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**6.1 OPENING**

The President thanked all Councillors, staff and gallery present for their attendance and declared the meeting open at 1.00pm.

**6.2 PRESENT**

Cr C Simkin	President	Northampton Ward
Cr S Krakouer	Deputy President	Kalbarri Ward
Cr R Suckling		Northampton Ward
Cr T Hay		Northampton Ward
Cr S Smith		Kalbarri Ward
Cr P Stewart		Kalbarri Ward
Cr D Pike		Kalbarri Ward
Cr S Stock-Standen		Northampton Ward (departed at 3.00pm)
Mr Garry Keeffe	Chief Executive Officer	
Mr Grant Middleton	Deputy Chief Executive Officer	
Mr Neil Broadhurst	Manager of Works and Technical Services	
Mrs Debbie Carson	Planning Officer	
Mrs Hayley Williams	Senior Planning Consultant	
Mrs Michelle Allen	Observer	

**6.2.1 LEAVE OF ABSENCE**

Nil

**6.2.2 APOLOGIES**

Cr Carson

**6.3 QUESTION TIME**

Ms Sylvia Raux addressed Council and stated that previously in November 2014, Council had considered the topic of fracking and she had been advised at the time that fracking was not an issue within the Shire of Northampton. Now that there is a stronger likelihood that fracking will occur upon the Unallocated Crown Land parcel at or near Coolcoolalya, Ms Raux asked if the Shire will now try to stop any and all hydraulic fracturing activities and applications within the Shire, given the detrimental environmental impacts that fracking processes create.

Cr Simkin thanked Ms Raux for her question and noted that Council has an existing Policy relating to Mining and Extraction of underground resources, which is currently under review for amendment with a recommendation to include within the policy that the Council does not support fracking mining methods.

The issue will also be tabled at the Northern Zone meeting next week for regional discussion and it is hoped that a joint approach to the state government by all Midwest local governments that they do not support fracking mining methods will also occur.

CEO Garry Keeffe also advised that Council has no decision powers with regard to fracking activities, and that the Council can only express their views in an advocacy role, as ultimately the issuance of mining and extraction licenses are a State Government controlled decision.

#### **6.4 DISCLOSURE OF INTEREST**

Nil

#### **6.5 CONFIRMATION OF MINUTES**

##### **6.5.1 CONFIRMATION OF MINUTES – ORDINARY COUNCIL MEETING 17<sup>TH</sup> MAY 2019**

Moved Cr SUCKLING, seconded Cr HAY

That the minutes of the Ordinary Meeting of Council held on the 17<sup>th</sup> May 2019 be confirmed as a true and correct record.

CARRIED 8/0

##### **6.5.2 BUSINESS ARISING FROM MINUTES**

Nil

#### **6.6 RECEIVAL OF MINUTES**

##### **6.6.1 AUDIT COMMITTEE MEETING – 14<sup>TH</sup> JUNE 2019**

Moved Cr SMITH, seconded Cr KRAKOUER

That the minutes of the Audit Committee Meeting held on the 14<sup>th</sup> June 2019 be received.

CARRIED 8/0

**6.6.2 BUSINESS ARISING FROM AUDIT COMMITTEE MEETING – 14<sup>TH</sup> JUNE  
2019**

Moved Cr KRAKOUER, seconded Cr SUCKLING

That Council modify its Policy to invest surplus funds with the National Bank while the bank maintains a branch in Northampton, as recommended by the Audit Committee.

CARRIED 8/0

Moved Cr SMITH, seconded Cr SIMKIN

1. That the Interim Audit Report from the Office of Auditor General as presented be received by Council.
2. That the Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls Report and management comments of risk matters raised in the Financial Management/Regulation 17 Review Action List as presented be received by Council.

CARRIED 8/0

**6.7 WORKS & ENGINEERING REPORT**

**6.7.1 INFORMATION ITEMS - MAINTENANCE/CONSTRUCTION WORKS  
PROGRAM (ITEM 7.1.1)**

Noted

**6.7.2 HORROCKS – INFORMATION BOARD SHELTER – CONCRETE SURFACE  
AND DUAL USE PATHWAY (ITEM 7.1.2)**

Moved Cr SUCKLING, seconded Cr HAY

1. That Council approve the recommendation to the shared cost of concrete surfacing within the area of the new Horrocks information shelter located on the Horrocks foreshore to an estimated total of \$2,875.00 (excluding GST). This being a cost sharing arrangement with the Horrocks Community Centre Committee. In addition, these works be approved as committed works within the 2019/2020 budget.
2. That Council approve the recommendation for the installation of approximately 18 linear metres of 2.4 metre (45m<sup>2</sup>) wide dual use pathway from the new Horrocks information shelter to the Horrocks

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community kitchen to an estimated total of \$2,925.00 (excluding GST). In addition, these works be approved as committed works within the 2019/2020 budget.

CARRIED 8/0

**6.7.3 SHIRE OF NORTHAMPTON PLANT FLEET – REPLACEMENT OF UTILITY –  
2019/2020 BUDGET (ITEM 7.1.3)**

Moved Cr HAY, seconded Cr STEWART

1. That Council accepts the quote from Geraldton Auto Wholesalers for the supply of one Isuzu Dmax Hi Ride single cab 4x2. No trade. Total price to Council \$28,295.45 exc GST.

CARRIED BY AN ABSOLUTE MAJORITY 8/0

Mr Neil Broadhurst departed the meeting at 1.19pm.

**6.8 HEALTH & BUILDING REPORT**

**6.8.1 BUILDING APPROVALS (ITEM 7.2.1)**

Noted

**6.9 TOWN PLANNING REPORT**

**6.9.1 TOWN PLANNING SCHEME NO. 10 – SCHEME CONVERSION –  
CONSENT TO ADVERTISE BASIC AMENDMENT (ITEM 7.3.1)**

Moved Cr STEWART, seconded Cr STOCK-STANDEN

That Council:

1. Pursuant to Section 75 of the Planning and Development Act 2005, amend Shire of Northampton Planning Scheme No. 10 by:
  - 1.1 Amending the Preamble and Scheme Details pages as follows:
    - Replace the first paragraph with 'This Local Planning Scheme of the Shire of Northampton consists of this Scheme Text, the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015*), the supplemental provisions contained in Schedule A and the

- Scheme Maps. The Scheme should be read in conjunction with the Local Planning Strategy for the Shire.'
- Replace the words 'Scheme Text' with 'deemed provisions' in the second paragraph.
  - Delete the word 'Text' in the third paragraph.
  - Delete the words 'District Zoning Scheme' on the 'Scheme Details' page.
- 1.2 Amending Part 1 in accordance with Part 1 of the model provisions and inserting 'the supplemental provisions contained in Schedule A' in clause 7(1).
- 1.3 Deleting the following in their entirety:
- Parts 2, 7, 8, 9, 10 and 11.
  - Schedules 1, 3, 6, 7, 8, 9, 10, 13, 15, 16 and 17.
  - Clauses 1.7, 3.4, 3.5, 4.7.2.2, 4.7.3, 5.7, 5.10.1, 5.13.7 and 5.13.8.
- 1.4 Amending Part 3 in accordance with Part 2 of the model provisions, including inserting the model objectives for the following reserves: environmental conservation; public open space; public purposes; government services; medical services; emergency services; infrastructure services; education; heritage; cemetery; and primary distributor road.
- 1.5 Amending Part 4 in accordance with Part 3 of the model provisions.
- 1.6 Amending the zones throughout the Scheme Text and on the Scheme Maps as follows:
- Town Centre Zone to Centre Zone
  - Industry Zone to General Industry Zone
  - General Rural Zone to Rural Zone
  - Development Zone to Urban Development Zone
- 1.7 Deleting the Rural Smallholdings Zone and Bushland Protection Zone and all references to these zones throughout the Scheme Text and Scheme Maps including development requirements specific to those zones
- 1.8 Modifying the Zoning Table to update the following land use class names and permissibility:
- Agroforestry to Tree farm
  - Guesthouse to Holiday accommodation
-

- Industry - General to Industry
- Industry - Mining to Mining operations
- Holiday Home to Holiday house
- Restaurant to Restaurant/cafe
- Retirement Village to Residential Care Complex
- Rural pursuit to Rural pursuit/hobby farm
- Showroom to Bulky goods showroom
- Wind Farm or Wind Energy Facility to Renewable energy facility
- Temporary Accommodation Camp to Workforce accommodation
- Warehouse to Warehouse/storage
- Industry - Rural to Industry - Primary Production
- Amending the permissibility of 'Tourism Development' to 'A' in the 'Rural' and 'Caravan, Camping and Cabin' zones
- Amending the permissibility of 'Telecommunications Infrastructure' to 'A' in all zones

- 1.9 Deleting the following land use classes and their permissibility from the Zoning Table:

aged and dependent persons dwellings; amusement facility; cabin; chalet; community services depot; cultural use; dry cleaning premises; eco tourist facility; equestrian centre; factory unit building; farm stay; home business - hire; industry - hazardous; industry - noxious; lodging house; nursing home; open air display; produce store; public amusement; public utility; radio and tv installation; salvage yard; single bedroom dwelling; tourist resort; veterinary hospital; wayside stall

- 1.10 Adding the following note under model clause 18:

Note: 3. If a proposed development is identified as a 'P' use in the zoning table, but the proposed development does not comply with all of the development standards and requirements of this Scheme then it is to be treated as a 'D' use.

- 1.11 Amending Part 5 in accordance with Part 4 of the model provisions, including:

- retaining clauses 4.7 and 5.8 to 5.13 under 'General Development Standards and Requirements'
  - inserting State Planning Policy 2.5 – Rural Planning under the list of other State Planning Policies to be read as part of Scheme
-



- inserting the word 'is' between the words 'road' and 'provided' in clause 5.9.3(a).
- shifting the provisions under clause 5.10.3 to clause 5.13.5 and inserting the additional clause:-

Tourism development in the Rural Zone:-

- shall be designed, constructed, operated and of a scale so as not to destroy the natural resources and qualities; and
- should utilise sustainable power, have a low energy demand through incorporation of passive solar design, provide for water consumption, ecologically sensitive waste processing and disposal with no pollutant product

- inserting the following under clause 5.11.5:

Note: Development approval is not required for exempted classes of advertisement listed in Schedule 2.

- modifying the table of carparking requirements to update the following land use class names:

Agroforestry to Tree farm  
Guesthouse to Holiday accommodation  
Industry - General to Industry  
Industry - Rural to Industry – Rural/Industry - Primary Production  
Industry - Mining to Mining operations  
Holiday Home to Holiday house / Holiday accommodation  
Restaurant to Restaurant/café  
Retirement Village to Residential care complex  
Rural pursuit to Rural pursuit/hobby farm  
Showroom to Bulky goods showroom  
Wind Farm or Wind Energy Facility to Renewable energy facility  
Temporary Accommodation Camp to Workforce accommodation  
Warehouse to Warehouse/storage

- deleting the following land use classes from the table of carparking requirements:

aged and dependent persons dwellings; amusement facility; bank, building society, post office; cabin, chalet, community services; cultural use; dry cleaning premises; eco tourist facility; equestrian centre; factory unit building; farm stay; guesthouse; home business - hire; industry - hazardous; industry - noxious; lodging house; open air display; public

amusement; public utility; radio and tv installation; single bedroom dwelling; tourist resort; veterinary hospital.

- deleting all notes under the table of carparking requirements and deleting the words 'excludes bank, building society, post office' in the Table.
- converting clauses 5.13.1.1 to 5.13.1.13 to Footnotes.
- deleting the sub-headings 'Residential Development', 'Mixed Use Development' and 'Plot Ratio' under clause 5.13.3.
- amending the words "all factory unit buildings" to "all factory unit industrial buildings industrial buildings or structures used for production or storage areas" under clause 5.13.4.2.2
- adding the words 'or in a provision of the Scheme that applies the R-Codes' to model clause 25(4).
- replacing the heading of model clause 32 to 'General development standards and requirements'.
- replacing the heading of model clause 33 to 'Site specific development standards and requirements'.
- adding the following to model clause 32(2): Where an inconsistency arises between the standards and requirements contained in clause 32 and clause 33, those in clause 33 prevail.
- replacing the words in model clause 34(1) to: *additional site and development requirements* means any site or development requirement contained in the Scheme.
- adding the following to model clause 34(2): except for development in respect of which the R-Codes apply or variations to land use permissibility contained in the zoning table.

1.12 Amending Part 6 in accordance with Part 5 of the model provisions, including:

- adding the following to clause 6.1:

(3) The provisions contained in a Special Control Area apply in addition to the provisions that apply to the underlying zone.
- amending 6.3.3.1(a) to: The local planning strategy and the purpose and intent of the Moresby Range Landscape Protection SCA.
- deleting the following from Clause 6.3.3.1(b): The local government may consider supporting subdivision applications where i) the subdivision proposed for land within the Rural Smallholdings zone is consistent with

the Local Planning Strategy and the purpose and intent of and the Moresby Range Landscape Protection SCA.

1.13 Deleting the following terms and replacing them with the corresponding term throughout the Scheme Text:

- planning approval with development approval
- council replaced with local government
- Local Government Authority with local government
- Council of a municipality with local government
- Development Plan with Structure Plan or local development plan (as applicable)
- Department of Mines and Petroleum with Department responsible for mining and industry regulation
- Department of Water with Department responsible for water and environmental regulation

1.14 Amending the following clauses by removing the cross reference to the clause deleted and replacing them as follows:

- Clause 5.7 with Part 4 of the deemed provisions
- Clause 8.2(f) with Clause 61(1)(o) of the deemed provisions
- Clause 9.2(d) with Clause 63 of the deemed provisions

1.15 Amending Schedule 1 in accordance with Division 1 and 2 of the model provisions, including:

- refining the following definitions as follows:

animal husbandry - intensive: means premises used for keeping, rearing or fattening of alpacas, beef, and dairy cattle, goats, pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production), sheep and other livestock in feedlots, sheds or rotational pens; but excludes agriculture extensive.

bulky goods showroom - update definition by replacing the word 'or' between subclause (a) and (b) to 'and'.

hospital - means premises used as a hospital as defined in the *Hospitals and Health Services Act 1927* section 2(1) but excludes a nursing home.

residential care complex - means premises used

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- (a) primarily as a residential complex that provides a range of accommodation, from independent living to low and high care accommodation; and
- (b) for any associated support services for meals, recreation, wellness, rehabilitation, medical, nursing, cleaning and respite care for the occupants and authorised visitors.

renewable energy facility - means premises used to generate energy from a renewable energy source and includes any building or other structure used in, or in connection with, the generation of energy by a renewable resource. It does not include solar panels or a wind turbine located on a lot with a single house where the energy produced only supplies that house or private rural use or anemometers.

roadhouse - means premises that has direct access to a State road other than a freeway and which provides the services or facilities provided by a freeway service centre and may provide any of the following facilities or services-

- (a) a full range of automotive repair services;
- (b) wrecking, panel beating and spray painting services;
- (c) transport depot facilities;
- (d) short-term accommodation for guests;
- (e) facilities for being a muster point in response to accidents, natural disasters and other emergencies; and
- (f) dump points for the disposal of black and/grey water from recreational vehicles.

service station - means premises used for-

- (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience retail nature; and/or
- (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles;

- deleting the following definitions:

advertisement; ancillary use; amenity; caravan; cultural heritage significance; environmental harm; façade; gross leasable area; local government; local planning strategy; place; premises; residential design codes; substantially commenced; zone.

- moving the definitions for repurposed dwelling and second hand dwelling from general definitions to land use definitions.

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- moving the definitions for cabin and chalet from land use definitions to general definitions.
  - including the following definitions from the model provisions:  
building height; short-term accommodation; wall height
- 1.16 Amending Schedule 5 by deleting the words 'theatre' and replacing Warehouse with warehouse/storage.
- 1.17 Amending Schedule 14 by deleting the words 'under Part 7 of the Scheme'.
- 1.18 Amending the title of Schedule A and inserting the following provisions:  
Schedule A - Supplemental Provisions  
Clause 61(1):
- (m) the demolition of any building or structure except where the building or structure is:
    - (i) located in a place that is entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
    - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
    - (iii) included on the Heritage List under Part 7 of the deemed provisions; or
    - (iv) located in a heritage area designated under this Scheme.
  - (n) any of the exempted classes of advertisements listed in Schedule 3 except in respect of a place included in the Heritage List or in a heritage area or within the Town Centre Conservation Special Control Area.
- 1.19 Renumbering the scheme provisions, tables and schedules sequentially and updating any cross referencing to the new clause numbers and deemed provisions as required and updating the Table of Contents.
- 1.20 Amending the Scheme Map legend by replacing local scheme reserves as follows:
- National parks and conservation to Environmental conservation
  - Parks and recreation to Public open space
  - Public Purposes: Ambulance, Fire Station and Council Depot to Infrastructure services
  - Public Purposes: Cemetery to Cemetery
  - Public Purposes: Church to Public purposes
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- Public Purposes: Council offices to Government services
  - Public Purposes: Dune Preservation to Environmental conservation
  - Public Purposes: Fire Station to Emergency services
  - Public Purposes: Freight Depot Station to Public purposes
  - Public Purposes: Government Requirements to Government services
  - Public Purposes: Grain handling facility to Public purposes
  - Public Purposes: Gwalia cemetery to Cemetery
  - Public Purposes: High school to Education
  - Public Purposes: Historical purposes to Heritage
  - Public Purposes: Hospital to Medical Services
  - Public Purposes: Police to Emergency Services
  - Public Purposes: Primary School to Education
  - Public Purposes: Public Toilet to Public Purposes
  - Public Purposes: Railway Station to Heritage
  - Public Purposes: Rubbish Disposal to Infrastructure Services
  - Public Purposes: Water supply, sewerage and drainage to Infrastructure services
  - Major road to Primary Distributor Road
2. resolves, pursuant to the Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), that Amendment 6 is a basic amendment in accordance with r.34(c) of the Regulations as it proposes to amend the Scheme text to delete provisions that have been superseded by the deemed provisions in Schedule 2 of the Regulations;
3. authorise Council officers to prepare the scheme amendment documentation.
4. authorise the affixing of the common seal to and endorse the signing of the amendment documentation.
5. pursuant to Section 81 of the *Planning and Development Act 2005*, refers Amendment 6 to the Environmental Protection Authority;
6. pursuant to r.58 of the Regulations, provides Amendment 6 to the Western Australian Planning Commission.

CARRIED 8/0

6.9.2 DRAFT NORTHAMPTON LOCAL PLANNING STRATEGY – CONSENT TO  
ADVERTISE (REVISED DRAFT) (ITEM 7.3.2)

Moved Cr STOCK-STANDEN, seconded Cr STEWART

That Council pursuant to the provisions of the Planning and Development Act 2005, resolves to:

1. Adopt the draft Shire of Northampton Local Planning Strategy 2019, outlined in Appendix 1, pursuant to regulation 11(2) *Planning and Development (Local Planning Schemes) Regulations 2015*;
2. Refer the draft Shire of Northampton Local Planning Strategy 2019 to the Western Australian Planning Commission for certification in accordance with Regulation 12(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
3. Delegates authority to the Shire's Chief Executive Officer to progress matters with the Department of Planning and other stakeholders and make minor modifications to the draft Shire of Northampton Local Planning Strategy 2019 if directed to by the Western Australian Planning Commission; and
4. Once certified by the Commission for the purpose of advertising, the draft Local Planning Strategy 2019 will be advertised in accordance with Regulation 13 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for a minimum period of 21 days as in accordance with regulation 13(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

CARRIED 8/0

6.9.3 BUILT STRATA APPLICATION – LOT 892 (NO. 11) SEAKIST RETREAT,  
KALBARRI (ITEM 7.3.3)

Moved Cr HAY, seconded Cr SUCKLING

That Council:

1. Grant approval to the built strata for two units on Lot 892 (No. 11) Seakist Retreat, Kalbarri in accordance with the plans included in Appendix 2.

2. Resolve to amend Local Planning Scheme No. 11 by rezoning Lot 892 (No. 11) Seakist Retreat, Kalbarri from Residential R17.5 to Residential R20 in order to reflect the existing and previously approved grouped dwelling development under the 1991 Residential Planning Codes.

CARRIED 8/0

**6.9.4 SUMMARY OF PLANNING INFORMATION ITEMS (ITEM 7.3.4)**

Noted.

Mrs Hayley Williams departed the meeting at 1.39pm.

**6.10 FINANCE REPORT**

**6.10.1 ACCOUNTS FOR PAYMENT (ITEM 7.4.1)**

Moved Cr PIKE, seconded Cr STOCK-STANDEN

That Municipal Fund Cheques 21671 to 21688 inclusive totalling \$56,485.41, Municipal EFT payments numbered EFT19303 to EFT19428 inclusive totalling \$670,316.72, Trust Fund Cheques 2431 to 2434, totalling \$10,689.95, Direct Debit payments numbered GJ1120 to GJ1126 inclusive totalling \$354,587.88 be passed for payment and the items therein be declared authorised expenditure.

CARRIED BY AN ABSOLUTE MAJORITY 8/0

**6.10.2 MONTHLY FINANCIAL STATEMENTS – MAY 2019 (ITEM 7.4.2)**

Moved Cr SMITH, seconded Cr STEWART

That Council adopts the Monthly Financial Report for the period ending 31 May 2019.

CARRIED 8/0



6.10.3 2019 – 2020 FEES AND CHARGES SCHEDULE/MINIMUM RATES  
(ITEM 7.4.3)

Moved Cr SIMKIN, seconded Cr SMITH

1. That Council reviews and adopts the Schedule of Fees and Charges for the 2019/2020 Financial Year as presented.
2. That Council adopts the minimum rate on rateable Gross Rental Value and Unimproved Value properties be set at \$565 per assessment for the 2019/2020 Financial Year.

CARRIED BY AN ABSOLUTE MAJORITY 8/0

6.10.4 BUDGET SUBMISSIONS 2019/2020 (ITEM 7.4.4)

Moved Cr SMITH, seconded Cr STEWART

That Council lists for consideration the Kalbarri Development Association's request for park seating along the Melaleuca Trail within the Draft 2019/2020 budget, being the amount of \$5,200.

CARRIED 8/0

6.10.5 BUDGET SUBMISSIONS 2018/2019 AND 2019/2020 (ITEM 7.4.5)

Moved Cr KRAKOUER, seconded Cr SMITH

1. That Council approve the replacement of the balustrade at the Kalbarri Sport and Rec Facility at a cost of \$5,000 (GST exclusive) and this be declared authorised expenditure.

CARRIED BY AN ABSOLUTE MAJORITY 8/0

Moved Cr PIKE, seconded Cr STEWART

That Council list the following items for consideration in the Draft 2019/2020 Budget:

- Kalbarri Sport and Rec's request for an amount of \$5,000 towards the installation of artificial turf and fencing surrounding the half basketball court; and

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- Kalbarri Sport and Rec's request for an amount of \$1,000 towards the installation of a path and ramp to the building entrance.

CARRIED 5/3

Cr's Simkin, Hay and Krakouer voted against the motion.

<b>6.11 ADMINISTRATION &amp; CORPORATE REPORT</b>
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6.11.1 2019/2020 BUDGET MEETING (ITEM 7.5.1)
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Moved Cr HAY, seconded Cr STEWART

That Council holds a Special Meeting of Council to consider the 2019/2020 Budget on Friday 26<sup>th</sup> July 2019, commencing 1.00pm at the Northampton Council Chambers.

CARRIED 8/0

6.11.2 CORPORATE BUSINESS PLAN (ITEM 7.5.2)
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Moved Cr STOCK-STANDEN, seconded Cr SUCKLING

That Council:

1. Adopts the revised Corporate Business Plan as per the review undertaken 17 May 2019 and as presented in its entirety at the 21 June 2019 Council meeting.
2. That the Draft 2019/20 Budget be prepared with a rate increase of 1.8% for consideration and the final rate increase to be determined when adopting the 2019/20 Budget.

CARRIED 8/0

6.11.3 SENIOR STAFF PERFORMANCE REVIEWS (ITEM 7.5.3)
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Moved Cr SMITH, seconded Cr KRAKOUER

That Council discuss this item "in-camera" at 2.07pm.

CARRIED 8/0

Mrs Michelle Allen departed the meeting at 2.07pm.

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Mr Grant Middleton departed the meeting at 2.27pm

Moved Cr SIMKIN, seconded Cr STEWART

That Council continue the meeting “out of camera” at 2.27pm

CARRIED 8/0

Mr Grant Middleton and Mrs Michelle Allen returned to the meeting at 2.28pm.

Moved Cr SMITH, seconded Cr SUCKLING

That Council:

1. Not accept the Performance Review Panel’s recommendation to extend the Building Surveyor’s contract until June 2021; and
2. Accept the remaining recommendations of the Performance Review Panel for all other senior staff as presented.

CARRIED 8/0

6.11.4 REVIEW OF DELEGATIONS & POLICIES (ITEM 7.5.4)
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Moved Cr PIKE, seconded Cr SMITH

That an annual amount of \$500 be adopted to cover costs for Councillors’ Facsimile expenses.

CARRIED 8/0

Moved Cr PIKE, seconded Cr STEWART

That Council:

1. Amend Delegation F05 – Sundry Debtor Write Offs, by deleting the words “*That the Chief Executive Officer be delegated authority to enter into appropriate contracts of insurance*”, as this wording does not relate to this delegation.
  2. Amend Delegation TP01 – Town Planning by deleting all wording “Principal Planner” throughout the delegation due to the position no longer being in place.
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3. Amend the wording in Policy 2.2 – Tenders Procedure, by changing the wording “*opened in the presence of the Chief Executive Officer’s delegated nominee and preferably at least one other Council Officer*” to “*opened in the presence of at least two employees of the local government, or one employee and at least one person authorised by the CEO to open.*”
  4. Amend Policy 2.7 – Gifts Policy by amending part (d) to read:  
  
*Members and staff who accept a gift of or below \$200 from a person referred to in (a) above are to record in a register of token gifts-*  
  
*a description of the gift;*  
*the name and address of the person who made the gift;*  
*the date on which the gift was received;*  
*the estimated value of the gift at the time it was made;*  
*the nature of the relationship between the relevant person and the person who made the gift.*
  5. Amend Policy 2.9.4.2 – by deleting the wording “*that the endorsed credit card statement is to be included within the financial reports*” be amended to read “*an expenditure report detailing credit card expenditure is to be included with the monthly financial reports presented to Council*”.
  6. Rescind Policy 3.2 – Council Facsimile Expenses as such reimbursements are governed by the Salaries and Administrative Tribunal.
  7. Amend Policy 4.3 – Conference and Training Expenditure by:
    - (a) Amend the mini bar entitlement of \$20 per day for staff with the inclusion of the wording “*in exercising this entitlement staff are to be mindful of the Councils Drug and Alcohol Policy.*”
    - (b) Rescind the policy related to the payment of 50 cents per kilometer as the rate is set by the Salaries and Administrative Tribunal.
  8. Amend Policy 4.7 – Fitness for Work Policy by amending all wording “*0.05% to “0.0%”* and removing references to light vehicles.
  9. Amend Policy 4.14 - Senior Staff Car Policy with the inclusion of the wording “*fuel card only to be used for the staff members immediate private vehicle being used in preference to the Council owned vehicle, and not to be used for any other vehicles or vessels.*”
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10. Amend Policy 8.2 – Trading in Public Places by: Change the wording “Local Law relating to Trading in Public Places” to “Local Law relating to Activities on Thoroughfares & Public Places”.
11. Insert the wording “This Policy does not apply to Itinerant Food Vendors as covered under Part 10 of the Shire of Northampton Health Local Laws 2007 and Policy 8.5 – Conditions of Approval of Itinerant Food Vendors. This Policy also does not apply to Mobile Food Vehicles who are dealt with separately under Local Planning Policy – Mobile Food Vendors.”
12. Amend the following Town Planning Policies by:
  - (a) Policy 9.2.1 by including the wording after the first paragraph “The commercial use of Reserves for Mobile Food Vehicle purposes is considered exempt from this Policy, and will instead be dealt with under Local Planning Policy – Mobile Food Vehicles”.
  - (b) Policy 9.2.4.3 by amending the wording “Department for Planning and Infrastructure (DPI)” to read “Department of Planning, Lands and Heritage (DPLH)”.
  - (c) Policy 9.2.4.4 by amending DPI to DPLH.
13. Amend Policy 10.7 – Petroleum, Mining & Extractive Industries Policy by changing all reference re “onshore petroleum development” to “onshore petroleum and gas development” and include a statement that Council does not support any extractive industry by use of “fracking” methods.
14. All other Policies and Delegations remain unchanged.
15. Adopt the revised Harassment Policy as per the following:

**1. Intent**

The Shire of Northampton is committed to meeting its obligation to provide a working environment free from harassment and bullying. The scope of this policy extends beyond Shire of Northampton premises, for example, applying during employee events such as parties or employee attendance at conferences.

The Shire of Northampton recognises it has a legal and ethical responsibility to ensure that employees are not subject to

inappropriate behaviour that will not only affect their performance but also their health and wellbeing.

All employees have a responsibility to challenge bullying, harassment or unfair treatment of any kind that they witness and to bring it to the attention of the CEO or relevant managers ensuring that this type of behaviour will not be tolerated.

## **2. Scope**

This policy applies to all of the Shire of Northampton employees, contractors, volunteers, apprentices / trainees and work experience students at all Shire of Northampton worksites, with breaches of this policy treated as misconduct or serious misconduct where deemed appropriate.

## **3. Responsibilities**

All Shire of Northampton employees are responsible for ensuring that breaches of this policy do not occur.

All staff are entitled to:

- (a) recruitment and selection decisions based on merit and not affected by irrelevant personal characteristics;
- (b) work free from discrimination, bullying and harassment; and
- (c) the right to raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimised.

All staff must:

- (a) follow the standards of behaviour outlined in this policy and the Shire of Northampton's Code of Conduct
  - (b) avoid gossip and respect the confidentiality of complaint resolution procedures; and
  - (c) treat everyone with dignity, courtesy and respect.
-

**4. Additional responsibilities of managers and supervisors**

Managers and supervisors have a leadership role and must also:

- (a) model appropriate standards of behaviour;
- (b) take steps to educate and make staff aware of their obligations under this policy and the law;
- (c) intervene quickly and appropriately when they become aware of inappropriate behaviour;
- (d) act fairly to resolve issues and enforce workplace behavioural standards, making sure all relevant parties are heard;
- (e) help staff resolve complaints informally;
- (f) refer formal complaints about breaches of this policy to Human Resources; and
- (g) ensure staff who raise an issue or make a complaint are not victimised.

**5. What is bullying at work?**

Bullying can take many forms, including unwelcome jokes, teasing, nicknames, emails, pictures, text messages, social isolation or unfair work practices. Bullying behaviour can be obvious or covert and may involve, for example, any of the following types of behaviour:

- Aggressive or intimidating conduct
- Belittling or humiliating comments
- Spreading malicious rumours
- Teasing, practical jokes or 'initiation ceremonies'
- Exclusion from work-related events
- Unreasonable work expectations, including too much or too little work, or
- work below or beyond a worker's skill level
- Displaying offensive material
- Pressure to behave in an inappropriate manner.

However, in order for it to be defined as bullying the behaviour is usually repeated and unreasonable, inappropriate, offensive or degrading and could be reasonably regarded as creating a risk to health and safety to individuals at the workplace.

**6. What is unlawful harassment?**

Unlawful harassment occurs when a person, or a group of people, is intimidated, insulted or humiliated because of one or more characteristics. Unlawful harassment can arise as the result of a single incident as well as repeated incidents.

Just because someone does not object to inappropriate behaviour in the workplace at the time, does not mean that they are consenting to the behaviour.

Harassment can occur through behaviour such as:

- (a) telling jokes about particular racial groups;
- (b) sending explicit or sexually suggestive emails or texts;
- (c) displaying offensive or pornographic websites or screen savers;
- (d) making derogatory comments or taunts about someone's race or religion, gender or sexual orientation;
- (e) asking intrusive questions or statements about someone's personal life;
- (f) creating a hostile working environment, for example, where the display of pornographic materials or crude conversations, innuendo or offensive jokes are part of the accepted culture.

**7. Sexual harassment**

Sexual harassment is a specific and serious form of harassment. It is any unwelcome sexual behaviour, which could be expected to make a person feel offended, humiliated or intimidated. Sexual harassment can be physical, spoken or written. It can include:

- (a) comments about a person's private life or the way they look;
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- (b) sexually suggestive behaviour, such as leering or staring;
- (c) brushing up against someone, touching, fondling or hugging;
- (d) sexually suggestive comments or jokes;
- (e) displaying offensive screen savers, photos, calendars or objects;
- (f) repeated unwanted requests to go out;
- (g) insults or taunts of a sexual nature;
- (h) sending sexually explicit emails or text messages;
- (i) behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

Sexual harassment in the workplace can occur at work, at work-related events, between people sharing the same workplace, or between colleagues outside of work. All staff and volunteers have the same rights and responsibilities in relation to sexual harassment.

A single incident is enough to constitute sexual harassment, it doesn't have to be repeated. All incidents of sexual harassment, no matter how large or small or who is involved, require employers and managers to respond quickly and appropriately. The Shire of Northampton recognises that comments and behaviour that do not offend one person can offend another.

#### **8. What is not bullying or harassment**

A single incident of unreasonable behaviour does not constitute bullying.

An isolated incident of inappropriate or unreasonable behaviour may be an affront to dignity at work but as a one off incident is not considered to be bullying. However as part of providing a workplace that is free from behaviours that pose a risk of injury or harm to employees, these type of incidents should not be ignored and may breach other Shire policies.

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‘Reasonable management practices’ are not classed as bullying and can include (but are not limited to):

- (a) a direction to carry out reasonable duties and instructions;
- (b) a direction to comply with Shire rules, protocols, policies and procedures;
- (c) setting reasonable goals, standards and deadlines;
- (d) providing reasonable comments and advice (including relevant negative comments or feedback) on the work performance of an individual or group;
- (e) rostering and allocating reasonable working hours;
- (f) performance managing employees in accordance with the Shire’s policies and procedures;
- (g) providing informal and formal feedback about behaviour and conduct in a reasonable way; or
- (h) implementing organisational change or restructuring.

The following conduct does not constitute unlawful harassment:

- (a) a person receives reasonable comment and advice (including relevant negative comments or feedback) from managers and supervisors on the work performance of an individual or group;
  - (b) a person is not offered a job because, notwithstanding that reasonable adjustments have been made, they cannot meet the inherent requirements of the job;
  - (c) another applicant was preferred in a recruitment and selection or promotion process where they have better demonstrated the skills and experience to meet the required criteria of the job; the Shire implements specific equal employment opportunity or ‘affirmative action’ strategies, plans or programs designed to ensure genuine equal opportunities in the workplace, particularly in relation to groups that have been disadvantaged in the past.
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**9. Breach of policy**

A breach of this policy may have the following actions, but are not limited to:

- (a) Disciplinary action up to and including termination of employment;
- (b) The complainant receiving an oral or written apology from the respondent with a commitment to cease the behaviour;
- (c) The parties being required to participate in some form of counselling, mediation or conciliation;
- (d) The respondent undertaking training in relation to their behaviour; and
- (e) Drawing up a management plan to document agreed or proposed actions by the parties.

**10. Vexatious claims and claims made without reasonable cause**

Employees should not raise allegations which are vexatious or without reasonable cause. Any allegations which are later shown to be vexatious or made without reasonable cause will be dealt with according to the Shire of Northampton disciplinary proceedings.

‘Without reasonable cause’ means that a claim is made without there being any real reason, basis in fact(s) or purpose.

Vexatious means that:

- (a) the main purpose of a claim is to harass, annoy or embarrass the other party; or
- (b) there is another purpose for the grievance other than the settlement of the issues arising in the claim (or response).

### **11. Complaints/Grievance Procedure**

Wherever possible, the handling of complaints and resolution of such will be at the workplace where they occurred. Care will be taken throughout the investigation to ensure that neither the complainant nor the alleged harasser are victimised.

It is recognised that cases of harassment may occur between supervisor and employee and as such, alternative methods of raising complaints are provided for by this procedure.

A complaint of harassment may be lodged with any of the following persons:-

- (i) Immediate Supervisor/Manager (except where this person is the alleged harasser)
- (ii) Chief Executive Officer (if the alleged harasser is a Supervisor/Manager or the Shire President)
- (iii) Shire President (only if the alleged harasser is the Chief Executive Officer or Councillor)

A person receiving a complaint will:-

- (i) Decide, in consultation with the complainant, whether the matter can be resolved at this level or whether it should be referred to a more senior level of management.
- (ii) Assure the complainant that all details of the complaint will be treated confidentially and allow the person to decide on procedure.
- (iii) Prepare a confidential report for the Chief Executive Officer on the nature of the complaint and ensure follow up reports are provided until the matter is resolved.
- (iv) Ensure no information regarding the complaint is discussed outside this procedure.

The person handling the complaint, whether it is the person who received the complaint, or a more senior person will, with the approval of the complainant:-

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- (i) As soon as possible, advise the alleged harasser of the nature of the complaint and provide an opportunity for that person to comment. Where appropriate the alleged harasser should be invited to discontinue any perceived unwelcome behaviour.
- (ii) Advise the alleged harasser of the right to contact his/her Union for advice and representation.
- (iii) Advise the alleged harasser that no disciplinary action will be taken without the person being given the opportunity to be heard.
- (iv) Keep simple, brief notes of the facts of the interviews held with both the complainant and alleged harasser.

If it is not possible to resolve the complaint, simply by discussion with the complainant and the alleged harasser:-

- (i) The matter will be investigated and where the complainant or the alleged harasser is a member of a Union, the Union may be party to the investigation.
  - (ii) All documentation relating to the complaint will remain confidential and will not be produced or made available for inspection, except on the order of a Court or a request from the Commissioner of Equal Opportunity.
  - (iii) During the period of the investigation of a case of serious harassment:-
  - (iv) The investigation is to be conducted in a manner that is fair to all parties and all parties are to be given a fair and reasonable opportunity to put their case, to have witnesses in attendance and to respond to any proposed adverse findings that may be made against them.
  - (v) If requested by either party or by management, alternative working arrangements may be made.
  - (vi) Any reasonable request by either party for legal or union representation shall not be denied.
-

If, following investigation and resolution, a complaint is judged to have been proved:-

- (i) Remedial action will be taken.
- (ii) A record of the detail of the remedial action will remain on the employee's personal file for a period of 12 months, whereupon the record will be destroyed unless otherwise decided by the Chief Executive Officer.
- (iii) If, following investigation, a complaint is judged to have been unproven:-
  - (iv) The complainant will be counseled and if it is considered that the complaint was made frivolously or maliciously, disciplinary action may be taken against the complainant.
  - (v) Continued reference to a complaint and its aftermath could be considered as either a continuing or new incident of harassment.

While it is Council's wish to attempt to deal with complaints of harassment internally, no employee will be penalised for bringing this complaint to any appropriate external statutory body unless that complaint is ultimately proven to be made frivolously or maliciously.

## **12. Confidentiality and Victimisation**

The parties to a bullying / harassment complaint are required to maintain confidentiality in relation to the concern or complaint. The parties must not disclose, by any form of communication, either the fact or the substance of the allegations or issues to anyone other than a support person, Human Resources, a qualified counsellor or other professionals bound by confidentiality.

The victimisation of people making complaints is unlawful and will not be tolerated. A person must not victimise or otherwise subject another person to detrimental action as a consequence of that person raising, providing information about, or otherwise being involved in the resolution of a complaint under Shire policies and procedures.

Any breach of either the confidentiality or non-victimisation requirements will be treated seriously by the Shire, and may result

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in disciplinary action. Any such breach will be referred for investigation and dealt with according to the Shire of Northampton disciplinary proceedings.

16. That Council adopt the following policy on Legislative Compliance:

**LEGISLATIVE COMPLIANCE POLICY**

**OBJECTIVE**

To ensure that the Shire of Northampton complies with legislative requirements.

**BACKGROUND**

A fundamental principle of good public administration is that public officials comply with both the letter and the spirit of the law.

The Shire of Northampton has an obligation to ensure that legislative requirements are complied with.

The community and those working at the Shire have an expectation that the Council will comply with applicable legislation and the Council should take all appropriate measures to ensure that that expectation is met. Regulation 14 of the Local Government (Audit) Regulations 1996 requires local governments to carry out a compliance audit for the period 1 January to 31 December in each year.

The compliance audit is structured by the Department of Local Government and Communities and relates to key provisions of the Local Government Act 1995.

Regulation 17 of the Local Government (Audit) Regulations 1996 also requires a review of the appropriateness and effectiveness of systems and procedures in relation to legislative compliance at least once every three financial years and a report to the Audit Committee on the results of that review.

## **POLICY STATEMENT**

The Council will have appropriate processes and structures in place to ensure that legislative requirements are achievable and are integrated into the operations of the Council.

These processes and structures will aim to:-

- (a) Develop and maintain a system for identifying the legislation that applies to the Shire's activities.
- (b) Assign responsibilities for ensuring that legislation and regulatory obligations are fully implemented.
- (c) Provide training for relevant staff, Councillors, volunteers and other relevant people in the legislative requirements that affect them.
- (d) Provide people with the resources to identify and remain up-to-date with new legislation.
- (e) Establish a mechanism for reporting non-compliance.
- (f) Review accidents, incidents and other situations where there may have been noncompliance.
- (g) Review audit reports, incident reports, complaints and other information to assess how the systems of compliance can be improved.

### **Roles and Responsibilities**

- (a) Councillors and Committee Members

Councillors and Committee members have a responsibility to be aware and abide by legislation applicable to their role.

- (b) Senior Management

Senior Management should ensure that directions relating to compliance are clear and unequivocal and that legal requirements which apply to each activity for which they are responsible are identified. Senior Management should have



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systems in place to ensure that all staff are given the opportunity to be kept fully informed, briefed and/or trained about key legal requirements relative to their work within the financial capacity to do so.

(c) Employees

Employees have a duty to seek information on legislative requirements applicable to their area of work and to comply with the legislation. Employees shall report through their supervisors to Senior Management any areas of noncompliance that they become aware of.

(d) Implementation of Legislation.

The Council will have procedures in place to ensure that when legislation changes, steps are taken to ensure that future actions comply with the amended legislation.

#### LEGISLATIVE COMPLIANCE PROCEDURES

1. Identifying Current Legislation. The Council accesses electronic up to date versions of legislation through the Western Australian State Law Publisher website at [www.legislation.wa.gov.au](http://www.legislation.wa.gov.au). Direct access to this site is provided from the Council's networked computers.

2. Identifying New or Amended Legislation

(a) Western Australian Government Gazette

The Council accesses electronic up to date versions of the Government Gazette through the Western Australian State Law Publisher website at [www.legislation.wa.gov.au](http://www.legislation.wa.gov.au). Direct access to this site is provided from the Council's networked computers. It is incumbent on the CEO and Senior Staff to determine whether any gazetted changes to legislation need to be incorporated into processes.

(b) Department of Local Government

The Council receives regular circulars from the Department of Local Government on any new or amended legislation. Such advice is received through the Council's Records section

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and is distributed to the Councillors, CEO and relevant Council officers for advice and implementation.

(c) Department of Planning

The Council receives Planning Bulletins from the Department of Planning on any new or amended legislation. Such advice is received through the Council's Records section and is distributed to the relevant Council officers for implementation.

(d) Western Australian Local Government Association (WALGA)

The Council receives regular circulars from WALGA and these circulars highlight changes in legislation applicable to local governments.

(e) Obtaining advice on Legislative Provisions

The Council will obtain advice on matters of legislation and compliance where this is necessary. Contact can be made with the Department of Local Government, WALGA or the relevant initiating government department for advice.

(f) Informing Council of Legislative Change

If appropriate the CEO will, on receipt of advice of legislative amendments, advise the Council on new or amended legislation. The Council's format for all its reports to Council meetings provides that all reports shall have a section headed 'Statutory implications' which shall detail the sections of any Act, Regulation or other legislation that is relevant.

(g) Review of Incidents and Complaints of Non-compliance

The Council shall review all incidents and complaints of non-compliance. Such reviews will assess compliance with legislation, standards, policies and procedures that are applicable.

(h) Reporting of Non-compliance

All instances of non-compliance shall be reported immediately to CEO. The CEO may investigate any reports of significant non-compliance and if necessary report the non-compliance to the Council and/or the relevant government department. The CEO will also take the necessary steps to improve compliance systems.

17. That Council adopt the following policy for Related Party Disclosures:

**RELATED PARTY DISCLOSURES POLICY**

**OBJECTIVES**

The purpose of this policy is to define the parameters for Related Party Transactions and the level of disclosure and reporting required for Council to achieve compliance with the Australian Accounting Standard AASB 124 - Related Party Disclosures.

**POLICY STATEMENT**

This policy applies to Related Parties of Council and their Related Party Transactions with Council.

**POLICY DETAILS**

Related Party relationships are a normal feature of commerce and business. For example, entities frequently carry on parts of their activities through subsidiaries, joint ventures and associates. In those circumstances, there is the possibility of the entity having the ability to affect the financial and operating policies of Council through the presence of control, joint control or significant influence.

A related Party relationship could influence the normal business operations of Council. In some instances, Council may enter into transactions with a Related Party that unrelated parties would not. For example, goods are supplied to Council on terms that might not be offered to other customers. Also, transactions between Related Parties may not be made on the same terms as between unrelated parties.

The normal business operations of Council may be affected by a Related Party relationship even if Related Party Transactions do not occur. The mere existence of the relationship may be sufficient

to affect the transactions of the Council with other parties. Alternatively, one party may refrain from trading with Council because of the significant influence of another for example, a local supplier may be instructed by its parent not to engage in supplying goods to Council.

For these reasons, knowledge of Council's transactions and outstanding balances (including commitments and relationships with Related Parties) may affect assessments of Council's operations by users of financial statements, including assessments of the risks and opportunities facing the Council.

1. Identification of Key Management Personnel (KMP)

AASB 124 defines KMP's as *"those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including any director (whether executive or otherwise) of that entity"*.

KMP's for the Council are considered to include:

- Councillors (including the President);
- Chief Executive Officer; and
- The Executive Management Team

2. Identification of Related Parties

A person or entity is a related party of Council if any of the following apply:

- They are members of the same group (which means that each parent, subsidiary and fellow subsidiary is related to the others).
  - They are an associate or belong to a joint venture of which Council is part of.
  - They and Council are joint ventures of the same third party.
  - They are part of a joint venture of a third party and Council is an associate of the third party.
  - They are a post-employment benefit plan for the benefit of employees of either Council or an entity related to Council.
  - They are controlled or jointly controlled by *close members of the family of a person*.
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- They are identified as a *close or possibly close member of the family of a person with significant influence over Council or a close or possibly close member of the family of a person who is a KMP of Council.*
- They, or any member of a group of which they are a part, provide KMP services to Council.

For the purposes of this Policy, related parties of Council are:

- Entities related to Council;
- Key Management Personnel (KMP) of Council
- Close family members of KMP;
- Possible close family members of KMP's; and
- Entities or persons that are controlled or jointly controlled by KMP, or their close family members, or their possible close family members.

### 3. Review of Related Parties

A review of KMP's and their related parties will be completed every 6 months.

Particular events, such as a change of Councillors, Chief Executive Officer or Senior Executive Officers or a corporate restructure, will also trigger a review of Council's related parties immediately following such an event.

Council management shall implement a suitable system to identify related parties. The primary identification method of close family members and associated entities of Key Management Personnel shall be by (but not limited to) KMP self-assessment. KMP have a responsibility to identify and report any changes to their related parties as they occur.

Prior to the commencement of this policy taking effect an initial identification process will be undertaken and recorded.

Council management shall identify suitable methodology and procedures for identifying and reporting on related party transactions such that accurate data will be collated from 01 July 2019. Identification and reporting methods shall consider;

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- Transactions occurring via Council's accounting and electronic records management systems;
- Other transactions not passing through Council's electronic accounting / management systems; and
- The identification of the associated terms and conditions of the related party transactions.

If any elected member or employee believes a transaction may constitute a related party transaction they must notify the Chief Executive Officer who will, in consultation with the Manager Treasury & Finance, make a determination on the matter.

#### 4. Identification of Control or Joint Control

A person or entity is deemed to have control if they have:

- power over the entity;
- exposure, or rights, to variable returns from involvement with the entity; and
- the ability to use power over the entity to affect the amount of returns.

To jointly control, a person or entity must have contractual rights or agreed sharing of control of the entity, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.

#### 5. Required Disclosures and Reporting

AASB 124 provides that Council must disclose the following financial information in its financial statements for each financial year period:

- 5.1. *Disclosure of any related party relationship* - must disclose in the annual financial statements its relationship with any related parties or subsidiaries (where applicable), whether or not there have been transactions within the relevant reporting period.
  - 5.2. *KMP Compensation Disclosures* - must disclose in the annual financial statements KMP for each of the categories of compensation (as defined in the definitions of this Policy) in total.
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6. Related Party Transactions Disclosures

Related Party Transactions are required to be disclosed, regardless of whether a price is charged. Such transactions may include:

- Purchase or sale of goods;
- Purchase or sale of property and other assets;
- Rendering or receiving services;
- Leases;
- Quotations and/or tenders;
- Commitments;
- Settlements of liabilities on behalf of Council or by Council on behalf of the related party;
- Guarantees given or received
- Loans and Settlements of liabilities
- Expense recognised during the period in respect of bad debts
- Provision for doubtful debts relating to outstanding balances
- Grants and subsidy payments made to associated entities of Council
- Non-monetary transactions between Council and associated entities of Council
- Other goods and services provided by Council to associated entities of Council
- Compensation made to key management personnel
- Fees and charges charged to related parties
- Infrastructure contributions and application fees from related parties
- Purchase of materials and services from related parties
- Employee expenses for close family members of key management personnel

Council must disclose all material and significant Related Party Transactions in its annual financial statements and include the following detail:

6.1. The nature of the related party relationship; and

6.2. Relevant information about the transactions including:

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- 6.2.1. The amount of the transaction;
- 6.2.2. The amount of outstanding balances, including commitments, and
  - Their terms and conditions, including whether they are secured, and the nature of the consideration to be provided in the settlement; and
  - Details of any guarantee given or received.
- 6.2.3. Provision for doubtful debts related to the amount of outstanding balances; and
- 6.2.4. The expense recognised during the period in respect of bad or doubtful debts due from related parties.

The following matters must be considered in determining the materiality and significance of any related party transactions:

- Significance of transaction in terms of size;
- Whether the transaction was carried out on non-market terms;
- Whether the transaction is outside normal day-to-day business operations, such as the purchase and sale of assets;
- Whether the transaction is disclosed to regulatory or supervisory authorities;
- Whether the transaction has been reported to senior management; and
- Whether the transaction was subject to Council approval.

Regard must also be given for transactions that are collectively, but not individually significant.

Disclosures that Related Party Transactions were made on terms equivalent to those that prevail in arm's length transactions can only be made if such terms can be substantiated.

All transactions involving Related Parties will be captured and reviewed to determine materiality or otherwise of such

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transactions, if the transactions are Ordinary Citizen Transactions (OCTs), and to determine the significance of each of the transactions.

#### 7. Ordinary Citizen Transaction (OCT)

Transactions with related parties of Council which are of a nature that any ordinary citizen would undertake will not be captured and reported. These transactions are not material transactions because of their nature. However, if the OCT occurs on terms and conditions that are different to those offered to the general public the transaction may become material and subsequently disclosed.

Ordinary Citizen Transactions shall include:

- Use of Council facilities, equipment and services in accordance with Council's fees, charges and policies;
- Payment of rates and charges;
- Attendance at Council functions and activities that are open to the public;
- Payment of fines and other penalties on normal terms and conditions; and
- Related party transactions occurring during the course of delivering Council's public service objectives and which occur on no different terms to that of the general public.

Amendments to transactions classified as Ordinary Citizen Transactions may be identified from time to time and this policy will be amended accordingly.

#### 8. Review of Related Party Transactions

A review of all Related Party Transactions will be completed every 6 months.

### KEY TERM DEFINITIONS

**AASB 124** means the Australian Accounting Standards Board, Related Party Disclosures Standard.

**Asset** - A physical component of a facility which has value, enables a service to be provided and has an economic life of greater than 12 months.

**Close members of the family of a person** - are those family members who may be expected to influence, or be influenced by, that person in their dealings with the Council and include:

- (a) that person's children and spouse or domestic partner;
- (b) children of that person's spouse or domestic partner; and
- (c) dependants of that person or that person's spouse or domestic partner.

**Entity** can include a body corporate, a partnership or a trust, incorporated, or unincorporated group or body.

**Incorporated association** means an association incorporated under the *Associations Incorporation Act 1957*.

**Key management personnel** - as defined in Section 6.1 of this Policy.

**KMP Compensation** means all forms of consideration paid, payable, or provided in exchange for services provided, and may include:

- Short-term employee benefits, such as wages, salaries and social security contributions, paid annual leave and paid sick leave, profit sharing and bonuses (if payable within twelve months of the end of the period) and non-monetary benefits (such as medical care, housing, cars and free and subsidised goods or services) for current employees;
  - Post-employment benefits such as pensions, other retirement benefits, post-employment life insurance and post-employment medical care;
  - Other long-term employee benefits, including long-service leave or sabbatical leave, jubilee or other long-service benefits, long-term disability benefits and, if they are not payable wholly within twelve months after the end of the period, profit sharing, bonuses and deferred compensation;
  - Termination benefits; and
  - Share-based payment.
-

**Material (materiality)** means the assessment of whether the transaction, either individually or in aggregate with other transactions, by omitting it or misstating it could influence decisions that users make on the basis of an entity's financial statements. For the purpose of this policy, it is not considered appropriate to set either a dollar value or a percentage value to determine materiality.

**Ordinary Citizen Transaction** means a transaction that an ordinary citizen of the community would undertake in the ordinary course of business with Council.

**Possible (Possibly) Close members of the family of a person** are those family members who could be expected to influence, or be influenced by, that person in their dealings with the Council and include:

- (a) that person's brothers' and sisters';
- (b) aunts', uncles', and cousins' of that person's spouse or domestic partner;
- (c) dependents of those persons' or that person's spouse or domestic partner as stated in (b); and
- (d) that person's or that person's spouse or domestic partners', parents' and grandparents.

**Record** means any record of information however recorded and includes- anything on which there is writing, a map, plan, diagram or graph, a drawing, pictorial or graphic work, photograph; or anything from which images, sounds or writings can be reproduced.

**Related Party** – as defined in Section 6.2 of this Policy.

**Related Party Transaction** is a transfer of resources, services or obligations between a Council and a related party, regardless of whether a price is charged.

**Significant (significance)** means likely to influence the decisions that users of the Council's financial statements make having regard to both the extent (value and frequency) of the transactions, and that the transactions have occurred between the Council and related party outside a public service provider/ taxpayer relationship.

### **ROLES AND RESPONSIBILITIES**

The CEO & DCEO are responsible for the implementation of this policy.

CARRIED BY AN ABSOLUTE MAJORITY 8/0

6.11.5 LEASE – RESERVE 23432 – NORTHAMPTON GOLF CLUB (ITEM 7.5.5)
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Moved Cr STOCK-STANDEN, seconded Cr SUCKLING

That Council renew the existing lease on Reserve 23432 Stephen Street Hampton Road as requested by the Northampton Golf Club Inc for a further term of 10 years with a further 10 year renewal option.

CARRIED 8/0

6.11.6 KALBARRI PAW PROPOSED SHELTER DESIGN (ITEM 7.5.6)
--

Moved Cr PIKE, seconded Cr STEWART

That Council advertise the proposed design and seek public comment.

CARRIED 8/0

6.11.7 SUNDRY DEBTOR WRITE OFFS (ITEM 7.5.7)
--

Moved Cr KRAKOUER, seconded Cr STOCK-STANDEN

That Council write off the following debts:

1. \$32,182.17 - Rodney MacKenzie outstanding legal fees which are non-recoverable under the provisions of the Local Government Act 1995.
2. \$363.00 - Daniel Rinaldi – outstanding bush fire break notice infringement as deemed non recoverable.
3. \$423.50 - Adriene Hipper – outstanding bush fire break notice infringement as deemed non recoverable.
4. \$500.00 - Kristopher Deany - outstanding litter infringement fine as deemed non recoverable.

CARRIED BY AN ABSOLUTE MAJORITY 8/0

6.11.8 WALGA – UNIVERSAL TRAINING FOR ELECTED MEMBERS (ITEM 7.5.8)

Moved Cr STEWART, seconded Cr SIMKIN

That Council list a provision of \$16,000 within the 2019/20 Budget for mandatory training of newly elected members.

CARRIED 8/0

6.11.9 LYNTON CONVICT STATION – STRUCTURAL ENGINEER REPORT (ITEM 7.5.9)

Moved Cr SUCKLING, seconded Cr HAY

That Council note the Structural Engineer's report and make provision within the 2019/20 budget and future budgets for ongoing inspections by a qualified structural engineer.

CARRIED 8/0

6.11.10 REQUEST FOR FINANCIAL ASSISTANCE (ITEM 7.5.10)

Moved Cr HAY, seconded Cr SMITH

That Council not support the request of the Northampton Creative Arts and Craft Group to assist with funding to cover the electricity costs that the group incurs.

CARRIED 8/0

ADJOURNMENT

Council adjourned at 3.00pm.

Cr Stock-Standen left the meeting at 3.00pm.

Meeting reconvened at 3:11 pm with the following in attendance:

Cr Simkin, Cr Krakouer, Cr Suckling, Cr Hay, Cr Pike, Cr Smith, Cr Stewart, Garry Keefe, Grant Middleton, Debbie Carson and Michelle Allen.

**6.12 SHIRE PRESIDENT'S REPORT**

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

22/5/2019 Stakeholders meeting re the Pink Lake viewing platform area with Native Title claimants, YMAC, DPLH, Dept of Premier and Cabinet, MWDC and Steve Vigilante (Landscape Architect) in attendance.

**6.13 COUNCILLORS' REPORTS**

**6.13.1 CR SMITH**

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

18/6/2019 Kalbarri Visitor Centre Meeting and Budget Meeting

**6.13.2 CR STEWART**

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

22/5/2019 Kalbarri Development Association Meeting

**6.13.3 CR HAY**

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

22/5/2019 Stakeholders meeting re the Pink Lake viewing platform area with Native Title claimants, YMAC, DPLH, MWDC and Steve Vigilante (Landscape Architect) in attendance.

**6.14 NEW ITEMS OF BUSINESS**

**6.14.1 UTILITY FRINGE BENEFIT COSTS OF EMPLOYEES**

Cr Smith noted that Council does not currently have an Employee Housing Policy, and proposed that a Policy be developed that requires utility costs be separated from the provision of housing for staff members, and that those utility expenses become the responsibility of the resident of that premises.

Cr Pike suggested that a sub-committee research and consider the proposal, for presentation to Council at a future Ordinary Meeting.

Cr Simkin suggested that it was too soon to make a determination on the proposed Policy without further research into the possible additional costs, or savings, that Council may incur.

Moved Cr SMITH, seconded Cr PIKE

That management be directed to prepare a report to be presented to Council for further consideration, relating to staff being responsible for the payment of utility costs for staff residing in Council-owned and privately-owned residences.

MOTION LOST 2/5

Cr's Simkin, Suckling, Hay, Stewart and Krakouer voted against the motion.

#### **6.15 NEXT MEETING OF COUNCIL**

The next Ordinary Meeting of Council will be held on Friday 19<sup>th</sup> July 2019 commencing at 1.00pm at the Council Chambers, Northampton.

#### **6.16 CLOSURE**

There being no further business, the President thanked everyone for their attendance and declared the meeting closed at 3.32pm.

THESE MINUTES CONSISTING OF PAGES 1 TO 47 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON FRIDAY 19<sup>TH</sup> JULY 2019.

PRESIDING MEMBER: \_\_\_\_\_

DATE: \_\_\_\_\_