



AGENDA

COUNCIL MEETING

15 DECEMBER 2023

SHIRE OF NORTHAMPTON – COUNCIL MEETING AGENDA**15 December 2023****NOTICE TO ALL COUNCILLORS**

An Ordinary Meeting of Council is called for Friday 15 December 2023 commencing at 1:00pm in the Council Chamber, Hampton Road, Northampton.



**Andrew Campbell
CHIEF EXECUTIVE OFFICER**

8 December 2023

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**SHIRE OF NORTHAMPTON COUNCIL MEETING FRIDAY 15
DECEMBER 2023 TO BE HELD IN THE COUNCIL
CHAMBERS, HAMPTON ROAD, NORTHAMPTON
COMMENCING AT 1:00PM**

AGENDA

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS:

2. ANNOUNCEMENTS BY THE PRESIDENT:

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. ATTENDANCE:

3.1 Apologies:

3.2 Approved Leave of Absence:

Cr Trevor Gibb was granted Leave of Absence for the meeting at the Ordinary Meeting of Council held 20 October 2023.

Cr Roslyn Suckling was granted Leave of Absence for the meeting at the Ordinary Meeting of Council held 17 November 2023.

4. DECLARATIONS OF INTEREST:

[Part 5, Division 6 of the Local Government Act 1995 requires that a member must disclose the interest of the member and the nature of the interest in writing before the meeting or immediately before the matter is discussed.]

5. PUBLIC QUESTION TIME:

5.1 Response to public questions taken on notice

5.2 Public Question Time

[Under meeting procedure this is the only opportunity for members of the public to ask up to a maximum of two questions of Council. There is no further opportunity to question the Shire of Northampton during the meeting. Questions can be asked on any Shire matter, not just on issues included in the meeting agenda and each person shall have up to 3 minutes to ask their questions which may be extended by an additional 3 minutes where considered appropriate by the Presiding Member. Persons asking questions are entitled to a response unless the question is declared "out of order" by the Presiding Member. If a matter requires further investigation, that response may be in writing. Any person asking

questions of Council must state their correct name and address as this will form part of the public record of this meeting]

6. PRESENTATIONS:

6.1 Petitions:

6.2 Presentations:

6.3 Deputations:

6.4 Councillor reports:

- Cr Sudlow (Shire President)
- Cr Horstman (Deputy Shire President)
- Cr Burges
- Cr Gibb
- Cr Hay
- Cr Pike
- Cr K Suckling

6.5 Conference reports:

7. CONFIRMATION OF PREVIOUS MINUTES:

_____ / _____

That the Minutes of the Ordinary Meeting of the Council held on 17 November 2023 be confirmed.

8. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:

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ITEM 9.1.1: Proposed Council Meeting Dates 2024

PROPONENT:	Chief Executive Officer
OWNER:	Shire of Northampton
LOCATION / ADDRESS:	Whole of Shire
ZONE:	All
BUSINESS AREA:	Office of CEO
FILE REFERENCE:	4.1.14
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Andrew Campbell
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	20 November 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

To conform with the advertising requirements of the *Local Government Act 1995*, Council is required to determine dates for Council meetings to be held in 2024.

In 2023 Council meetings were held every third Friday of each month (excluding January) with eleven ordinary Council meetings being held, seven in Northampton and four in Kalbarri. Each meeting commenced at 1pm.

The purpose of this report is for Council to consider its Council meeting dates for 2024.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

At the Council Briefing Session held before the Council meeting 17 November 2023, Council discussed the possibility of moving the Council meeting from the third Friday of each month (excluding January) to the third Thursday of each month (excluding January).

The commencement time of the Council meetings was also discussed but it was considered that a 1pm commencement time was still appropriate. Also, historically Council has not held a Council meeting in January for at least the last ten years and this was not discussed and therefore is proposed to continue in 2024.

Based on recent discussions, the proposed Council meeting schedule for 2024 is recommended as follows:

COUNCIL MEETING DATES 2024	LOCATION
15 February	Kalbarri
21 March	Northampton
18 April	Northampton
16 May	Kalbarri
20 June	Northampton
18 July	Northampton
15 August	Kalbarri
19 September	Northampton

17 October	Northampton
21 November	Kalbarri
19 December	Northampton

If Council requires additional meetings to consider urgent matters, it may do so by calling Special Council meetings as required.

STATUTORY ENVIRONMENT:

Nil.

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

Risk rating is considered Level 2 – Minor mainly based on compliance issues.

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

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY**OFFICER RECOMMENDATION:**

That Council

1. Adopt the following Council meeting date schedule for 2024:

COUNCIL MEETING DATES 2024	LOCATION
15 February	Kalbarri
21 March	Northampton
18 April	Northampton
16 May	Kalbarri
20 June	Northampton
18 July	Northampton
15 August	Kalbarri
19 September	Northampton
17 October	Northampton
21 November	Kalbarri
19 December	Northampton

2. Continue to commence Council meetings at 1pm in 2024; and
3. Give local public notice of the 2024 Council meeting schedule in accordance with the requirements of the *Local Government Act 1995*.

ATTACHMENTS

1. Nil.

APPENDICES

1. Nil.

**ITEM 9.1.2: Proposed Administration Offices Closure 25 December 2023 to
2 January 2024**

PROPONENT:	Chief Executive Officer
OWNER:	Shire of Northampton
LOCATION / ADDRESS:	Whole of Shire
ZONE:	All
BUSINESS AREA:	Office of CEO
FILE REFERENCE:	4.2.4
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Andrew Campbell
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	20 November 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Each year the Shire of Northampton administration offices in Northampton and Kalbarri have been closed to the public between Christmas and New Year.

This is historically a quiet time of year and the proposal to close will impact all usual local government services including Department of Transport licensing. Three of the six proposed closure days are public holidays in which the administration offices would not be open regardless.

The purpose of this report is for Council to formally consider the closure.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

Whilst the closure will have a minimal impact on services provided to the community, it is a usual practice to close the administration buildings to allow staff to have a decent break over the festive period. This said, certain staff including senior staff will be contactable for emergency matters that can sometimes arise during the period.

An existing delegation exists for the Chief Executive Officer to make a decision on this matter however it is considered more appropriate for Council to make the determination.

It is recommended that Council endorse the closure of the administration offices in Northampton and Kalbarri for the period 25 December 2023 to 2 January 2024.

STATUTORY ENVIRONMENT:

Nil.

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

Risk rating is considered Level 2 – Minor mainly based on reputational issues.

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

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. Agree to the closure of the administration offices in Northampton and Kalbarri from 25 December 2023 to 2 January 2024; and
2. Publicly advertise the administration offices closure to inform the community.

ATTACHMENTS

1. Nil.

APPENDICES

1. Nil.

**ITEM 9.1.3 Proposed Delegation from Council to Chief Executive Officer
16 December 2023 to 1 February 2024**

PROPONENT:	Chief Executive Officer
OWNER:	Shire of Northampton
LOCATION / ADDRESS:	Whole of Shire
ZONE:	All
BUSINESS AREA:	Office of CEO
FILE REFERENCE:	4.1.14
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Andrew Campbell
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	20 November 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Item 9.1.1 in this Council agenda proposes Council meeting dates for 2024. If Council resolves as per the Officer Recommendation not to have a Council meeting in January 2024 as per normal, Council will not meet again until 15 February 2024 resulting in a period of 62 total days between Council meetings.

During this time, it is the Chief Executive Officers' experience that occasionally matters arise requiring a decision that can not be simply held over to the next available Council meeting.

The purpose of this report is for Council to consider delegating decision-making authority to the Chief Executive Officer over this extended end of year period.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

Whilst the Chief Executive Officer already has a degree of delegated authority to determine a significant number of matters, some matters do arise that require determination by Council as they are not specifically delegated to the Chief Executive Officer.

It is proposed that delegated authority be granted to the Chief Executive Officer for all Council functions (other than those matters requiring an absolute majority or specifically precluded by the *Local Government Act 1995*) to decide on matters that are unable to be held over to the 15 February 2024 meeting. Any exercise of such authority would require the support by the Shire President and will be reported to the Council at the 15 February 2024 meeting.

STATUTORY ENVIRONMENT:

Section 5.42 of the *Local Government Act 1995* enables the authority for Council to delegate certain functions to the Chief Executive Officer.

POLICY / STRATEGIC IMPLICATIONS:

A delegation such as this will enable most business of the Shire of Northampton to be undertaken without being held up due to the period between Council meetings. With a large gap between meetings, statutory time frames for decision determination may be compromised.

ORGANISATIONAL RISK MANAGEMENT:

Risk rating is considered Level 3 – Moderate mainly based on compliance and reputational issues.

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

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: ABSOLUTE MAJORITY**OFFICER RECOMMENDATION:**

That Council delegate to the Chief Executive Officer for the period 16 December 2023 to 1 February 2024 power to determine matters which are unable to be held over until the 15 February 2024 Council meeting subject to this delegation being limited to:

1. Any matter that arises during the delegated period not subject to any restrictions outlined below;
2. Any matter advertised for public comment to which no valid objection has been received;
3. Any matter to which the Shire President raises no objection;
4. Preclusion of those matters with delegation prohibition prescribed under the *Local Government Act 1995*; and
5. A report being presented at the 15 February 2024 Council meeting detailing any such delegations exercised.

ATTACHMENTS

1. Nil.

APPENDICES

1. Nil.

ITEM 9.1.4 Shire of Northampton 2023 Annual Report and Notice of Annual Electors Meeting

PROPONENT:	Chief Executive Officer
OWNER:	Shire of Northampton
LOCATION / ADDRESS:	Whole of Shire
ZONE:	All
BUSINESS AREA:	Office of CEO
FILE REFERENCE:	1.1.3
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Andrew Campbell
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	20 November 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Local Government in Western Australia is required to prepare an Annual Report each financial year and following its adoption, hold an Annual Electors Meeting in accordance with the *Local Government Act 1995*.

The audited Annual Financial Report for the 2022/23 financial year was received by the Audit Committee on 15 December 2023 from the Office of Auditor General. The 2023 Annual Report, inclusive of the Annual Financial Report will be tabled for Council's consideration.

REPORT TABLED

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

Council is required to adopt the Annual Report no later than 31 December 2023.

Once the Annual Report is adopted, an Annual Electors meeting is to be scheduled. The Annual Electors Meeting requires at least fourteen days local public notice and is to be held within fifty-six days from the date the Annual Report is adopted. Given this timeframe, and to avoid the holiday period, it is recommended that Council hold the 2023 Annual Electors Meeting on Thursday 1 February 2024 in the Council Chambers, Northampton.

The 2022 Annual Electors meeting held on 9 February 2023 attracted two Councillors and two staff only. No community members were in attendance. This meeting started at 4pm and it is possible a lack of public attendance was due to the time and perhaps electors being still at work and unable to attend. It is on this basis that it is recommended that the start time of the Annual Electors Meeting be scheduled for 5pm to potentially make it more convenient for electors.

STATUTORY ENVIRONMENT:

Sections 5.27, 5.29 and 5.54 of the Local Government Act 1995. Section 5.53(2) requires the Annual Report to contain the following:

- (a) Report from the President;

- (b) Report from the CEO;
- (e) Overview of the plan for the future including major initiatives to commence next year;
- (f) Financial Report for the year;
- (g) Prescribed information regarding payment to employees;
- (h) Auditors report for the year;
- (ha) Report required under the Disabilities Services Act;
- (hb) Details regarding complaints made against Councillors during the year; and
- (i) Other prescribed information.

POLICY / STRATEGIC IMPLICATIONS:

The Annual Report captures progress against the Shire's adopted Corporate Business Plan.

ORGANISATIONAL RISK MANAGEMENT:

Risk rating is considered Level 3 – Moderate mainly based on compliance issues.

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

FINANCIAL IMPLICATIONS:

The financial performance for the year ended 30 June 2023 is detailed in the 2023 Annual Financial Report. The organisations financial performance has also been the subject of quarterly financial review reports previously presented to and adopted by Council.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council:

- 1. Adopt the 2023 Annual Report including the 2022/23 Annual Financial Report;**
- 2. Publish the 2023 Annual Report on the Shire website within 14 days of Council's resolution to accept it;**
- 3. Endorse the scheduling of the 2023 Annual Electors Meeting to be held in the Council Chambers, 199 Hampton Street, Northampton on Thursday 8 February 2024 commencing at 5pm; and**
- 4. Request the Chief Executive Officer give local public notice of the 2023 Annual Electors Meeting and the availability of the 2023 Annual Report for the Shire of Northampton.**

ATTACHMENTS

- 1. Nil.**

APPENDICES

- 1. Nil.**

ITEM 9.1.5 Outcome of the Chief Executive Officer Probationary Review

PROPONENT:	Chief Executive Officer
OWNER:	Shire of Northampton
LOCATION / ADDRESS:	Whole of Shire
ZONE:	All
BUSINESS AREA:	Office of CEO
FILE REFERENCE:	Personnel 61
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Andrew Campbell
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	20 November 2023
DECLARATION OF INTEREST:	The Chief Executive Officer's employment is the subject of this item.

BACKGROUND:

The Chief Executive Officer commenced employment with the Shire of Northampton on 22 May 2023. As part of the employment contract between the Shire of Northampton and Chief Executive Officer, a six-month period of probation was agreed.

The purpose of this report is for Council to consider the outcome of the Chief Executive Officer's Probationary Review.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

At the meeting 20 October 2023, Council resolved the following:

"That Council appoint consultant Dr Shayne Silcox to assist the Chief Executive Officer Review Advisory Committee to establish Chief Executive Officer Performance Criteria and conduct the Chief Executive Officer Probationary Review."

On 16 and 17 November 2023 Dr Silcox completed an independent Chief Executive Officer Probationary Review with Councillors. The process and reported outcomes are provided in the confidential attachment.

CONFIDENTIAL ATTACHMENT 9.1.5(1)

Council is now required finalise the Chief Executive Officer's Probationary Review in accordance with the Employment Contract.

In finalising this probationary process for the consideration of Council, the Chief Executive Officer has come across a minor issue within the current employment contract that could potentially be altered at this time by written agreement in accordance with Clause 17.2 between Council and the Chief Executive Officer to improve efficiency.

The minor issue relates to Clause 9.1 *Approval of Leave* of the employment contract which states:

9.1 Approval for Leave

Leave by You is to be taken at a time, or during periods that are approved by Council.

It is considered by the Chief Executive Officer that this is an inefficient mechanism to obtain leave through approval by Council decision especially where the periods of leave taken by the Chief Executive Officer can be short and Council meetings only occur every four or five weeks. It is recommended that the employment contract is varied by written agreement to change the wording of Clause 9.1 from “Council” to “Shire President”.

STATUTORY ENVIRONMENT:

Nil.

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

Risk rating is considered Level 4 – Moderate mainly based on compliance issues and the need to ensure correct statutory process is followed.

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
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FINANCIAL IMPLICATIONS:

The Chief Executive Officer Probationary Review was funded in the 2023/24 budget. Costs did not exceed the allocated budget amount.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: ABSOLUTE MAJORITY**OFFICER RECOMMENDATION:**

That Council:

1. Notes the outcomes of the Elected Member Probationary Performance interview outcomes undertaken in November 2023 with the Chief Executive Officer being assessed at 'Exceeds Expectations' in this probationary period appraisal;
2. Notes on accepting recommendation 1, that the CEO is no longer deemed on probation as he has successfully completed his probationary period;
3. Adopts the performance criteria metrics for the 2023-2024 performance period outlined in section 7 of this confidential report;
4. Schedules the next annual review of the Chief Executive Officers performance and total remuneration package (TRP) for consideration by Council no later than November 2024;
5. Comply, as per Division 3 of the Local Government (Administration) Regulations Schedule 2 clause 19, by notifying the Chief Executive Officer of results of this performance review;
6. Agree to change the word "Council" to "Shire President" in Clause 9.1 *Approval for Leave* in the employment contract between the Shire of Northampton and Chief Executive Officer Mr Andrew Campbell.

ATTACHMENTS

1. Confidential Chief Executive Officer Probationary Review Report

APPENDICES

1. Nil.

ITEM 9.1.6: Proposed Shire of Northampton Rating Review

PROPONENT:	Chief Executive Officer
OWNER:	Shire of Northampton
LOCATION / ADDRESS:	Whole of Shire
ZONE:	All
BUSINESS AREA:	Office of CEO
FILE REFERENCE:	3.1.3
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Andrew Campbell
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	30 November 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Chief Executive Officer has observed some anomalies and potential opportunities in how rating is conducted by the Shire of Northampton.

Rating is one of the main revenue sources for the Shire of Northampton being more than \$5,000,000 per annum and it is imperative that it is done in a fair and equitable way applied to land and development across the district. A rating review is common practice in Local Government and to the author's knowledge, a comprehensive rating review has not been completed in at least the last 12 years and likely many more. Rating reviews often generate additional revenue for Local Government organisations.

The purpose of this report is for Council to consider the proposal to conduct an independent assessment of the Shire of Northampton's rating system.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

It is important that Local Government rating is conducted in accordance with the *Local Government Act 1995* to ensure that rating revenue is generated in a compliant, fair and accountable manner across the entire Shire rateable area.

The purpose of a rating review is to provide recommendations for Council's consideration about:

- Current rating practices and whether those practices are contemporary, compliant, efficient and effective;
- Anomalies in the current rating system;
- Prospective rating opportunities previously not identified;
- Ensuring the rating system is adequate to cope with major new development such as could occur in renewable energy in the future; and
- Additional rating revenue generation strategies for further consideration.

In initial discussions with a prospective consultant who has extensive knowledge of rating systems, it is likely the cost of an independent rating review is in the range of \$25,000. It would be anticipated that the cost of the review would more than likely be recovered by additional rating revenue generated in 2024/25 whilst also enabling the

Shire of Northampton to be in a comfortable position to deal with future rating matters including the upskilling of employees involved in rating.

It is recommended that Council amend the 2023/24 budget to enable an independent rating review to occur early in 2024 in preparation for the 2024/25 financial year.

STATUTORY ENVIRONMENT:

Rating is carried out through the statutory requirements of the *Local Government Act 1995*.

POLICY / STRATEGIC IMPLICATIONS:

Undertaking a periodic rating system review will ensure the Shire of Northampton's rating system is contemporary, compliant, efficient, and effective. Strategically this proposal could generate additional revenue for the organisation.

ORGANISATIONAL RISK MANAGEMENT:

Risk rating is considered Level 3 – Moderate mainly based on compliance issues.

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

FINANCIAL IMPLICATIONS:

Funding of the rating review is proposed from what is termed interim rates received throughout the course of 2023/24. Interim rates are generated from several mechanisms most notably from completion of development projects (either maintenance or improvements), completion of new construction, and the creation of new land. Interim rates are a pro rata application of rates at the time of completion in any financial year.

In the 2023/24 budget the Shire of Northampton has made no provision for interim rates and as it stands on 30 November 2023, interim rates collected are \$15,224 and there is a projection that this figure will be at least \$25,000 by 30 June 2024 which will be sufficient to cover the cost of the rating review.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council agree to conduct a rating review in 2023/24 to be funded by the following:

Item	Current Budget	Proposed Budget	Variance
Rating Review Expense	\$0	\$25,000	\$25,000
Interim Rates Income	\$0	(\$25,000)	(\$25,000)
		Net impact on current budget	\$0

ATTACHMENTS

1. Nil.

APPENDICES

1. Nil.

ITEM 9.1.7: Proposed Extension to Time for MediBloom Travel Claims

PROPONENT:	MediBloom Group
OWNER:	MediBloom Group – Northampton Doctors Surgery (Business Owner) / Shire of Northampton (Building Owner)
LOCATION / ADDRESS:	51 Robinson Street, Northampton
ZONE:	Residential
BUSINESS AREA:	Office of CEO
FILE REFERENCE:	4.1.8
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Andrew Campbell
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	30 November 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

At the meeting held 21 July 2023, Council resolved the following:

**MOVED: Sudlow, L SECONDED: Suckling, R
07/23-10**

That Council:

- 1. Fund the request for travel assistance from the MediBloom Group for doctors to travel from Kalbarri to Northampton and return to operate the Northampton Doctors Surgery subject to the following conditions:**
 - a) **The funding is capped to up to a maximum of \$600 per week up until the 31 December 2023 or any lesser period as determined by the Shire of Northampton;**
 - b) **The funding is to be paid on receipt of evidence attached to each invoice to the Shire of Northampton demonstrating that travel has actually occurred in every claim instance; and**
 - c) **The Shire of Northampton reserves the right to amend or retract this decision at any stage and for any reason.**
- 2. Await additional information and a formal proposal from the MediBloom Group for further consideration of Council relating to medical services in the Shire district.**

CARRIED BY ABSOLUTE MAJORITY: 7/0

On 28 November 2023 MediBloom business owner Mr Chris Hamilton contacted the Chief Executive Officer (CEO) by telephone in response to an email from the CEO requesting an update on the current situation. Mr Hamilton stated that they were still working on a proposal and requesting that the travel claim be extended from 31 December 2023 to 31 March 2023. Mr Hamilton followed up his verbal request by email on 1 December 2023.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

MediBloom have submitted three travel claims since Council made their decision for a total of \$2,650.30. The three travel claims were for the months of August 2023, September 2023, and October 2023. It is expected that further claims for the months of November 2023 and December 2023 will be forthcoming as part of Council's original decision. The total projected amount resulting from Council's original decision is likely to be approximately \$4,500.

Council originally capped the maximum funding amount to \$600 per week or approximately \$2,400 per month. The current projection of \$4,500 is well below the maximum contribution payable of \$12,000 agreed to by Council on 21 July 2023. On this basis the request from MediBloom to extend the contribution to 31 March 2024 is not considered unreasonable and will be still within the maximum agreed contribution amount payable.

It is recommended that Council agree to extend the timeframe for resolution number 07/23-10 until 31 March 2024.

STATUTORY ENVIRONMENT:

The *Local Government Act 1995* prescribes the way public funds can be expended.

POLICY / STRATEGIC IMPLICATIONS:

Council should continue to try and support MediBloom in keeping open the Northampton Doctors Surgery in the short term until the broader financial issues of MediBloom Group can be assessed as part of any further request to the Shire for substantial financial assistance.

ORGANISATIONAL RISK MANAGEMENT:

Risk rating is considered Level 3 – Moderate. The Shire is expected to incur a cost of financial supporting a private business however if it elects not to, it may be subject to reputational damage arising from the closure of the Northampton Doctors Surgery.

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	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

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
			affected < 1 month				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

FINANCIAL IMPLICATIONS:

Based on current projections it is expected that the extension to the timeframe as discussed may cost Council an additional \$3,000 which had already been budgeted for.

SUSTAINABILITY:

Environmental: Nil.

Economic: The cost of the proposal will be borne by ratepayers of the entire Shire district.

Social: The impact of not having a Doctors Surgery in a country town can be devastating for community, particularly those individuals that have difficulty travelling for medical appointments.

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council agree to extend the expiry date for travel claims contained within Council resolution 07/23-10 from 31 December 2023 to 31 March 2024 subject to all other conditions of the original resolution applying.

ATTACHMENTS

1. Nil.

APPENDICIES

1. Nil.

ITEM 9.1.8: Proposed Review of the Shire of Northampton Register of Delegations

PROPONENT:	Chief Executive Officer
OWNER:	Shire of Northampton
LOCATION / ADDRESS:	Whole of Shire
ZONE:	All
BUSINESS AREA:	Office of CEO
FILE REFERENCE:	4.2.8
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Andrew Campbell
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	1 December 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Each financial year Council is required to review its Register of Delegations. The last review of the Shire of Northampton Register of Delegations occurred on 20 May 2022. Council did not review the Register of Delegations in the 2022/23 financial year as required by the *Local Government Act 1995*.

The existing Shire of Northampton Register of Delegations is appended.

APPENDIX 9.1.8 (1)

The purpose of this report is for Council to review the current Register of Delegations.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

Applying knowledge and experience acquired through previous employment, the Chief Executive Officer is proposing a significant change to the way the Register of Delegations is applied to the Shire of Northampton. Utilising guidance from the Department of Local Government Sport and Cultural Industries and peer formatting document structure, a new and compliant Register of Delegations, Authorisations and Appointments is attached for Council's consideration.

ATTACHMENT 9.1.8(1)

The proposed Shire of Northampton Register of Delegations, Authorisations and Appointments is a contemporary instrument to capture statutory delegations including some of the current delegations of the Shire of Northampton. Other current delegations of the Shire of Northampton are not considered to be required as the principle of "acting through" is applied to such circumstances where delegated discretion is not applicable. Examples of the "acting through" principle are generally associated with Council Policy or other legislation where no delegation is required as there is no discretion in decision making. The "acting through" principle is explained in more detail on page 5 of the attachment.

The other significant change proposed in the review relates to authorisations and appointments. The inclusion of these areas ensures employees are provided with

sufficient authority to act on behalf of Council and/or the Chief Executive Officer particularly when dealing with other legislation.

It is recommended that Council adopt the Shire of Northampton Register of Delegations, Authorisations and Appointments.

STATUTORY ENVIRONMENT:

Section 5.42 of the *Local Government Act 1995* and other statutes provide a mechanism to delegate duties and responsibilities from Council to the Chief Executive Officer. In turn, some of these duties and responsibilities enable the Chief Executive Officer to sub-delegate to employees where permitted.

POLICY / STRATEGIC IMPLICATIONS:

Delegation of various elements of statute is important in Local Government otherwise Council could be overwhelmed with significant volumes of decision making responsibilities for all matters.

ORGANISATIONAL RISK MANAGEMENT:

Risk rating is considered Level 3 – Moderate mainly based on compliance and reputational issues.

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

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council delegate the exercise of its powers and duties in accordance with the Shire of Northampton Register of Delegations, Authorisations and Appointments as contained in Attachment 9.1.8(1).

ATTACHMENTS

1. **Proposed Shire of Northampton Register of Delegations, Authorisations and Appointments.**

APPENDICES

1. **Shire of Northampton Register of Delegations.**

9.1.9 Alleged Unlawful Clearing of Vegetation at Little Bay, Horrocks

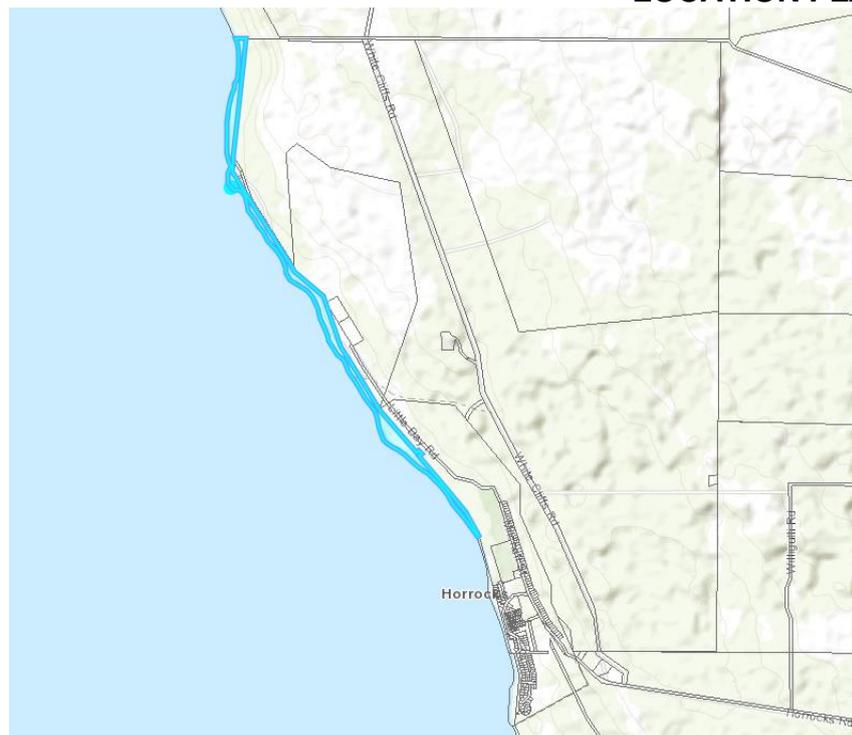
PROPONENT OWNER	Mr R Reynolds Shire of Northampton/State of Western Australia and Oriental Properties Holdings Pty Ltd
LOCATION / ADDRESS:	Portion of Lot 300 (Reserve 49842) Little Bay Road, Horrocks and portion of Lot 204 White Cliffs Road, Horrocks
ZONE:	All
DIRECTORATE:	Office of CEO
FILE REFERENCE:	10.5.1.3/10.6.8/A5257/A4982/R49842
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Andrew Campbell
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	2 December 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Council is requested to consider the matter of alleged unlawful clearing of vegetation undertaken on a portion of Lot 300 (Reserve 49842) Little Bay Road, Horrocks and a portion of Lot 204 White Cliffs Road, Horrocks. The properties are situated at Little Bay, located on the coast north of the townsite of Horrocks.

The Little Bay Camping Area is located within a Crown Reserve which was historically managed by the Shire of Northampton under a Management Order for Reserve 49842 Little Bay Horrocks drawn in favour of the Shire of Northampton for the purpose of 'Recreation, Camping and Foreshore Protection'. The Reserve extends from Little Bay to Horrocks as shown below.

LOCATION PLAN



Following receipt of approval from the Minister of Lands, Council resolved at their 17 December 2021 meeting to enter into a lease of part of Reserve 49842 for the management of the Little Bay Camping area between the Shire of Northampton (Lessor) and Reginald Joseph Reynolds (Lessee). Ministerial consent was granted in January 2022 for a 10-year lease term over a portion of Reserve 49842 between the Shire of Northampton (Lessor) and Reginald Joseph Reynolds (Lessee).

The adjoining land to Reserve 49842 is Lot 204 White Cliffs Road Horrocks owned by Oriental Properties Holdings Pty Ltd with a portion of Lot 204 immediately adjacent to the Little Bay campground on Reserve 49842 leased by Reginald Joseph Reynolds (Lessee).

Council is requested to consider the matter of alleged unlawful clearing of vegetation on both properties as Shire Officers do not have delegated authority to determine such matters.

PUBLIC CONSULTATION UNDERTAKEN:

Nil

COMMENT (Includes Options):

Lot 300 (Reserve 49842) Little Bay Horrocks is zoned Public Open Space and Lot 204 White Cliffs Road, Horrocks is zoned Rural under the provisions of *Local Planning Scheme No. 10 – Northampton*.

The Lessee recently submitted a Development Application to the Shire of Northampton to commercialise the campground precinct by developing 37 campsites to accommodate 100 people that included both properties currently leased by the Lessee being:

- Reserve 49842 Lot 300 Little Bay Road, Horrocks (Shire of Northampton); and
- Lot 204 White Cliffs Road, Horrocks (Oriental Properties Holdings Pty Ltd): as shown at Attachment 9.1.9 (1).

ATTACHMENT 9.1.9 (1)

When Officers considered the development application it was not able to be processed due to legalities requiring further investigation. No development approval has been issued for the proposed intensification of the campground on Reserve 49842 and the additional proposed campground on Lot 204.

Unauthorised Clearing

At this time, it came to the attention of Shire Officers that alleged unlawful clearing of remnant vegetation had occurred at Little Bay on both properties without prior planning approval. Shire Officers travelled to the site to confirm the alleged unlawful activity and time lapse photos are provided at Attachment 9.1.9 (2).

ATTACHMENT 9.1.9 (2)

Furthermore, the alleged clearing activity undertaken matches the areas identified as proposed campsites within the development application submitted previously, as shown at Attachment 9.1.9 (3).

ATTACHMENT 9.1.9 (3)

A meeting was held on site at Little Bay with Shire of Northampton Officers and Councillors and the Lessee and the Lessee's Planning Consultant.

During the course of discussions, the Lessee confirmed that clearing of vegetation had been undertaken on Reserve 49842 and the adjacent Lot 204 White Cliffs Road three (3) years ago in the first instance. Following this additional clearing activity was also undertaken eighteen (18) months ago. The admission by Lessee, Reginald Reynolds, was made in the presence of Shire Officers, Councillors of the Shire of Northampton and the Lessee's Planning Consultant.

Legal Action

It is noted that the Department of Water and Environmental Regulation will be undertaking an investigation into the unauthorised clearing under its legislation as the Shire of Northampton has exercised its responsibility through referral of the matter.

Furthermore, prior to considering an application for development approval on the Reserve, the Shire will need to be satisfied that the applicant has met their obligations under relevant legislation, including the *Environmental Protection Act 1987*.

In this case, given the significant extent of alleged clearing undertaken without the required planning approval, Council is requested to consider what course of action to take, against the occupier (the Lessee) for commencement of works in a planning control area of the Shire of Northampton without the prior approval of a development obtained under Section 116 of the *Planning and Development Act 2005* (the 'Act'). The available actions for non-compliance are as follows:

- Commence prosecution proceedings for the offence pursuant to section 223 of the Act (penalty maximum up to \$200,000 plus daily penalty if applicable);
- Issue a \$500 infringement notice pursuant to section 228 of the Act;
- Issue a formal written warning about the incident including advice should any non-compliance by the Lessee with the Local Planning Scheme occur in the future, formal prosecution proceedings will commence immediately;
- or
- Do nothing.

Conclusion

Shire Officers consider the extent of unauthorised clearing undertaken without the required planning approval to be a serious breach of the *Local Planning Scheme* and the *Planning and Development Act 2005*.

Shire Officers recommend an infringement notice for the sum of \$500 be issued to the Lessee, pursuant to section 228 of the Act, for the breach.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005 and Local Planning Scheme No. 10.

POLICY / STRATEGIC IMPLICATIONS:

Nil

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:**SUSTAINABILITY:**

Environmental: Unauthorised land clearing has occurred on the property on land without prior planning approval. The requirement for revegetation will minimise this impact.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:**That Council:**

1. In accordance with section 228 of the *Planning and Development Act 2005*, issue an infringement notice to the Lessee of Reserve 49842 Lot 300 Little Bay Road, Horrocks, and Lot 204 White Cliffs Road, Horrocks, Mr Reginald Joseph Reynolds, for the sum of \$500.

Advice Note

1. The proponent is advised to contact the Department of Water and Environmental Regulation to discuss the retrospective clearing under the Environment Protection Act 1987 prior to the submission of a development application for the camping grounds.

ATTACHMENT

1. Location maps
2. Time lapse illustration of activity
3. Activity location (proposed development application maps)

APPENDIX

Nil.

ITEM 9.2.1 Proposed Accounts for Endorsement on 15th December 2023

PROPONENT:	Shire of Northampton
OWNER:	N/A
LOCATION / ADDRESS:	Whole of Shire
ZONE:	All
BUSINESS AREA:	Corporate and Financial Services
FILE REFERENCE:	1.1.1
LEGISLATION:	<i>Local Government (Financial Management) Regulation 1996, Local Government Act 1995</i>
AUTHOR:	Leanne Rowe
APPROVING OFFICER:	Grant Middleton
DATE OF REPORT:	5 December 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

A list of payments submitted to Council on 15th December 2023, for confirmation in respect of accounts already paid or for the authority to those unpaid.

A copy of the Payment Listing is attached.

ATTACHMENT 9.2.1(1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil

COMMENT (Includes Options):

Council is requested to endorse the payments as presented.

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC 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.

ORGANISATIONAL RISK MANAGEMENT:

The associated risk would be the failure to comply with Financial Management Regulation 13 (1) is considered moderate as the presentation of payments forms part of the Shires due diligence to ensure payments are presented as required. Risk rating is considered Level 3- Moderate

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

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).

SUSTAINABILITY:

Environmental: Nil

Economic: Nil

Social: Nil

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council note Municipal Fund Cheques 22432 to 22445 inclusive totalling \$2,622.82, Municipal EFT payments numbered EFT25615 to EFT25749 totalling \$965,764.89, Direct Debit payments numbered GJ0504 to GJ0511 inclusive, payroll and superannuation totalling \$267,293.14 be declared as authorised expenditure.

ATTACHMENTS

1. Payments list to 30 November 2023

APPENDICIES

1. Nil

ITEM 9.2.2 Monthly Financial Statements for the Period Ending 30 November 2023

PROPONENT:	Shire of Northampton
OWNER:	N/A
LOCATION / ADDRESS:	Whole of Shire
ZONE:	All
BUSINESS AREA:	Corporate and Financial Services
FILE REFERENCE:	1.1.1
LEGISLATION:	<i>Local Government (Financial Management) Regulation 1996, Local Government Act 1995</i>
AUTHOR:	Leanne Rowe
APPROVING OFFICER:	Grant Middleton
DATE OF REPORT:	5 December 2023
DECLARATION OF INTEREST:	Nil

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 30 November 2023 are detailed from page 1 to page 24 per the attached Monthly Financial report.

A copy of the Monthly Finance Report is attached.

ATTACHMENT 9.2.2(1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil

COMMENT (Includes Options):

Council is requested to adopt the monthly Financial Report as presented. The financial implications associated with the monthly report are detailed below.

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulation 34 1996

Local Government Act 1995 Section 6.4

POLICY / STRATEGIC IMPLICATIONS:

Nil

ORGANISATIONAL RISK MANAGEMENT:

The associated risk would be the failure to comply with Local Government Financial Regulations requiring monthly reporting of Financial Activity. Risk rating is considered Level 2 – Minor

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

FINANCIAL IMPLICATIONS:

The 30 November 2023 financial position is comprised of the following:

- Total operating revenue has a surplus position of \$465,532 and operating expenditure has a surplus position of \$256,608 to the end of November 2023. It is anticipated that operating revenue and operating expenditure variances will be temporary and converge with the budget as the year progresses.
- 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 3 of the Monthly Financial Report.

SUSTAINABILITY:

Environmental: Nil

Economic: Nil

Social: Nil

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council receives the Monthly Financial Report for the period ending 30 November 2023 in accordance with Attachment 9.2.1 (1).

ATTACHMENTS

- 1. Monthly Financial Statements to 30 November 2023**

APPENDICIES

- 1. Nil**

ITEM 9.2.3 Proposed Budget Variation December 2023

PROPONENT:	Shire of Northampton
OWNER:	N/A
LOCATION / ADDRESS:	Whole of Shire
ZONE:	All
BUSINESS AREA:	Corporate and Financial Services
FILE REFERENCE:	1.1.1
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Grant Middleton
APPROVING OFFICER:	Grant Middleton
DATE OF REPORT:	7 November 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Council is requested to consider the proposed budget variation to allocate the additional Main Roads BlackSpot Mass Action funding for Kalbarri Road and also allocate funding for the Northampton Creative Obsessions 2023/2024 operating subsidy.

The budget variation is required for the following:

- BlackSpot Mass Action Kalbarri Road \$3,711,625
- Northampton Creative Obsessions \$1,500

COA/Job No.	COA/Job Description	Adopted Budget	Proposed Revised Budget	Budget Variance	Comments
152090.18	BlackSpot Grant - Kalbarri Road) (Revenue)	(\$92,935)	(\$3,804,560)	+\$3,711,625)	Additional funding from Main Roads
151500.08	Kalbarri Road – shoulder widening Expenditure	\$0	\$3,711,625	+\$3,711,625	Contractor/Consulting costs for associated works
101530.20	Rebates and Commissions (Revenue)	(\$36,500)	(\$38,000)	+\$1,500)	Additional W/C and DOT Revenue
101120.09	Contribution and Subscriptions Expenditure	\$46,698	\$48,198	+\$1,500	Contribution to NCC Inc

BlackSpot Mass Action Kalbarri Road \$3,711,625

Council is requested to approve the allocation of \$3,711,625 for the widening of the sealed pavement and associated drainage works on Kalbarri Rd between SLK 52 – SLK 64.36 with SLK 64.36 marking the end terminus of Kalbarri Rd at the Kalbarri townsite with work to be completed during the 2023/2024 financial year.

The budget allocation listed for adoption is the difference between the total Main Roads grant allocation of \$3,804,560 and the \$92,935 budget allocation included in the adopted 2023/2024 budget. (\$3,804,560 - \$92,935 = \$3,711,625)

The \$92,935 provision included in the 2023/2024 budget was for the recoup of consulting fees expended for Mass Action consultancy work undertaken during 2022/2023 only. No expense provision was made in the 2023/2024 Budget due to the uncertainty if the initial allocation of \$2,000,000 was enough to complete all or part of the identified works. Additionally, staff were not in a position to progress further due to the lack of clarity in relation to tender arrangements and capacity to complete the works successfully.

Northampton Creative Obsessions \$1,500

Council approved a \$1,500 operating subsidy payment for Northampton Creative Obsession Incorporated at the Council meeting held on the 15th December 2023 per the extract from the minutes provided below.

MOVED: Cr L Sudlow, SECONDED: Cr R Horstman

11/23-08

- 1. That Council not approve the rate concession requested by the Northampton Creative Obsessions Incorporated for the annual rates levied at (A3422) 189 Hampton Road Northampton.**
- 2. That Council agree to provide an operating subsidy of \$1,500 in 2023/24 to the Northampton Creative Obsessions Incorporated and encourage them to reapply annually for additional subsidies in future financial years; and**
- 3. That the funding for point 2 be sourced from the December 2023 quarterly review of the 2023/24 annual budget accounts.**

CARRIED BY ABSOLUTE MAJORITY: 7/0

For: Cr L Sudlow, Cr R Horstman, Cr R Burges, Cr T Gibb, Cr T Hay, Cr D Pike, Cr R Suckling.

Against: Nil.

As there are no funds allocated in the 2023/2024 budget for the operational subsidy Council is requested to approve a budget variation totalling \$1,500 to be funded from additional rebates and commission revenue.

PUBLIC CONSULTATION UNDERTAKEN:

Nil

COMMENT (Includes Options):

BlackSpot Mass Action Kalbarri Road \$3,711,625

Funding increased by \$2,000,000 from \$1,804,560 to \$3,804,560 over the course of discussions and negotiations with Main Roads to facilitate the progression of the works. The works are fully funded by Main Roads Western Australia (MRWA) under the Blackspot program, the tender scope was for the widening of the existing sealed pavement and associated drainage work on Kalbarri Road between SLK 52 and 64.36. The objective of the work was to provide for a total sealed pavement width of 9m which required the lengthening of the existing drainage culverts to a position outside the road clear zone. The works also include the installation of audible edge line marking.

MOVED: Cr R Horstman , SECONDED: Cr D Pike

10/23-13

That Council:

1. Award Tender 05/2023 Kalbarri Road Widening 2022/23 to Raubex Construction Pty Ltd for a price of \$3,406,959 (ex GST) in accordance with their tender submission; and

2. Amend the 2023/24 Shire of Northampton Budget in accordance with the following table:

Budget Item	Current Budget	Proposed Budget	Change
Kalbarri Road Widening SLK 52 to 64.36	\$0	\$3,804,560	\$3,804,560
Main Roads Western Australia Blackspot Program Funding	\$0	(\$3,804,560)	(\$3,804,560)
		Net Change	\$0

CARRIED BY ABSOLUTE MAJORITY: 7/0 For: Cr R Horstman, Cr D Pike, Cr L Sudlow, Cr R Burges, Cr T Gibb, Cr T Hay, Cr R Suckling

Against: Nil.

Per the table listed on the previous page Council awarded the tender for the work to Raubex Construction Pty Ltd for a price of \$3,406,959 (ex GST) at the Council Meeting held 20th October 2023.

The approval of the budget allocation will allow staff to adjust the budget include the additional revenue and expense items.

STATUTORY ENVIRONMENT:

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 / STRATEGIC IMPLICATIONS:

Nil

ORGANISATIONAL RISK MANAGEMENT:

The risk of not completing the Kalbarri Road works is considered major as the works will have a significant impact on the safety for traffic traversing this road. Level 4 – Major.

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

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
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

FINANCIAL IMPLICATIONS:

There will be no overall change to the 2023/2024 balanced budget position to accommodate the revised budget allocations listed above.

SUSTAINABILITY:

Environmental: Nil

Economic: Nil

Social: Nil

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council:

Amend the 2023/24 Shire of Northampton Budget in accordance with the following table:

Budget Item	Current Budget	Proposed Budget	Change
BlackSpot Grant Revenue (Kalbarri Road)	(\$92,935)	(\$3,804,560)	(\$3,711,625)
Kalbarri Road – shoulder widening (Expenditure)	\$0	\$3,711,625	\$3,711,625
Rebates & Commissions (Revenue)	(\$36,500)	(\$38,000)	(\$1,500)
Contribution – NCC Inc	\$46,698	\$48,198	\$1,500
		Net Change	\$0

ATTACHMENTS

1. Nil

APPENDICIES

1. Nil

ITEM 9.2.4 Ajana Binnu Bush Fire Brigade Naming Convention

PROPONENT:	Shire of Northampton
OWNER:	N/A
LOCATION / ADDRESS:	Whole of Shire
ZONE:	All
BUSINESS AREA:	Corporate and Financial Services
FILE REFERENCE:	5.1.1
LEGISLATION:	<i>Bush Fires Act 1954, Shire of Northampton Bush Fire Brigades Local Law 2017</i>
AUTHOR:	Grant Middleton
APPROVING OFFICER:	Grant Middleton
DATE OF REPORT:	10 October 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Council is requested approve the naming convention for the recently amalgamated Ajana Binnu Bush Fire Brigade (BFB) and the Ogilvie Bush Fire Brigade (BFB).

A copy of the Ajana Binnu Volunteer Bushfire Brigade minutes from the meeting held on 31 August 2023 is attached.

ATTACHMENT 9.2.4(1)**PUBLIC CONSULTATION UNDERTAKEN:**

Nil

COMMENT (Includes Options):

The newly amalgamated Ajana Binnu BFB has mistakenly been referred to as the Binnu BFB post the Annual Bush Fire Advisory (BFAC) Meeting held on 26th April 2023. The minutes from the BFAC meeting and associated actions were received and tabled at the Council Meeting held on 19th May 2023.

Part of motion 7.6 from the BFAC Meeting dealt with changing BFB boundaries and naming the amalgamated Ajana Binnu BFB and Ogilvie BFB as the "Binnu BFB". The Ajana Binnu brigade have requested the name remain as the "Ajana Binnu BFB".

The naming convention change has ramifications for bank accounts, constitution documents, ATO registration etc. The reference to "Binnu BFB" is a shortened version of the brigade's name used in conversation and not intended to be the official name of the brigade.

The motion from the BFAC meeting that triggered the name change is provided below:

7.6 Fire Brigades, Captains & Secretary's Meeting Minutes Other Business

The minutes from the meeting were reviewed to address any outstanding items.

Moved – Karl Suckling, Seconded – Greg Teakle

That bush fire brigade boundaries be adjusted to reflect the following changes:

- The Binu/Ajana Bush Fire Brigade amalgamate with the Ogilvie Bush Fire Brigade and the combined brigade boundary be changed to include land north of Ogilvie West Road and Ogilvie East Road and the brigade to be known as the Binu Bush Fire Brigade.
- All land south of Ogilvie West and Ogilvie East Road will align with the Sandy Gully/Alma Bush Fire Brigade.
- The East Bowes area becomes part of the Isseka Bush Fire Brigade.
- Update mapping references per the map shown in the appendix
- Arrange gazettal and update DFES as required.

CARRIED

STATUTORY ENVIRONMENT:

Bush Fires Act 1954

Shire of Northampton Bush Fires Brigades Local Law 2017

POLICY / STRATEGIC IMPLICATIONS:

The Shire operates under the relevant legislation relating to bush fire including the *Bush Fires Act 1954* and the *Shire of Northampton Bush Fire Brigades Local Law 2017*

ORGANISATIONAL RISK MANAGEMENT:

The associated risk of not approving the requested change will have a negative impact on the operation of the Ajan Binu BFB in relation to banking and other functions that require a specific naming convention.

Risk is considered Level 2 – Minor

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

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
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

FINANCIAL IMPLICATIONS:

There will be no overall financial implications associated with the implementation of the changes detailed above.

SUSTAINABILITY:

Environmental: Nil

Economic: Nil

Social: Nil

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council approve the naming convention for the amalgamed Ajana Binnu Bush Fire Brigade and Ogilvie Bush Fire Brigade as the “Ajana Binnu BFB” and that all information pertaining to the brigade area reflect the naming convention.

ATTACHMENTS

1. **AGM of Ajana Binnu Bushfire 31 Aug 2023 minutes**
2. **Shire of Northampton Bush Fire Brigades Area Map**

APPENDICIES

1. Nil

ITEM 9.2.5 Proposed Waste Management Reserve

PROPONENT:	Shire of Northampton
OWNER:	N/A
LOCATION / ADDRESS:	Whole of Shire
ZONE:	All
BUSINESS AREA:	Corporate and Financial Services
FILE REFERENCE:	1.1.1
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Grant Middleton
APPROVING OFFICER:	Grant Middleton
DATE OF REPORT:	7 November 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Council is requested to consider the creation of a “Waste Management” Reserve to fund future maintenance and remediation works at the Northampton, Kalbarri, Port Gregory and Binnu waste management facilities. The \$151,979.14 to be transferred into this reserve is associated with our Disaster Recovery Funding Arrangements Western Australia (DRFAWA) Claim 9 which has recently been approved by the Department of Fire and Emergency (DFES).

The DRFAWA claim encompasses a period of approximately 2 years from April 2021 where due to the impact of cyclone Seroja there has been a marked increase in the material processed at the waste management sites. The split between Councils “Own Source” and “Contractor” components of the claim are detailed below.

Severe Tropical Cyclone Seroja (11-12 April 2021) AGRN:965 Claim 9	
Own Source Expenditure – Wages (Ordinary Time), Superannuation, Workers Compensation, & Plant	\$67,332.46
Contractor Expenditure – Building Materials, Mattress, Tyres, Furniture, Asbestos Removal etc	\$84,655.68
Total	\$151,979.14

The intention is to place the funds into a “Waste Management” Reserve for future maintenance and remediation works at waste management facilities.

PUBLIC CONSULTATION UNDERTAKEN:

Nil

COMMENT (Includes Options):

Staff have been working with Antionette Krause from GHD in Geraldton to qualify and quantify the additional costs incurred at our four waste sites. The final part of this process facilitated by GHD has been the liaison with the Department of Fire and Emergency DRFAWA funding team to claim the associated “Own Source” and additional “Contractor” costs incurred post cyclone Seroja. These costs were solely incurred as a result of the

additional waste volumes and included building materials, tyres, mattresses, furniture, asbestos removal etc.

The creation of the reserve will ensure funds are set aside for any future costs incurred at the sites as a result of the additional waste. Additionally, the extra waste has caused staff to re-evaluate the life span of the four sites which will potentially bring forward maintenance and remediations works earlier than previously anticipated.

STATUTORY ENVIRONMENT:

Local Government Act 1995 – Section 6.11, Reserve Accounts.

6.11. Reserve accounts

(1) Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year it is to establish and maintain a reserve account for each such purpose.

(2) Subject to subsection (3), before a local government — (a) changes* the purpose of a reserve account; or (b) uses* the money in a reserve account for another purpose, it must give one month's local public notice of the proposed change of purpose or proposed use. * Absolute majority required.

(3) A local government is not required to give local public notice under subsection (2) — (a) where the change of purpose or of proposed use of money has been disclosed in the annual budget of the local government for that financial year; or (b) in such other circumstances as are prescribed.

(4) A change of purpose of, or use of money in, a reserve account is to be disclosed in the annual financial report for the year in which the change occurs.

(5) Regulations may prescribe the circumstances and the manner in which a local government may set aside money for use for a purpose in a future financial year without the requirement to establish and maintain a reserve account.

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

The risk of not allocating the funds to the reserve will not have any consequences in the short term but will have an impact long term as funds are required for maintenance and remediation purposes. Level of the associated risk is considered Level 2 – Minor.

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

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
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

FINANCIAL IMPLICATIONS:

There will be no overall change to the 2023/2024 balanced budget position to accommodate the transfer to reserve allocation.

SUSTAINABILITY:

Environmental: Nil

Economic: Nil

Social: Nil

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council approve the creation of a “Waste Management Reserve” and allocate the \$151,979,14 received from Disaster Recovery Funding Arrangements Western Australia Claim 9 to the “Waste Reserve”. The purpose of the reserve will be for future maintenance and remediation works at waste management facilities.

ATTACHMENTS

1. Nil

APPENDICIES

1. Nil

ITEM 9.2.6 Proposed Additional Credit Cards & Bank Authorisation

PROPONENT:	Shire of Northampton
OWNER:	N/A
LOCATION / ADDRESS:	Whole of Shire
ZONE:	All
BUSINESS AREA:	Corporate and Financial Services
FILE REFERENCE:	1.1.1
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Grant Middleton
APPROVING OFFICER:	Grant Middleton
DATE OF REPORT:	7 November 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Council is requested to consider the approval of two additional \$10,000 credit cards. Pending Council approval the proposed cards will be issued to Mr Neil Broadhurst, Executive Manager Works and Technical Services and Mr Brian Robinson, Executive Manager Community Development and Regulation. The provision of credit cards to Senior Employees and other designated employees is relatively commonplace through the local government sector. Council currently has two credit cards issued to the Chief Executive Officer and Executive Manager Corporate Services, both cards have a limit of \$10,000.

Additionally, Council is requested to approve the addition of Mr Brian Robinson as a bank authorised signatory. Council currently has the Chief Executive Officer, Executive Manager Corporate Services, Executive Manager Works and Technical Services and Finance Officer Leanne Rowe as designated authorised officers to approve EFT payments and act as cheques signatories.

PUBLIC CONSULTATION UNDERTAKEN:

Nil

COMMENT (Includes Options):Credit Cards

The new cards will be used for various purchases that are not able to be paid via our normal procurement process and payments that are more efficient to pay via a credit card. All credit card transactions are listed in the Council Payments agenda and presented at each Council meeting.

Traditionally the Chief Executive Officers credit card is the main card used for conference expenses and other councillor related purchases. The only other card available for credit card type payments was the Executive Manager Corporate Services card which is predominately used for monthly IT, telecommunications, licences, office related costs and emergency situations where the Chief Executive Officers credit card is unavailable.

The number of suppliers demanding payment via credit card rather than the traditional Purchase Order method is increasing. There have been occasions where conferences have maxed out the Chief Executive Officers credit card with payments for accommodation providers and airline costs having to be paid on-line by credit card. The additional credit cards will provide greater flexibility and allow each senior staff member to pay for associated transactions in their responsibility area rather than solely relying on two card holders as per the current arrangements.

Bank Authorisation

Having an additional senior employee to authorise payments will ease the burden on staff, alleviate the issue when staff are unavailable due to leave and other circumstances that arise and ensure “Separation of Duties” is maintained throughout the payment process.

STATUTORY ENVIRONMENT:

The following provisions of the Local Government Act 1995 (the Act) and associated regulations impact on the use and control of corporate credit cards:

Local Government Act 1995

Section 2.7(2) (a) and (b) of the Act requires the council to oversee the allocation of the local government’s finances and resources and to determine the policies of the local government.

Section 6.5(a) of the Act requires the Chief Executive Officer (CEO) to ensure that proper accounts and records of the transactions and affairs of the local government are kept in accordance with regulations.

6.20. Power to borrow (1) Subject to this Act, a local government may — (a) borrow or re-borrow money; or (b) obtain credit; or (c) arrange for financial accommodation to be extended to the local government in ways additional to or other than borrowing money or obtaining credit, to enable the local government to perform the functions and exercise the powers conferred on it under this Act or any other written law. (2) Where, in any financial year, a local government proposes to exercise a power under subsection (1) (power to borrow) and details of that proposal have not been included in the annual budget for that financial year — (a) unless the proposal is of a prescribed kind, the local government must give one month’s local public notice of the proposal; and (b) the resolution to exercise that power is to be by absolute majority.

Local Government (Financial Management) Regulation 11(1)(a) requires local governments to develop procedures for the authorisation and payment of accounts to ensure that there is effective security and appropriate authorisations in place for the use of credit cards.

POLICY / STRATEGIC IMPLICATIONS:

Corporate Credit Card Policy Section 2.9

ORGANISATIONAL RISK MANAGEMENT:

The risk of not approving the credit cards will impact on the organisations flexibility and efficiency in relation to authorising and transacting payments. Level of the associated risk is considered Level 2 – Minor.

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

FINANCIAL IMPLICATIONS:

There will be no overall change to the 2023/2024 balanced budget position to accommodate the two new Senior Employee Credit cards.

SUSTAINABILITY:

Environmental: Nil

Economic: Nil

Social: Nil

VOTING REQUIREMENTS:**ABSOLUTE MAJORITY****OFFICER RECOMMENDATION:****That Council:**

- 1. Approves the issue of credit cards with a limit of \$10,000 to Mr Neil Broadhurst, (Executive Manager Works and Technical Services) and Mr Brian Robinson, (Executive Manager Community Development and Regulation)**
- 2. That Council amends the credit card policy and any other associated sections of the "Policy Manual" to include the new \$10,000 credit cards issued to Mr Neil Broadhurst, (Executive Manager Works and Technical Services) and Mr Brian Robinson, (Executive Manager Community, Development and Regulation)**
- 3. That Council approve Mr Brian Robinson, (Executive Manager Community, Development and Regulation) as an authorised signatory for bank payments including cheques and EFT payments.**

ATTACHMENTS

- 1. Nil**

APPENDICIES

- 1. Nil**

ITEM: 9.3.1 Delegated Planning Decisions for November 2023

PROPONENT:	Shire of Northampton
OWNER:	Various
LOCATION / ADDRESS:	Various
ZONE:	Various
DIRECTORATE:	Planning Services
FILE REFERENCE:	10.4.1
LEGISLATION:	<i>Planning and Development Act 2005</i> <i>Local Government Act 1995</i>
AUTHOR:	Michelle Allen
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	4 December 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

In order to ensure the efficient and timely processing of planning related applications, Council delegates authority to the Chief Executive Officer to conditionally approve applications for Development Approval that meet the requirements of both Local Planning Schemes being *No. 10 – Northampton* and *No. 11 - Kalbarri* (the Scheme) and adopted Planning Policies.

Delegated planning decisions are reported to Council on a monthly basis to ensure that Council has an appropriate level of oversight on the use of this delegation. The updated statistics are shown below.

A register of Delegated Development Approvals, detailing those decisions made under delegated authority in August 2023 is attached.

ATTACHMENT 9.3.1 (1)**PUBLIC CONSULTATION UNDERTAKEN:**

Where required applications were advertised in accordance with the Scheme and Council's adopted Local Planning Policy as detailed in the Policy/Strategic Implications section below.

COMMENT (Includes Options):

During November 2023, five (5) development applications were determined under delegated authority. **Table 1** shows the number and value of development applications determined under both delegated authority and by Council for November 2023 compared to November 2022:

Table 1: Planning Decisions made in November 2022 and November 2023

	November 2022	November 2023
Delegated Decisions	6 - \$531,820 **1	5 - \$553,540 **3
Council Decisions	0	0
Total	6 - \$531,820	5 - \$553,540

Table 2 compares the Year-To-Date statistics for delegated authority and Council decisions for 2023-24 compared to the previous Financial Year:

Table 2: Planning Decisions Made Year-To-Date 2022-23 and 2023-24

	YTD 2022	YTD 2023
Delegated Decisions	74 - \$8,925,657	57 - \$7,325,364 ** 26
Council Decisions	18 - \$880,000	15 - \$2,924,125 **7
Total	92 - \$9,805,657	72 - \$10,249,489

** Includes administrative applications which are attributed no value in Delegated and Council decisions and include Commercial Vehicle Parking, Mobile Food Vehicle, Commercial Recreational Tourism License and Temporary and Exemption Approval Applications.

STATUTORY ENVIRONMENT:

The *Local Government Act 1995* creates and gives powers to local governments. The Act then empowers the local government to delegate its powers to the CEO and committees (1) which gives the CEO the authorisation to exercise power on behalf of the local government.

Scheme/s is a Local Planning Scheme, made in accordance with the *Planning and Development Act 2005* and associated regulations, sets out procedures for the assessment and determination of development applications.

Council, under *Delegation Number TP01*, has delegated a number of planning powers to the Chief Executive Officer and/or Principal Planner who can deal with those town planning issues that are not of a contentious nature. All other items shall be referred to Council.

In accordance with Regulation 19 of the *Local Government (Administration) Regulations 1996*, a written record of each delegated decision is kept.

POLICY / STRATEGIC IMPLICATIONS:

Applications for Development Approval must be assessed against requirements of the Schemes and Local Planning Policies that have been adopted in accordance with the Schemes. These policies include Local Planning Policy *Consultation for Planning Proposals*, which details the level and scope of advertising required for Applications for Development Approval.

Each application processed under delegated authority has been processed and advertised, where required, and has been determined to be consistent with the requirements of all adopted Local Planning Policies.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

The required planning fees have been paid for all applications for Development Approval processed under delegated authority.

SUSTAINABILITY:

Environmental: Nil

Economic: Nil

Social: Nil

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council receives the report on Delegated Development Approvals for November 2023 as detailed in Attachment 9.3.1(1).

ATTACHMENTS

1. **Delegated Planning Decisions November 2023.**

ITEM 9.4.1: Building Approvals Report November 2023

PROPONENT:	Shire of Northampton
OWNER:	N/A
LOCATION / ADDRESS:	Whole of Shire
ZONE:	All
BUSINESS AREA:	Building
FILE REFERENCE:	N/A
LEGISLATION:	<i>Local Government Act 1995</i> <i>Building Act 2011</i> <i>Building Regulations 2012</i>
AUTHOR:	Michaela Simpson
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	5 th December 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

This report has been produced to assist Council understand the Building and Demolition Permits approved and issued for the monthly period of 01 November 2023 to 30 November 2023.

A copy of the Building Approvals Report November 2023 is attached.

ATTACHMENT 9.4.1(1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

During November 2023 twelve (12) building and demolition applications were determined under delegated authority.

STATUTORY ENVIRONMENT:

Nil

POLICY / STRATEGIC IMPLICATIONS:

Nil

ORGANISATIONAL RISK MANAGEMENT:

Nil

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 a prolonged period of restitution. Complete loss of plant, equipment & building	Uncontained, irreversible impact

FINANCIAL IMPLICATIONS:

The required building fees have been paid for all Building and Demolition applications processed under delegated authority.

SUSTAINABILITY:

Environmental: Nil

Economic: Nil

Social: Nil

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council receive the Building Approvals Report November 2023 in accordance with ATTACHMENT 9.4.1(1).

ATTACHMENTS

- 1. Building Approvals Report November 2023.**

APPENDICIES

- 1. Nil.**

ITEM 9.5.1 : Proposed Kalbarri Open Air Music Festival Event

PROPONENT OWNER:	Jamart Sound Lounge Shire of Northampton/State of Western Australia
LOCATION / ADDRESS:	Kalbarri Oval
ZONE:	All
BUSINESS AREA:	Environmental Health
FILE REFERENCE:	11.1.2 & 11.1.10
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Wendy Dallywater
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	29 November 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

On 21 November 2023 the Shire received an Event Application for a large event proposed to be held by Jamart Sound Lounge of Perth. The application is proposing to hold a 2-day music festival between the hours of 2pm and 11pm on the Kalbarri Oval on Friday 15 and Saturday 16 March 2024. This will be a family event open to all age groups. The application form and the original proposed site layout plan for the event is provided at Attachments 9.5.1(1) & 9.5.1(2).

ATTACHMENT 9.5.1 (1)**ATTACHMENT 9.5.1 (2)**

The proponent is proposing to host 14-16 local WA bands from Bunbury, Perth, Geraldton and Kalbarri playing a set each day, with either recorded set music or commercial streamed music played in between band sets. The bands include soft rock, hard rock, punk, acoustic, alternative, and 2 heavy metal bands. These bands either play their own music or are cover bands.

In addition to Jamart Sound Lounge bringing bands together to play on a stage on the Kalbarri Oval, the following is proposed:

- The Kalbarri Sport & Recreation Committee will operate a bar from within the Kalbarri Sport & Recreation Centre;
- A community group will supply free drinking water for patrons;
- Food vans and food premises will be encouraged to have stalls at the event;
- Opportunity exists for a community group to operate a sausage sizzle food stall;
- The proponent will offer merchandise and promotional items to patrons;
- The proponent is considering other activities to support the event, including games and giveaways that operate between band sets; and
- Temporary fencing will be used to demark the event area;

The proponent has approached accommodation businesses located near the Kalbarri Oval about the proposed music festival with most businesses in support of the event as business is slow in March and this event will bring people to Kalbarri. No formal consultation has been undertaken with residents who reside in close proximity to the Kalbarri Oval.

Jamart Sound Lounge advises following preliminary canvassing of the community to gauge the level of support for the event, that 1,000 people responded positively advising they would attend such an event.

Additional portable ablution facilities will be made available within the event area along with those available within the adjacent Kalbarri Sport & Recreation Centre and the Kalbarri Skate Park to be used by patrons.

The proponent proposes to engage security from Geraldton to control patrons within the event area and it is noted that the Kalbarri Sport & Recreation Committee will need to consider security arrangements for the licensed bar area.

PUBLIC CONSULTATION UNDERTAKEN:

Due to the short timeframe available between receipt of the Event Application and the proponent's request for a prompt determination of the application, no public consultation has been undertaken.

This may present a risk for Council's consideration of the application.

It is noted Kalbarri Police have advised they will likely issue approval for liquor control for the event but from a police perspective a single day event running for 4 to 6 hours is considered a more suitable option.

It is further noted that this consideration by Council is only for the use of the land (Kalbarri Oval). A detailed approval process is still required to be administered by Shire Officers to address public safety and risk issues in relation to the 2-day event.

COMMENT (Includes Options):

In assessing accommodation businesses level of support for the event, Shire Officers advise that those businesses with concern would consider supporting the event if the finish time was earlier than the proposed 11pm.

In considering details of the proposed application, Shire Officers raised a number of points by email with the proponent whose subsequent response is provided at Attachment 9.5.1 (3) and is summarised below:

ATTACHMENT 9.5.1 (3)

- a) As a compromise to businesses requesting the event finish earlier than 11pm, they propose to finish each day at 10pm. The event cannot commence earlier than 2pm due to the time of year and the expected day temperatures. Finishing earlier than 10pm does not allow enough time for each band to perform its set of songs plus allow time for the changeover of bands and equipment from the stage.
- b) The positioning of the stage will be changed so that the sound is directed towards the Industrial area rather than towards the Kalbarri Sport & Recreation Centre and the accommodation businesses across Porter Street. The revised event layout plan is attached (Attachment 9.5.1(4)).

ATTACHMENT 9.5.1 (4)

- c) The Kalbarri Sport & Recreation Committee will be briefed so the licensed bar will close at the same time as the music event to enable patrons to leave the area at the same time, thus reducing the likelihood of noise issues arising.
- d) The music will be a mix of different genres and it will not be a heavy metal festival.
- e) As this is a family event, all bands are aware of Jamart Sound Lounge's language policy which is to not accept offensive language.
- f) We have been advised that no tickets are currently being sold to the general public. The website which is currently open online is a Face Book page to let people know about the event. Tickets are only being sold to band members' families who want to attend the event.

The Kalbarri Sport and Recreation Committee met on 29 November 2023 to consider the proposal put forward by Jamart Sound Lounge. The President has advised the Committee supports the event and will operate a licensed bar during the event. They will also consider other assistance that could be provided to the proponent.

STATUTORY ENVIRONMENT:

Local Government Act 1995 –

Section 3.54 Reserves under control of local government

- (1) If land reserved under the *Land Administration Act 1997* is vested in or placed under the control and management of a local government, the local government may do anything for the purpose of controlling and managing that land that it could do under section 5 of the *Parks and Reserves Act 1895* if it were a Board appointed under that Act to manage and control the land and for that purpose a reference in that section to a by-law is to be read as a reference to a local law.

POLICY / STRATEGIC IMPLICATIONS:

Nil

ORGANISATIONAL RISK MANAGEMENT:

The risk rating is considered Level 3 – Moderate as there may be some reputational damage for the Shire by issuing approval to this event which has not been publicly advertised.

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

FINANCIAL IMPLICATIONS:

The financial impact for Council will be spraying of the Kalbarri Oval for pest management prior to the event occurring which is estimated at a cost of \$2,400.00 incl GST. A further cost of \$1000 will be incurred to provide additional rubbish bins for the event and associated waste disposal activity. The nature of the works involved can be managed within the existing approved budget for the Kalbarri Oval Reserve.

SUSTAINABILITY:

Environmental: Nil

Economic: If this event is successful, Jamart Sound Lounge is looking to make this an annual event that will bring people to Kalbarri at a time when visitor numbers are low.

Social: A social event for locals and visitors.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council grant approval to Jamart Sound Lounge of Perth to use the Kalbarri Oval for a 2-day music festival to be called “Kalbarri Open Air” on Friday 15 and Saturday 16 March 2024 and include the Kalbarri Sport and Recreation Centre building as proposed within the Event Application and Amendments 9.5.1 (1), 9.5.1 (2), 9.5.1 (3) and 9.5.1 (4) with a detailed approval process still to be undertaken to address public risk and safety.

ATTACHMENTS

1. Application Form
2. Original Event Layout Plan
3. Email received 28 November 2023 stating concessions and amendments to the initial event application information
4. Amended Event Layout Plan

APPENDICIES

1. Nil.

ITEM 9.5.2: Proposal to Acquire Unallocated Crown Land

PROPONENT:	Shire of Northampton
OWNER:	Department of Lands, Planning and Heritage
LOCATION / ADDRESS:	Unallocated Crown Land adjoining Lot 500 Port Street, Port Gregory (Reserve 50063)
ZONE:	All
BUSINESS AREA:	Environmental Health & Town Planning
FILE REFERENCE:	1.1.1 & 10.2.3
LEGISLATION:	<i>Health (Miscellaneous Provisions) Act 1911</i>
AUTHORS:	Wendy Dallywater/Michelle Allen
APPROVING OFFICER	Andrew Campbell
DATE OF REPORT:	30 November 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

At the October 2023 Council Meeting held on 20 October 2023, Council budgeted to improve/upgrade the existing septic system servicing the Port Gregory Public Toilets.

PUBLIC CONSULTATION UNDERTAKEN:

Nil

COMMENT (Includes Options):

Due to limited area available on-site at Lot 500 Port Street Port Gregory to facilitate installation of the proposed new septic tank and leach drains, the need to acquire more land for this purpose has been identified.

Discussions have been undertaken with Department of Planning, Lands and Heritage (DPLH) Officers to explore the feasibility of acquiring more land for these works. Email advice from DPLH received on 28 November 2023 and provided at Attachment 9.5.2(2), outlines the process required to acquire more land.

ATTACHMENT 9.5.2 (1)

A formal request from Council should be made to the Minister for Lands seeking to amend the south western boundary of Reserve 50063. The request should identify the portion of Unallocated Crown Land (UCL) that adjoins Lot 500 Port Street (Reserve 50063) that is being sought for the purpose of upgrade of the existing public toilet infrastructure within Reserve 50063. Identification of the portion of UCL is shown at Attachment 9.5.2 (2).

ATTACHMENT 9.5.2 (2)

Council should also include a resolution within the request that indemnifies the Minister for Lands against all costs incurred, including the cost of survey required to complete the amendments to Reserve 50063, Lot 500 on Deposited Plan 57805, Port Street, Port Gregory.

STATUTORY ENVIRONMENT:

Health (Miscellaneous Provisions) Act 1911 –

Section 107 Drains, privies etc to be properly kept

- (1) The local government shall provide that all drains, sanitary conveniences, and any apparatus for the treatment of sewage within the district are constructed and kept so as not to be a nuisance or dangerous or injurious to health.

POLICY / STRATEGIC IMPLICATIONS:

The acquisition of additional land and the implementation of the proposed upgrade to the septic system will enable the organisation to address existing deficiencies, meet future demand and comply with legislation.

ORGANISATIONAL RISK MANAGEMENT:

The associated risk is the continued failure of the septic system to cope with the increased demand due to the number of visitors using the Port Gregory Public Toilets. Risk rating is considered Level 3 – Moderate.

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

FINANCIAL IMPLICATIONS:

Costs will be incurred to remediate the existing ablution infrastructure and will be managed within the existing approved budget. Should Council support the request to acquire the portion of UCL for the purpose of public ablution infrastructure, further funds will be required to undertake the necessary surveys. It is anticipated that these costs will not be incurred until the 2024/2025 financial year and can be managed within that budget cycle.

SUSTAINABILITY:

Environmental: Will allow additional area in which to install proposed upgrade and allow for future expansion if required.

Economic: Will reduce the need to pump out the septic tanks and leach drains on a regular basis during peak tourist periods.

Social: Provide benefit to locals and tourists to have a public toilet with septic system that works efficiently.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

- 1. Resolve to formally request the Minister for Lands to amend the south western boundary of Reserve 50063 to include a portion of the area of Unallocated Crown Land adjacent to Lot 500 on Deposited Plan 57805 Port Street, Port Gregory (Reserve 50063) for the purpose of upgrading the existing public toilet infrastructure within Reserve 50063, as outlined in Attachment 9.5.2 (2).**
- 2. Indemnifies the Minister for Lands against all costs incurred, including the cost of survey, to complete the amendments to Reserve 50063, Lot 500 on Deposited Plan 57805, Port Street, Port Gregory.**

ATTACHMENTS

- 1. Advice from DPLH.**
- 2. Identification of portion of UCL proposed for acquisition.**

APPENDICIES

- 1. Nil.**

ITEM 9.7.1 Information Items – Maintenance/Construction – Works Program

PROPONENT:	Manager of Works and Technical Services
OWNER:	N/A
LOCATION / ADDRESS:	Whole of Shire
ZONE:	All
BUSINESS AREA:	Office of Manager of Works and Technical Services
FILE REFERENCE:	N/A
LEGISLATION:	N/A
AUTHOR:	Neil Broadhurst
APPROVING OFFICER:	Neil Broadhurst
DATE OF REPORT:	7 December 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The following works, outside of the routine works, have been undertaken since the last report and are for Council information only.

Specific Road Works

- Maintenance grading carried out on Yallabatharra, Maggee, Monegarry, Harvey, Walsh, Isachar Back, Teakle, Isachar, Isseeka East, Rose and Frosty Gully Road/s.
- Gravel Patching/Sheeting/Verge works carried out on Yallabatharra, Maggee, Isachar Back, Walsh and Frosty Gully Road/s.

Maintenance Items

- General – Various signage and road furniture works.
- General – Potholes and edges various locations.
- General – Various tree lopping/vegetation works for western power line clearance.
- Northampton and Kalbarri – General verge chemical spraying works.
- Kalbarri – Reticulation replacement work at Peet Park.
- Kalbarri Road – Shoulder Grading for 2024 reseal area plus general maintenance.
- Yallabatharra Road – Culvert extension works.
- Horrocks – Beach access and fencing works.
- Port Gregory – Town Maintenance works.

Other Items (Budget)

- Northampton – Gwalla Street / Second Avenue works sealed with concrete kerb installed. Backfilling and site tidy up works progressing.
- Northampton – Tip fencing completed.
- Kalbarri widening – Finalization of Main Roads WA full funding to the 12 kilometers of widening immediately to the east of Kalbarri as far as the Skywalk lookout turnoff. Culvert works to commenced and shall be completed by Christmas. Earthworks and roadworks to commence late January 2024 with completion by end of March 2024.

Plant Items

- Backhoe – New backhoe arrived. Incorrect specification machine supplied by Westrac. New machine ordered. Replacement approximately 10 months.

Staff Items

- Vacant positions filled.
 - 1 x Gardener (Northampton)
 - 1 x Labourer / Plant Operator (Kalbarri)
- Vacant positions to be advertised.
 - 1 x Grader Operator. (Northampton)
 - 1 x Maintenance Operator/Labourer (Northampton)
 - 1 x Water Custodian. (Port Gregory)
 - 1 x Tip Supervisor. (Kalbarri)

A copy of the Manager of Works and Technical Services – Works Crew Budget – Program and Progress Report (2023/2024), December 2023 is attached.

ATTACHMENT 9.7.1(1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

Nil.

STATUTORY ENVIRONMENT:

Nil.

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

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

FINANCIAL IMPLICATIONS:

Works in accordance maintenance and construction budget.

SUSTAINABILITY:

Environmental: Activities of the Manager of Works and Technical Services often deal with environmental related matters both from a compliance perspective and an improvement perspective.

Economic: Part of the Manager of Works and Technical Services role is to improve local economies and often activities are associated with economic development initiatives and opportunities.

Social: The Manager of Works and Technical Services plays a key role in the development of community via community leadership, infrastructure provision and community support.

VOTING REQUIREMENTS:**SIMPLE MAJORITY****OFFICER RECOMMENDATION:**

That Council receive the Manager of Works and Technical Services Information Items – Maintenance/Construction – Works Program report for December 2023.

ATTACHMENTS

1. **Manager of Works and Technical Services – Works Crew Budget – Program and Progress Report (2023/2024), December 2023.**

APPENDICES

1. Nil.

ITEM 9.7.2 Consideration of Tender RFT 06-2023, Supply and Deliver Sealing Aggregates

PROPONENT:	Executive Manager of Works and Technical Services
OWNER:	Shire of Northampton
LOCATION / ADDRESS:	Whole of Shire
ZONE:	N/A
BUSINESS AREA:	Office of Executive Manager of Works and Technical Services
FILE REFERENCE:	12.1.1 (Roads/Streets – Construction)
LEGISLATION:	Local Government Act 1995
AUTHOR:	Neil Broadhurst
APPROVING OFFICER:	Chief Executive Officer
DATE OF REPORT:	7 December 2023
DECLARATION OF INTEREST:	Author of Report has personal relationship with management personnel from submitting contractors - Kimberley Quarries

BACKGROUND:

The Shire of Northampton's current contract for the Supply and Deliver of Sealing Aggregates expired on 30 June 2023. In order to secure fixed prices for a period of two (2) years, a new single tender was advertised for the Supply and Deliver of Sealing Aggregates. The new tender is to select a sole contractor for the supply and deliver of aggregates for a two-year period.

The procurement and specifications have been developed by Greenfield Technical services but approved by the Shire of Northampton.

The purpose of this report is for Council to consider the award of tender RFT 06-2023, Supply and Deliver of Sealing Aggregates.

PUBLIC CONSULTATION UNDERTAKEN:

Public Advertising of the tender was in the form of an advertisement in the West Australian Newspaper on Saturday 18 November 2023, with advertising on the Shire of Northampton Website.

COMMENT (Includes Options):

A total of one (1) document was drawn during the tender phase. At the tender close, one (1) bid was received. In accordance with normal practise, tender was assessed against qualitative criteria through a evaluation form/sheet, to create the ranking of the suitability of each tenderer and then assessed against the submitted prices to determine the most advantageous tender in terms of both price and suitability to undertake the contracted works. In this case and as there was only one (1) tender, the Confidential Attachment 'Tender Assessment Report' of the tender has been carried out by Greenfield Technical Services for compliance and reviewed by the Shire of Northampton's Chief Executive Officer.

CONFIDENTIAL ATTACHMENT: 9.7.2(1)

Tender assessment Results

The one (1) company being Kimberley Quarries Pty Ltd, submitted a comprehensive bid and is well-known and competent company in the industry.

The tender price is in the form of schedules of rates for the supply locations based on future works. In order to get a single price figure, the sum of all totals (estimated tonnes multiplied by the submitted rate) for each location is used to reach a single figure for the evaluation process. As per the Confidential Attachment.

As there is only one (1) tender, a comparison between tenders is not possible. The tender assessment is as follows:

Tender	Kimberley
Total Price Score (70%)	70
Skills and Experience of Key Personnel (10%)	8
Workplace Safety Management Procedures (10%)	7
Demonstrated Capacity and Flexibility (10%)	6
Total Qualitative Score (30%)	21
Total Tender Score	91.0

Kimberley Quarries Pty Ltd was the immediate past supplier of Sealing Aggregate for the Shire of Northampton. The rates while they have increased are approximately 24 – 31% above previous rates for the previous tender period for the 2021/22 and 2022/23 financial years which appear to align with known cost increases in the sector. On this basis it is recommended to award tender RFT 07-2023 to Kimberley Quarries Pty Ltd.

STATUTORY ENVIRONMENT:

The *Local Government Act 1995* and *Local Government (Functions and General) Regulations 1996* ("Regulations") detail the tender requirements for Local Government procurement of goods and services exceeding \$250,000 in value.

POLICY / STRATEGIC IMPLICATIONS:

Fixed rate for the Supply and Deliver Sealing Aggregates for the period of 2 years.

ORGANISATIONAL RISK MANAGEMENT:

Risk rating is considered Level 3 – Moderate.

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

FINANCIAL IMPLICATIONS:

The RFT is based on fixed rate/s which will be used on various projects identified within the Shire 2023/24 budget and 2024/25 Corporate Business Plan. Works will be adjusted accordingly to suit the material budget amounts.

SUSTAINABILITY:

Environmental: The products meet current national standards.

Economic: A well maintained road network allows for safe and efficient transport of goods and services.

Social: A safe and useable road network ensures good social cohesion in rural areas.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council award RFT 06-2023 Supply and Deliver Sealing Aggregates to Kimberley Quarries Pty Ltd as sole provider for the Shire of Northampton Supply and Deliver of Sealing Aggregate, for the total cost of \$249,271.25 (plus GST) in accordance with the schedule of rates within CONFIDENTIAL ATTACHMENT 9.7.2(1).

CONFIDENTIAL ATTACHMENTS

- 1. Supply and Delivery of Sealing Aggregates – Tender Assessment Evaluation.**

ITEM 9.7.3 Consideration of Tender RFT 07-2023, Supply Spray and Cover Bituminous Products

PROPONENT:	Executive Manager of Works and Technical Services
OWNER:	Shire of Northampton
LOCATION / ADDRESS:	Whole of Shire
ZONE:	N/A
BUSINESS AREA:	Office of Executive Manager of Works and Technical Services
FILE REFERENCE:	12.1.1 (Roads/Streets – Construction)
LEGISLATION:	Local Government Act 1995
AUTHOR:	Neil Broadhurst
APPROVING OFFICER:	Chief Executive Officer
DATE OF REPORT:	7 December 2023
DECLARATION OF INTEREST:	Nil.

BACKGROUND:

The Shire of Northampton's current contract for the Supply Spray and Cover Bituminous Products expired on June 30, 2023. In order to secure fixed prices for a period of 2 years, a new single tender was advertised for the Supply Spray and Cover Bituminous Products. The new tender is to select a sole contractor for the Supply Spray and Cover Bituminous Products for a two-year period.

The procurement and specifications have been developed by Greenfield Technical services but approved by the Shire of Northampton.

The purpose of this report is for Council to consider the award of tender RFT 07-2023, Supply Spray and Cover Bituminous Products.

PUBLIC CONSULTATION UNDERTAKEN:

Public Advertising of the tender was in the form of an advertisement in the West Australian Newspaper on Saturday 18 November 2023, with advertising on the Shire of Northampton Website.

COMMENT (Includes Options):

A total of two (2) documents were drawn during the tender phase. At the tender close, two (2) bids were received. In accordance with normal practise, the tenders were assessed against qualitative criteria through a evaluation form/sheet, to create the ranking of the suitability of each tender and then assessed against the submitted prices to determine the most advantageous tender in terms of both price and suitability to undertake the contracted works, In this case, the Confidential Attachment 'Tender Assessment Report' of the tender has been carried out by Greenfield Technical Services but reviewed by the Executive Manager of Works and Technical Services.

CONFIDENTIAL ATTACHMENT: 9.7.3(1)

Tender assessment Results

The two (2) companies being Fulton Hogan Industries Pty Ltd and Bitutek Pty Ltd, submitted comprehensive bids and are both well-known and competent companies in the industry.

The tender prices are in the form of schedules of rates for the supply locations based on future works. In order to get a single price figure, the sum of all totals (estimated litres/area multiplied by the submitted rate) for each location is used to reach a single figure for the evaluation process. As per previous tenders the works to be undertaken have the option to be Schedule A.) works that are supply and spray only (using shire day labour), or Schedule B.) works that are full-service works (full contract).

As there are only two (2) tenders and both met compliance criteria, a direct comparison of each overall total was used in order to select the most advantageous supplier for the Shire. The tender assessment is as follows:

Tender	Bitutek	Fulton
Total Price Score (70%)	70	63.6
Skills and Experience of Key Personnel (10%)	8	9
Workplace Safety Management Procedures (10%)	6	7
Demonstrated Capacity and Flexibility (10%)	5	5
Total Qualitative Score (30%)	19	21
Total Tender Score	89.0	84.6

The ranking of the tenderers, using the weighted scoring system, placed BITUTEK Pty Ltd in first position and Fulton Hogan Industries Pty Ltd in second. On this basis it is recommended to award tender RFT 07-2023 to Bitutek Pty Ltd.

STATUTORY ENVIRONMENT:

The *Local Government Act 1995* and *Local Government (Functions and General) Regulations 1996* ('Regulations') detail the tender requirements for Local Government procurement of goods and services exceeding \$250,000 in value.

POLICY / STRATEGIC IMPLICATIONS:

Fixed rate for the Supply Spray and Cover Bituminous Products for the period of 2 years.

ORGANISATIONAL RISK MANAGEMENT:
Risk rating is considered Level 3 – Moderate.

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

FINANCIAL IMPLICATIONS:

The RFT is based on fixed rate/s which will be used on various projects identified within the Shire 2023/24 budget and 2024/25 Corporate Business Plan. Works will be adjusted accordingly to suit the material budget amounts.

SUSTAINABILITY:

Environmental: The products meet current national standards.

Economic: A well maintained road network allows for safe and efficient transport of goods and services.

Social: A safe and useable road network ensures good social cohesion in rural areas.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council award RFT 07-2023 Supply Spray and Cover Bituminous Products to Bitutek Pty Ltd as sole provider for the Shire of Northampton Supply Spray and Cover Bituminous Products, for the total cost of \$1,098,275.00 (plus GST) in accordance with the schedule of rates within CONFIDENTIAL ATTACHMENT 9.7.3(1).

CONFIDENTIAL ATTACHMENTS

- 1. Supply Spray and Cover Bituminous Products – Tender Assessment Evaluation.**

10. LATE REPORTS:

11. QUESTIONS FROM MEMBERS:

11.1 Response to questions from members taken on notice.

11.2 Questions from members.

12. MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING:

**13. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY
DECISION OF THE MEETING:**

14. APPLICATIONS FOR LEAVE OF ABSENCE:

15. CLOSURE:

There being no further business to discuss the Shire President to thank those in attendance and close the meeting at.....pm.