
- e) The argument has been made about the population disparity between the metropolitan and non-metropolitan areas of the State (i.e., approx.. 75% Metro – v – 25% Non-Metro) and how this should be considered as part of the WALGA State Council structure. This gets back to the State Government's *one vote – one value* rationale and totally ignores the productivity value the State derives from the regions (e.g., mining, agriculture, fishing, etc.). WALGA State Council should be careful in using the population issue as a reason to introduce a new governance model as this will result in the regional LGAs being ostracised and could lead to a push for the regional LGAs considering the option to revert back to their own Association (i.e., to Country Shire Council Association structure of the past). This would be an undesirable outcome.
- f) One would assume the three Independent Board members would be from the Metro area. This has the potential to reduce the representation of the non-metro regions.
- g) It is assumed board members would need to be appropriately paid. Currently the State Councillors are paid approximately \$3000. Will Board Members be paid significantly more.
- h) The WALGA data analysis on submissions received appears to have manipulated the figures to create an outcome reflecting a majority of respondent required a change to the current structure (i.e., Model 5). The data should be calculated on a "*First-Past-The-Post*" response, not on "*Preferences*". It should not be assumed those who voted for Models other than Models 1 & 5 would prefer wholesale changes (i.e. Model 1). Local Government argued (unsuccessfully) for the "*First-Past-The-Post*" vote counting process and opposed the "*Preferential or Optional Preferential*" system when responding to the recent Local Government Act Reform process. If the "*First-Past-The-Post*" count system was used to calculate the submissions, then it is obvious the current status quo is most favoured (i.e. Model 5).
- i) It was stated at the Webinar WALGA State Council would consider **Council Endorsed Submission**. As WALGA's timeframe for the current consultation process limits the ability for Agenda Items to be presented to Council for endorsement then it is requested all submissions are accepted in this instance and not only those with prior Council endorsement.
- j) Independent Board Members:
 - iii. What is the need for these members?
 - iv. Should there be an even number (i.e., 2 or 4) and it be stipulated these be evenly appointed from Metro and Non-Metro areas to ensure there is not an imbalance created by these members?
- k) Will the positions of President and Deputy President continue to be rotated between Metro and Non-Metro Elected Members as is the case now?
- l) Has any thought been given to perhaps looking at reducing the number of Regional Zones and adjusting the Metropolitan Zones to include some of the Outer Metro LGAs? Maybe this could be more easily sold than the current Model 1 which will always be tainted with the comment of under representation of regional LGAs i.e.

- viii. Regions (107 LGAs) – reduced from 12 to 4 derived from 12 existing Zones.
- ix. Metro (32 LGAs) – reduced 12 to 4 derived from 5 existing Zones.

Regional Local Government areas are serviced by State departments/organisation adequately and perhaps some reference to these boundaries could be considered to reduce the number of regional zones e.g.

- x. 9 Regional Development Commissions
- xi. 10 Regional Road Groups

There could also be some Zone boundary adjustments to bring some of the Outer Metro LGAs in the Metro Zones. An example could be as follows:

- xii. Seven (7) Regional Zones – All LGAs still represented.
- xiii. Seven (7) Metro/Outer Metro Zones – All LGAs still represented.
- xiv. Ex-Officio President

This could potentially reduce WALGA State Council number down from 25 to 15 (which is assumed is the desired outcome). This is basically a variation to Model 3 with the removal of the Board, which is simply adding another tier of governance within the WALGA structure.

With telecommunication technology the Zone meeting can be held by teleconference, rather in-person so the tyranny of distance should be an issue. Maybe limited in-person meetings for Zones. This would also help WALGA will staff travel, accommodation, etc.

CARRIED 6/0
Minute Reference 04/23-08

12.2 REGIONAL EARLY EDUCATION DEVELOPMENT – LEASE 47 SMITH ST, KALBARRI

Location	Kalbarri Childcare – 47 Smith St, Kalbarri
Applicant	Regional Early Education Development Inc.
Owner/Lessee	Shire of Northampton
File Reference	8.1.2 & 9.1.3
Date of Report	29 March 2023
Reporting Officer	Acting Chief Executive Officer
Responsible Officer	Acting Chief Executive Officer

SUPPORTING DOCUMENTS:

Reference	Description	In Report	Separate Cover
7.5.2(a)	Kalbarri Childcare letter to REED		✓
7.5.2(b)	REED Proposed Kalbarri Lease Agreement		✓
7.5.2(c)	REED Constitution (2022)		✓
7.5.2(d)	Current REED Lease Agreement – Northampton Childcare		✓
7.5.2(e)	Kalbarri Occasional Childcare Lease Extension		✓
7.5.2(f)	Kalbarri Littlies Playgroup Lease Agreement		✓

DISCLOSURE OF INTEREST:

Nil

BACKGROUND:

An approach has been made by Regional Early Education Development Inc. (REED) to lease the Shire owned property at 47 Smith St, Kalbarri and advising of the proposed merger between REED and the Kalbarri Childcare. This merger has been requested by Kalbarri Childcare (see **Attachment 7.5.2(a)**).

The Shire has previously established a property lease arrangement with REED at Lot 483 Stephen Street, Northampton for them to run the Northampton Childcare facility. A copy of this Lease Agreement is provided at **Attachment 7.5.2(d)** for Council Information. This was agreed to by Council at the April 2022 Ordinary Council Meeting i.e.

Moved Cr SUCKLING, seconded Cr STEWART

That Council approve the leasing of Lot 483 Stephen Street, Northampton, being the Northampton Child Care Centre, for a term of ten years at a peppercorn rent of \$1 per annum and Council continue to maintain the lawns and gardens at the Centre.

CARRIED 6/0

COMMUNITY & GOVERNMENT CONSULTATION:

REED has provided correspondence from Kalbarri Childcare where this organisation has requested the merger with REED.

No further consultation has been undertaken by the Shire staff on this matter with Kalbarri Childcare

No contact was made with the *Kalbarri Littlies Playgroup* as it appears they have a totally separate lease arrangement for their operations located at 175 Kaiber St, Kalbarri (see **Attachment 7.5.2(f)**).

FINANCIAL IMPLICATIONS:

The existing Kalbarri Occasional Childcare Lease has no annual fee payable and the propose lease agreement provided by REED also states no annual lease payment.

The existing Agreement the Shire has with REED for the Northampton Child Care facility is also nil (i.e. \$1 annually on demand). Therefore, if the status quo is to be retained there will be no financial implication.

STATUTORY IMPLICATIONS:

The Shire is exempt from the disposition of property requirements under the Local Government Act 1995 and Local Government (Functions & General) Regulation, 1996 as the purpose of the lease is considered educational.

I have confirmed the REED purpose by obtaining a copy of the organisations constitution (see Clause 3 in **Attachment 7.5.2(c)**).

LG Act 1995*3.58. Disposing of property*

- 1) *In this section —
dispose includes to sell, **lease**, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does not include money.*
- 2) *Except as stated in this section, a local government can only dispose of property to —*
 - a) *the highest bidder at public auction; or*
 - b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- 3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
 - a) *it gives local public notice of the proposed disposition —*
 - i. *describing the property concerned; and*
 - ii. *giving details of the proposed disposition; and*

- iii. *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*

and

- b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

- 4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
 - a) *the names of all other parties concerned; and*
 - b) *the consideration to be received by the local government for the disposition; and*
 - c) *the market value of the disposition —*
 - i. *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
 - ii. *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*
- 5) ***This section does not apply to —***
 - a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
 - b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
 - c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
 - d) ***any other disposition that is excluded by regulations from the application of this section.***

LG (Functions & General) Regulation, 1996

30. ***Dispositions of property excluded from Act s. 3.58***

- 1) *A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.*
- 2) *A disposition of land is an exempt disposition if —*
 - a) *the land is disposed of to an owner of adjoining land (in this paragraph called the transferee) and —*
 - i. *its market value is less than \$5 000; and*
 - ii. *the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;*
 - or
 - b) ***the land is disposed of to a body, whether incorporated or not —***
 - i. *the objects of which are of a charitable, benevolent, religious, cultural, **educational**, recreational, sporting or other like nature; and*
 - ii. *the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;*
 - or
 - c) *the land is disposed of to —*

- i. *the Crown in right of the State or the Commonwealth; or*
- ii. *a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or*
- iii. *another local government or a regional local government;*

or

- d) *it is the leasing of land to an employee of the local government for use as the employee's residence; or*
- e) *it is the leasing of land for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land; or*
- f) *it is the leasing of land to a person registered under the Health Practitioner Regulation National Law (Western Australia) in the medical profession to be used for carrying on his or her medical practice; or*
- g) *it is the leasing of residential property to a person.*

POLICY/PROCEDURE IMPLICATIONS:

No Policy or Procedure affected.

COMMENT:

The Staff Recommendation is to approve the establishment of a lease agreement with REED for 47 Smith St, Kalbarri, where the existing childcare is operating from under Kalbarri Occasional Childcare.

The Staff Recommendation also suggest the formal termination of the exiting lease agreement the Shire has with Kalbarri Occasional Childcare. It appears this lease has lapsed anyway with the term end date indicated in the lease as being 20 August 2021.

It also appears evident from the correspondence sent by Kalbarri Occasional Childcare to REED the existing operations is finding it difficult to continue financially. Hence (I believe) the request made to REED.

RISK ASSESSMENT:

The associated risk would be the loss of childcare service in Kalbarri, which I believe would be consider a **Major** issue.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response
Minor (2)	First aid injuries	\$1,001 - \$10,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Moderate (3)	Medical type injuries	\$10,001 - \$50,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact, moderate news profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies
Major (4)	Lost time injury	\$50,001 - \$150,000	Prolonged interruption of services – additional resources; performance affected < 1 month	Non-compliance results in termination of services or imposed penalties	Substantiated, public embarrassment, high impact, high news profile, third party actions	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies
Catastrophic (5)	Fatality, permanent disability	More than \$150,000	Indeterminate prolonged interruption of services – non-performance > 1 month	Non-compliance results in litigation, criminal charges or significant damages or penalties	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions	Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment & building	Uncontained, irreversible impact

VOTING REQUIREMENT:

Absolute Majority or Simple Majority required

STAFF RECOMMENDATION/COUNCIL RESOLUTION

Moved Cr Horstman seconded Cr Pike

That Council:

- 1) Approve leasing of 47 Smith St, Kalbarri, the Regional Early Education Development Inc as detailed in the Draft Lease Agreement provided at Attachment 7.5.2(b) of this report.
- 2) Council formally terminate the Lease Agreement with Kalbarri Occasional Childcare for 47 Smith St, Kalbarri.

CARRIED 6/0
Minute Reference 04/23-09

13 PRESIDENT'S REPORT

Since the last Council meeting Cr Sudlow reported on her attendance at:

- 21/03/2023 - WALGA Webinar: Best Practice Governance Review
- 27/03/2023 - Feedback re Consumer Café (attended in Kalbarri 24th Feb) via Teams (WACHS)
- 27/03/2023 - Teams Meeting Sam Edwards, Chrissy Jengi and Jemma Williams Media representative for Department of Fire and Emergency Services.
- 29/03/2023 - Handover meeting with Maurice Battilana
- 04/04/2023 - Meeting with Melissa Pexton and Chrissy Jengi
- 05/04/2023 - Geraldton University Centre Awards Night – Hollomby Foundation
- 06/04/2023 - Progress Meeting – Kalbarri Seroja Projects via Teams with Antoinette Krause and many new members of DFES.
- 11/04/2023 - ABC Radio Interview
- 11/04/2023 - Meeting with National Party, Marty Aldridge, MLC Ag Region and Mem Beard, MLA Northwest
- 11/04/2023 - Channel 7 News interview
- 11/04/2023 - Meeting with Sandra Carr and Shelley Payne, MLCs for Ag Region

14 DEPUTY PRESIDENT'S REPORT

Since the last Council meeting Cr Horstman reported on his attendance at:

- 28/03/2023 - WACHS Hospital Accreditation
- 20/04/2023 - Meeting with Sean Dixon from the Josh Kennedy Foundation
- 21/04/2023 - Meeting with the Cyclone Seroja Recovery Hub

15 COUNCILLORS REPORTS

15.1 Cr Pike

Since the last Council meeting Cr Pike reported on his attendance at:

- 25/03/2023 – Opening of Kalbarri Volunteer Marine Rescue
- 27/03/2023 – Kalbarri Visitors Centre meeting
- 29/03/2023 – Kalbarri Development Association meeting

15.2 Cr Burges

Since the last Council meeting Cr Burges reported on his attendance at:

- 25/03/2023 – Opening of the Volunteer Marine Rescue building

16 NEW ITEMS OF BUSINESS

Nil

17 NEXT COUNCIL MEETING

The next Ordinary Meeting of Council will be held on Friday 19th May 2023 commencing at 1.00pm at the Allen Centre, Kalbarri.

18 CLOSURE

There being no further business, the President thanked everyone for their attendance and declared the meeting closed at 2.51 pm.

THESE MINUTES CONSISTING OF PAGES 1 TO 53 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON FRIDAY 19th MAY 2023.

PRESIDING MEMBER: _____

DATE: _____