



MINUTES

COUNCIL MEETING

20 OCTOBER 2023

TABLE OF CONTENTS

1.	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	3
2.	ANNOUNCEMENTS BY THE PRESIDENT	3
3.	ATTENDANCE	3
4.	DECLARATIONS OF INTEREST:.....	4
5.	PUBLIC QUESTION TIME:	5
6.	PRESENTATIONS.....	5
7.	10/23-01 CONFIRMATION OF MINUTES	5
8.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:	5
9.	COUNCIL OFFICERS' REPORTS:	5
9.1	OFFICE OF THE CEO	
9.1.1	10/23-02 CHIEF EXECUTIVE OFFICER ACTIVITY REPORT JULY 2023 TO SEPTEMBER 2023	
9.1.2	10/23-03 ELECTRIC VEHICLE CHARGING STATION, KALBARRI - PROPOSED LICENSE AND COOPERATION AGREEMENT.....	
9.1.3	10/23-04 PROPOSED KALBARRI WORKERS ACCOMMODATION SITE.....	
9.1.4	10/23-05 PROPOSED VARIATION TO CHINAMANS DRIVE REINSTATEMENT CONCEPT PLAN.....	
9.1.5	10/23-06 PROPOSED CONFIRMATION OF THE APPOINTMENT OF SENIOR EMPLOYEE – EXECUTIVE MANAGER COMMUNITY, DEVELOPMENT AND REGULATION	
9.1.6	10/23-07 10/23-08 10/23-09 PROPOSED CHANGE IN PROJECT – DEPARTMENT OF FIRE AND EMERGENCY SERVICES – LOCAL GOVERNMENT RESILIENCE FUND GRANT	
9.1.7	10/23-10 PROPOSED ECONOMIC DEVELOPMENT FRAMEWORK FUNDING COMMITMENT	
9.1.8	10/23-11 PROPOSED ENGAGEMENT OF INDEPENDENT CONSULTANT TO FACILITATE THE ESTABLISHMENT OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE CRITERIA AND CONDUCT OF A PROBATIONARY REVIEW	
9.1.9	10/23-12 CONSIDERATION OF CONCEPTUAL KALBARRI FORESHORE REVITALISATION MASTERPLAN CONCEPT FOR FUNDING PURPOSES.....	
9.1.10	10/23-13 PROPOSED AWARD OF TENDER 05/2023 KALBARRI ROAD WIDENING 2022-23	
9.2	CORPORATE AND FINANCIAL SERVICES	
9.2.1	10/23-14 ACCOUNTS FOR ENDORSEMENT TO 20 OCTOBER 2023.	
9.2.2	10/23-15 MONTHLY FINANCIAL STATEMENTS FOR THE PERIOD ENDING 30 SEPTEMBER 2023	
9.2.3	10/23-16 PROPOSED BUDGET VARIATION OCTOBER 2023.....	
9.2.4	10/23-17 PRE FIRE SEASON MEETING MINUTES AND ACTIONS.....	
9.3	PLANNING SERVICES	
9.3.1	10/23-18 AMENDED LOCAL PLANNING POLICY – HERITAGE CONSERVATION AND DEVELOPMENT.....	
9.3.2	10/23-19 PROPOSED RENEWABLE ENERGY FACILITY (VIRTUAL POWER PLANT – KALBARRI DISTRICT HIGH SCHOOL) ...	

9.3.3	10/23-20 DELEGATED PLANNING DECISIONS FOR SEPTEMBER 2023	
9.4	BUILDING SERVICES	
9.4.1	10/23-21 BUILDING APPROVALS REPORT SEPTEMBER 2023	
9.5	ENVIRONMENTAL HEALTH SERVICES	
9.6	RANGER SERVICES	
9.7	WORKS AND TECHNICAL SERVICES	
9.7.1	10/23-22 INFORMATION ITEMS – MAINTENANCE/CONSTRUCTION WORKS PROGRAM	
10.	LATE REPORTS.....	7
11.	QUESTIONS FROM MEMBERS:	8
12.	MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING.....	8
13.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING:	8
14.	APPLICATIONS FOR LEAVE OF ABSENCE	8
15.	CLOSURE.....	8

SHIRE OF NORTHAMPTON

Minutes of the Ordinary Meeting of Council held in the Northampton Council Chambers, Hampton Road, Friday, 20 October 2023.

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS:

The Shire President declared the meeting open at 1.00pm.

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:

PRESENT:

Councillors

Cr Liz Sudlow (President)
Cr Rob Horstman (Deputy President)
Cr Richard Burges
Cr Trevor Gibb
Cr Tim Hay
Cr Des Pike
Cr Roslyn Suckling

Staff

Mr Andrew Campbell (Chief Executive Officer)
Mr Grant Middleton (Executive Manager of Corporate Services)
Mr Neil Broadhurst (Executive Manager of Works and Technical Services)
Mrs Michelle Allen (Planning Officer)
Ms Sonya Hasleby (Executive Support Officer)

Gallery

Nil

3.1 Apologies:Nil.

3.2 Leave Of Absence:Nil.

4. **DECLARATIONS OF INTEREST:**

The Chief Executive Officer advised that he has received the following interests:

- 9.1.3 **Proposed Kalbarri Workers Accommodation Site** -Cr T Gibb declared he had a proximity interest as he lives opposite Lot 514 Woods St, Kalbarri.
- 9.1.6 **Proposed Change in Project – Department of Fire and Emergency Services – Local Government Resilience Fund Grant** - Cr D Pike declared he had an impartiality interest as the proposed property owner is a friend of his.
- 9.2.3 **Proposed Budget Variation October 2023** – Cr L Sudlow declared an impartiality interest as she is a member of the Kalbarri Tennis Club.

5. **PUBLIC QUESTION TIME:**

- 5.1 Response to public questions taken on notice: Nil.
- 5.2 Public Question Time: Nil.

6. **PRESENTATIONS:**

- 6.1 Petitions: Nil.
- 6.2 Presentations: Nil.
- 6.3 Deputations: Nil.
- 6.4 Councillor reports:

- **Cr Liz Sudlow (Shire President)**

16/09/2023 – Meeting with Minister for Environment, Racing and Gaming, Reece Whitby at Shire Chambers.

Discussed Workers' Accommodation in Kalbarri and desire to get meeting with Minister Carey.

17 – 19/09/2023 – WALGA Conference at Crown.

Met with board of REED: many unhappy communities where REED operates, mainly in Wheatbelt. Not heard any complaints in Northampton, but on questioning, issues here too.

20/09/2023 – Met Minister Carey re Shire obtaining land in Kalbarri for workers' accommodation.

20/09/2023 – Met with Keith Anthoniez, Consultant, to discuss assistance, via contract, to make application for funding for an Economic Development Framework: Regional Precincts and Partnership Grant.

20/09/2023 – Met with Anthony Sutton, Exec Director Hydrogen and New Energy at Dept of Jobs, Tourism, Science and Innovation to discuss renewable energy potential projects.

25/09/2023 – Interview with Anna Cutler, FP Consulting Vic, re Final Review on DFES/Seroja.

27/09/2023 – MWDC Hydrogen Forum at QPT.

04/10/2023 – Meeting Project Advisory Group re Regional Drought Resilience Plan at NACC office Geraldton.

06/10/2023 – Citizenship Ceremony.

06/10/2023 – Met with Albert Jacob, Mayor City of Joondalup.
18/10/2023 – Attended the MWCCI Sundowner Function at Kalbarri Skywalk.

- **Cr Rob Horstman (Deputy Shire President)**

07/09/2023 – Northampton Community Centre meeting.

17-19/09/2023 – WALGA Conference at Crown.

20/09/2023 – Met Minister Carey re Shire obtaining land in Kalbarri for workers' accommodation.

25/09/2023 – Interview with Anna Cutler, FP Consulting Vic, re Final Review on DFES/Seroja.

- **Cr Des Pike**

17-19/09/2023 – WALGA Conference at Crown.

20/09/2023 – Met with Keith Anthoniez, Consultant, to discuss assistance, via contract, to make application for funding for an Economic Development Framework: Regional Precincts and Partnership Grant.

16/10/2023 – Kalbarri Visitors Centre meeting.

- **Cr Roslyn Suckling**

23/08/2023 – Oakajee Community Chat held at Northampton Community Centre.

24/08/2023 – Northampton Tourist Association AGM.

- **Cr Trevor Gibb**

18/09/2023 – Kalbarri Visitors Centre meeting.

- **Cr Tim Hay**

17-18/09/2023 – WALGA Conference at Crown.

18/10/2023 – Attended the MWCCI Sundowner Function at Kalbarri Skywalk.

19/10/2023 – Local Emergency Management Committee Meeting.

- **Cr Richard Burges**

17-19/09/2023 – WALGA Conference at Crown.

20/09/2023 – Met with Keith Anthoniez, Consultant, to discuss assistance, via contract, to make application for funding for an Economic Development Framework: Regional Precincts and Partnership Grant.

04/10/2023 – Kalbarri Recreation Centre meeting.

17/10/2023 – Kalbarri Boardriders AGM.

6.5 Conference reports: Nil.

7. CONFIRMATION OF MINUTES:

MOVED: Cr L Sudlow, SECONDED: Cr T Hay

10/23-01

That the Minutes of the Ordinary Meeting of the Council held on 15th September 2023 be confirmed.

CARRIED: 7/0

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

Against: Nil.

8. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN: Nil.

9. COUNCIL OFFICERS' REPORTS:

ITEM 9.1.1: Chief Executive Officer Activity Report July 2023 to September 2023

PROPONENT:	Chief Executive Officer
OWNER:	N/A
LOCATION / ADDRESS:	Whole of Shire
WARD:	Northampton and Kalbarri
ZONE:	All
BUSINESS AREA:	Office of CEO
FILE REFERENCE:	N/A
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Andrew Campbell
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	10 October 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

This report has been produced to assist Council understand the activity of the Chief Executive Officer (CEO) for the quarterly period of July 2023 to September 2023.

A copy of the CEO Activity Report July 2023 to September 2023 is attached.

ATTACHMENT 9.1.1(1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The attached report enables Council to monitor the activity of the CEO across the quarter and query any relevant matter as required.

STATUTORY ENVIRONMENT:

The CEO is employed by Council under the requirements of the *Local Government Act 1995* to preside over the administration of the organisation.

POLICY / STRATEGIC IMPLICATIONS:

Maintaining an open and transparent dialogue between the CEO and Council is considered highly beneficial in maintaining a functional local government organisation.

ORGANISATIONAL RISK MANAGEMENT:

Open dialogue between the Council and CEO is important and failure to do so could result in a considerable degree of risk to the organisation. 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

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:

Nil

SUSTAINABILITY:

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

Economic: Part of the CEO’s role is to improve local economies and often a number of activities are associated with economic development initiatives and opportunities.

Social: The CEO 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 Chief Executive Officer Activity Report July 2023 to September 2023 in accordance with ATTACHMENT 9.1.1(1).

COUNCIL RESOLUTION

MOVED: Cr R Horstman, SECONDED: Cr D Pike

10/23-02

That Council receive the Chief Executive Officer Activity Report July 2023 to September 2023 in accordance with ATTACHMENT 9.1.1(1).

CARRIED 7/0

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

Against: Nil.

ATTACHMENTS

- 1. Chief Executive Officer Activity Report July 2023 to September 2023.**

APPENDICIES

- 1. Nil.**

ITEM 9.1.2: Electric Vehicle Charging Station, Kalbarri – Proposed License and Cooperation Agreement

PROPONENT:	Synergy
OWNER:	Shire of Northampton / State of Western Australia
LOCATION / ADDRESS:	Lot 513 (on Deposited Plan 424035) Porter Street, Kalbarri/Reserve 25447
WARD:	Kalbarri
ZONE:	Residential
DIRECTORATE:	Office of the CEO
FILE REFERENCE:	A4824
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Andrew Campbell
DATE OF REPORT:	2 October 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

On 18 August 2023, Council resolved to issue Development Approval for the Electric Vehicle (EV) Charging Station in the existing carpark at Lot 513 Porter Street, Kalbarri.

Following this approval, Synergy have now requested the Shire of Northampton to enter into a License and Cooperation Agreement. This document is attached.

ATTACHMENT 9.1.1(2)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The Licence and Cooperation Agreement proposed is the standard agreement applied by Synergy across Western Australia for their fast charging network. The Agreement is for five years with three further options of five years each.

Upon review of Clause 6.1(c)(i) appears to put an obligation on the Shire of Northampton to provide CCTV cameras at the location and provide available security CCTV footage. Whilst this condition would generally be acceptable where the Local Government had established CCTV infrastructure, in this instance the condition should be amended or removed to ensure no cost is passed on to the Shire of Northampton.

Subject to the amendment to reflect the above advice, it is recommended that Council endorse License and Cooperation Agreement as proposed.

STATUTORY ENVIRONMENT:

The *Local Government Act 1995* enables the agreement between the Local Government and third party infrastructure providers. In addition, the *Land Administration Act 1997* also requires the consent of the Minister for Lands to enable the Agreement to take effect.

POLICY / STRATEGIC IMPLICATIONS:
Nil.

ORGANISATIONAL RISK MANAGEMENT:

It is considered important to establish legal agreements to protect each party against potential dispute. 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:

There is no apparent cost associated with this proposal.

SUSTAINABILITY:

Environmental: EV's are considered one way of reducing the impacts of fossil fuel consumption.

Economic: An EV charging station is likely to attract visitors to Kalbarri.

Social: Nil.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That subject to amendment of Clause 6.1(c)(i) to ensure no financial impact arises for the Shire of Northampton, Council endorses the Electric Vehicle Charging Station at Allen Centre, 70 Grey Street, Kalbarri, WA 6536 - Shire of Northampton, – Licence and Cooperation Agreement in accordance with ATTACHMENT 9.1.2(1).

COUNCIL RESOLUTION

MOVED: Cr D Pike , SECONDED: Cr R Burges

10/23-03

That subject to amendment of Clause 6.1(c)(i) to ensure no financial impact arises for the Shire of Northampton, Council endorses the Electric Vehicle Charging Station at Allen Centre, 70 Grey Street, Kalbarri, WA 6536 - Shire of Northampton, – Licence and Cooperation Agreement in accordance with ATTACHMENT 9.1.2(1).

CARRIED: 7/0

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

Against: Nil.

ATTACHMENTS

- **9.1.2(1) Proposed License and Cooperation Agreement - Kalbarri - 70 Grey Street.**

2. APPENDICIES

- **Nil.**

Cr Trevor Gibb declared he had a proximity interest as he lives opposite Lot 514 Woods Street, Kalbarri and left the chamber at 1.17pm

ITEM 9.1.3: Proposed Kalbarri Workers Accommodation Site

PROPONENT:	Shire of Northampton
OWNER:	State of Western Australia
LOCATION / ADDRESS:	Lot 514 (on Deposited Plan 424035) Woods Street, Kalbarri
WARD:	Kalbarri
ZONE:	Workforce Accommodation
DIRECTORATE:	Office of the CEO
FILE REFERENCE:	A4824
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Andrew Campbell
DATE OF REPORT:	4 October 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

After Tropical Cyclone Seroja, the State Government initiated a process to assist the Kalbarri business community get back on its feet by creating a managed workers accommodation facility.

The site chosen was formerly part of Reserve 25447 Porter Street, Kalbarri which was subdivided off and now is known as Lot 514 Woods Street, Kalbarri. The property is 6744m² and zoned Workforce Accommodation with a R50 density arising from a Local Planning Scheme amendment published in the Government Gazette on 5 May 2023. A site plan forming part of the Local Planning Scheme amendment is attached.

ATTACHMENT 9.1.3(1)

Protected by confidentiality provisions, the State Government went through a market divestment process to identify and negotiate arrangements for a commercial provider to develop the site for its intended purpose. A company known as Petra Westkey was the successful proponent via an expression of interest bid with the State Government indicating no other viable responses were received. It should be identified that due to confidentiality provisions, the Shire of Northampton (Shire) had very limited involvement in the matter.

On 28 August 2023, Minister for Planning, Lands, Housing and Homelessness, Hon. John Carey published a press release that identified that the State Government had fulfilled its commitment to make suitable land available for workers accommodation in Kalbarri but had now formally withdrawn from negotiations with Petra Westkey. The outcome of this was that the project was unlikely to proceed any further without alternate intervention and this is the purpose of this report.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

On Wednesday 20 September 2023 Shire President - Liz Sudlow, Deputy Shire President - Rob Horstman and Chief Executive Officer Andrew Campbell coordinated a meeting with Minister Carey to discuss the issue. Whilst during the meeting the Shire expressed considerable disappointment at the recent outcome, it was agreed that the

Shire was welcome to make a bid for the freehold land on the proviso that it was utilised for workers accommodation. Relevant Department of Lands and Heritage (DPLH) contacts were provided and an early positive conversation with DPLH was initiated about the proposal by the Chief Executive Officer.

In considering this opportunity, Council should be aware that a successful bid will potentially come with development costs such as servicing and building construction however this may be potentially mitigated by a return on investment (noting that the Shire does not need to make a profit from a venture such as this) or partnering with third party commercial providers. Since the announcement by the State Government, the Chief Executive Officer has received two genuine enquiries about a potential public-private partnership at the site. It is also anticipated there will be no timeframes for development and it can be completed as fast, or as slowly, as the Shire determines.

Irrespective of what pathway the Shire will take if it acquires the site, it is considered prudent to secure the land in the first instance to strategically ensure affordable workers accommodation can be provided in the future for Kalbarri.

STATUTORY ENVIRONMENT:

The *Local Government Act 1995* enables the Shire to own and manage freehold title properties.

POLICY / STRATEGIC IMPLICATIONS:

The acquisition of freehold land inside of a town site at little cost is considered strategically important to future proof need in Kalbarri such as workers accommodation.

ORGANISATIONAL RISK MANAGEMENT:

Risk rating is considered Level 1 – Insignificant as the securing of the land has very little risk. It is only if Council commences the process to develop the site will risk increase.

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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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

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
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 is likely to be very little cost associated with attempting to secure the land in freehold title from the State Government. If successful, the cost of managing the freehold title will be minimal until such time as development occurs. If development was to proceed, further items would be provided for Council's consideration.

SUSTAINABILITY:

Environmental: There would be some native vegetation clearing associated with the site if development was to occur.

Economic: From what has been established through conversation with representative groups and the community, there is a significant workforce shortage in Kalbarri primarily due to a lack of available accommodation.

Social: Liveability in a community such as Kalbarri can deteriorate if there is insufficient workforce accommodation to attract workers to the area.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council authorise the Chief Executive Officer to proceed to apply for a transfer of freehold title for Lot 514 Woods Street, Kalbarri from the State Government to the Shire of Northampton for the purpose of future workers accommodation.

COUNCIL RESOLUTION

MOVED: Cr R Horstman, SECONDED: Cr T Hay

10/23-04

That Council authorise the Chief Executive Officer to proceed to apply for a transfer of freehold title for Lot 514 Woods Street, Kalbarri from the State Government to the Shire of Northampton for the purpose of future workers accommodation

CARRIED: 6/0

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

Against: Nil.

Cr Trevor Gibb returned to the chamber at 1.18pm.

1. **ATTACHMENTS**

- 9.1.3(1) Lot 514 Woods Street, Kalbarri Local Planning Scheme amendment.

2. **APPENDICIES**

- Nil.

ITEM 9.1.4: Proposed Variation to Chinaman’s Drive Reinstatement Concept Plan

PROPONENT:	Shire of Northampton
OWNER:	Shire of Northampton
LOCATION / ADDRESS:	Chinamans Drive, Kalbarri
WARD:	Kalbarri
ZONE:	Parks and Gardens
BUSINESS AREA:	Office of CEO
FILE REFERENCE:	5.1.8
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Andrew Campbell
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	6 July 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

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

MOVED: Hay, T SECONDED: Pike, D

07/23-07

That Council:

- 1. Endorse the Chinamans Drive Reinstatement Concept Plan in accordance with ATTACHMENT 9.1.4(1);**
- 2. Agree for the Chief Executive Officer to proceed with Chinamans Drive Reinstatement project procurement when appropriate in accordance with the requirements of the *Local Government Act 1995* and Council Policy; and**
- 3. Publicly advertise the Chinamans Drive Reinstatement Concept Plan to the Kalbarri community for information purposes only.**

CARRIED: 7/0

A copy of the Attachment 9.1.4(1) as per the resolution is attached as an appendix.

APPENDIX 9.1.4(1)

Since this time the Kalbarri Development Association (KDA) has written to the Chief Executive Officer outlining concerns about the extra parking provided in the concept (noting this parking was to replace parking that was washed away in TC Seroja), amongst a number of other matters. A copy of the correspondence is attached.

ATTACHMENT 9.1.4(1)

The purpose of this report is for Council to consider KDA’s submission.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The submission from KDA essentially focusses on three components that have unanimous support from their group:

1. There is sufficient car parking around the foreshore area except at the absolute busiest times of year;
2. People are willing to walk to the foreshore; and
3. The space identified for the “like for like” replacement car park is utilised for events such as the Gala and weddings due to its proximity to nearby ablutions and is also a flat site area.

At this stage of the project to reinstate Chinaman’s Drive after TC Seroja, it is immaterial if the replacement car park is included or not. The question arises for Council as to whether it believes the replacement car park is warranted to assist with current and future parking or whether the space currently utilised for some events is strategically more important. It appears there is no other suitable location close by where the replacement car park could be relocated to.

On the basis that the space earmarked for the replacement car park is already fit for purpose and utilised for events, and the community feedback that the replacement car park is not needed, it is recommended that Council consider the removal of this element from the approved Chinaman’s Drive Reinstatement Concept Plan.

STATUTORY ENVIRONMENT:

Nil.

POLICY / STRATEGIC IMPLICATIONS:

Future car parking as opposed to a fit for purpose event space is a strategic consideration for Council when determining this matter.

ORGANISATIONAL RISK MANAGEMENT:

The risk rating is considered Level 2 – Minor as there may be some reputational damage for the Shire.

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

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
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 Chinaman's Drive Reinstatement project will be predominantly funded under DRFAWA with an additional amount of external discretionary funding provided by the State Government to complete works. Final funding provided is likely to be known soon and included as an amendment to the 2023/24 budget.

SUSTAINABILITY:

Environmental: The Chinaman's Drive Reinstatement project will stabilise the current coastal landscape in that location leading to improved resident and visitor outcomes.

Economic: Proposed works should provide additional protections for the built coastal environment reducing potential future economic loss resulting from natural disasters.

Social: Community infrastructure such as found at Chinaman's Drive is extremely important to the community and the Shire should do whatever it can to reinstate the infrastructure.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council remove the replacement car park component from the approved Chinaman's Drive Reinstatement Concept Plan as identified in Appendix 9.1.4(1).

COUNCIL RESOLUTION

MOVED: Cr R Burges SECONDED: Cr D Pike

10/23-05

That Council remove the replacement car park component from the approved Chinaman's Drive Reinstatement Concept Plan as identified in Appendix 9.1.4(1).

CARRIED: 7/0

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

Against: Nil

ATTACHMENTS

1. Correspondence from the Kalbarri Development Association.

APPENDICIES

1. Chinaman's Drive Reinstatement Concept Plan.

CONFIDENTIAL ITEM 9.1.5: Proposed Confirmation of the Appointment of Senior Employee – Executive Manager Community, Development and Regulation

This matter is considered to be confidential under Section 5.23(2) (b) of the Local Government Act 1995, as it deals with a matter affecting the personal affairs of any person.

PROPONENT:	Chief Executive Officer
OWNER:	Shire of Northampton
LOCATION / ADDRESS:	Whole of Shire
WARD:	Northampton and Kalbarri
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:	3 October 2023
DECLARATION OF INTEREST:	Nil

10/23-06

MOVED: Cr R Suckling

SECONDED:Cr R Horstman

That Council go behind closed doors to determine confidential items 9.1.5 and 9.1.6.

Carried 7/0

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

Against: Nil.

CONFIDENTIAL ITEM 9.1.6: Proposed Change in Project – Department of Fire and Emergency Services – Local Government Resilience Fund Grant

This matter is considered to be confidential under Section 5.23(2)(c) of the Local Government Act 1995, as it deals with a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;

PROPONENT:	Shire of Northampton
OWNER:	Shire of Northampton
LOCATION / ADDRESS:	1) Reserve 25447 Porter Street, Kalbarri 2) Address Suppressed
WARD:	Kalbarri
ZONE:	1) Parks and Recreation 2) Zone Suppressed
DIRECTORATE:	Office of the CEO
FILE REFERENCE:	1) A4824 2) File Reference Suppressed
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Andrew Campbell
DATE OF REPORT:	5 October 2023
DECLARATION OF INTEREST:	Nil

10/23-07

MOVED: Cr R Horstman

SECONDED: Cr R Suckling

That Council come out from behind closed doors.

CARRIED: 7/0

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

Against: Nil.

10/23-08

The Shire President, Cr Liz Sudlow, read the following resolutions of Council;

MOVED: Cr R Suckling

SECONDED: Cr T Hay

That Applicant 1 be offered the position of Executive Manager of Community, Development and Regulation starting on the 22 January 2024.

CARRIED: 7/0

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

Against: Nil.

10/23-09

MOVED: Cr R Burges

SECONDED: Cr R Horstman

OFFICER RECOMMENDATION:

That Council:

- 1) Commit \$1,000,000 in loan funding as a contribution to the Kalbarri Multipurpose Facility / Post Evacuation Facility subject to contributory grant funding being received;**
- 2) Apply to the Department of Fire and Emergency Services to re-direct the Local Government Resilience Fund grant from the Kalbarri Multipurpose Facility / Post Evacuation Facility to the collaboration between Kalbarri Men's Shed and Kalbarri Community Garden;**
- 3) Subject to receiving consent in accordance with point 2) above, authorise the Chief Executive Officer to acquire suitable property to facilitate the collaboration between the Kalbarri Men's Shed and Kalbarri Community Garden; and**
- 4) If the acquisition of property indicated in point 3) is unsuccessful, bring the Local Government Resilience Fund grant allocation back to Council for further consideration.**

CARRIED: 7/0

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

Against: Nil.

9.1.7: Proposed Economic Development Framework Funding Commitment.

PROPONENT:	Chief Executive Officer
OWNER:	Shire of Northampton
LOCATION / ADDRESS:	Whole of Shire
WARD:	Northampton and Kalbarri
ZONE:	All
BUSINESS AREA:	Office of CEO
FILE REFERENCE:	1.1.1
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Andrew Campbell
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	5 October 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Commonwealth Government recently introduced a Regional Precincts and Partnership Program with stream one for planning and development and stream two for project delivery.

In response to this program the Shire of Northampton (Shire) commenced a dialogue with a consultant to provide Shire assistance to make an application to this grant program for stream one. The Chief Executive Officer (CEO), Shire President and two Councillors met with the consultant to discuss opportunities and after this, the consultant was appointed by the CEO on 28 September 2023 as a supplier within the Shire's existing budget. The focus project for the consultant is to produce a grant submission to fund a forward-looking Economic Development Framework that will address the economic development and social gaps in the community and assist the Shire to strategically plan for the future.

The purpose of this report is for Council to consider the committal of leveraging funds to make the Shire's grant application more attractive to the Commonwealth Government.

COMMENT (Includes Options):

Prospectively all communities in the Shire have considerable potential to expand in the future. Underpinning a future expansion is detailed planning work that can be utilised to direct the Shire's financial resources and activities, and seek alternate financial resources from others.

In the 2023/24 Annual Budget, Council established a Strategic Opportunity and Land Development Reserve that has a purpose that fits an Economic Development Framework undertaking such as this perfectly.

It is recommended that Council commit \$100,000 from the Strategic Opportunity and Land Development Reserve as part of a leveraging contribution if the grant application is successful.

STATUTORY ENVIRONMENT:

Any financial commitment of the Shire outside of the Annual Budget is subject to Absolute Majority decision of Council as prescribed by the *Local Government Act 1995*.

POLICY / STRATEGIC IMPLICATIONS:

An Economic Development Framework is a key piece of strategy that will assist the Shire to formulate high level strategy.

ORGANISATIONAL RISK MANAGEMENT:

Risk rating is considered Level 4 – Major. If the Shire is not prepared for rapid growth expansion in the future it will create many strategic issues in trying to sustain communities.

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 impact of this proposal is \$100,000 only if the Shire is successful in obtaining a Regional Precincts and Partnership Program grant. As indicated in the report, the funding would be proposed to be sourced from the Strategic Opportunity and Land Development Reserve. At the Council meeting 15 September 2023, Council added an additional \$75,000 to this Reserve.

SUSTAINABILITY:

Environmental: Additional Shire resources may create environmental opportunities and environmental protection initiatives.

Economic: Local economies in the Shire are expected to prosper in the future with a number of opportunities likely to arise. It is important that the Shire has sufficient resources to manage this change to maximise economic benefit.

Social: Ensuring infrastructure, programs and services meet community need ensures liveability is maintained and improved.

VOTING REQUIREMENTS: ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council commit \$100,000 as leveraging funds for the Regional Precincts and Partnership Program grant application for an Economic Development Framework in accordance with the following:

Budget Item	Current Budget	Proposed Budget	Change
Strategic Opportunity and Land Development Reserve	\$433,006	\$333,006	(\$100,000)
Economic Development Framework Project – Regional Precincts and Partnership Program	\$0	\$100,000	\$100,000
		Net Change	\$0

COUNCIL RESOLUTION

MOVED: Cr L Sudlow SECONDED: Cr R Horstman

10/23-10

That Council commit \$100,000 as leveraging funds for the Regional Precincts and Partnership Program grant application for an Economic Development Framework in accordance with the following:

Budget Item	Current Budget	Proposed Budget	Change
Strategic Opportunity and Land Development Reserve	\$433,006	\$333,006	(\$100,000)
Economic Development Framework Project – Regional Precincts and Partnership Program	\$0	\$100,000	\$100,000
		Net Change	\$0

CARRIED: 7/0

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

ATTACHMENTS

1. Nil.

APPENDICES

1. Nil.

ITEM 9.1.8: Proposed Engagement of Independent Consultant to Facilitate the Establishment of the Chief Executive Officer Performance Criteria and Conduct of a Probationary Review

PROPONENT:	Shire of Northampton
OWNER:	N/A
LOCATION / ADDRESS:	Whole of Shire
WARD:	Northampton and Kalbarri
ZONE:	All
BUSINESS AREA:	Office of CEO
FILE REFERENCE:	Personnel
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Andrew Campbell
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	10 October 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Chief Executive Officer (CEO) commenced with the Shire of Northampton on 22 May 2023 under an agreed Employment Contract. Part of the Employment Contract stipulated that Performance Criteria must be negotiated and determined by agreement between the Council and CEO. In addition to this an initial probationary period of six months applies from the commencement date of the Employment Contract.

Subject to the probationary period being finalised and performance criteria established by agreement between the Council and CEO, an annual performance review is required for the duration of the Employment Contract. Once this happens, in accordance with the Employment Contract, Council may then determine who the reviewer is to be (usually the Chief Executive Officer Review Advisory Committee) and whether the reviewer is to be accompanied or assisted by any other independent person.

It is understood that Council has indicated a preference for independent consultant assistance to establish CEO performance criteria and conduct the six month CEO probationary review. Whilst Council's understood preference is not contained specifically within the Employment Contract, a 2023/24 budget allocation of \$5,000 has been provided, and the CEO has no concern with, and is agreeable to the approach.

The purpose of this report is for Council to determine an appropriate independent consultant to assist in the establishment of the CEO performance criteria and conduct the CEO probationary review.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

After discussion with the Shire President, the CEO undertook to make enquiries to determine some Local Government consultants that provided this type of service to Councils in Western Australia. After some discussions with some industry based

people, the following list was formulated and a request for quote was sent to each party with a response required by Thursday 19 October 2023.

The list of independent consultants approached included:

- Dr Shayne Sillcox (Strategic Leadership Consultant);
- Garry Hunt Consulting Group;
- Andrew Hammond (HW Advisory);
- Peter Casey (Mills Recruitment);
- Price Consulting; and
- John Phillips Consulting.

Submissions received prior to finalising the agenda include:

Consultant	Available	Within Scope	Within Budget	In Person / Remote attendance
Dr Shayne Sillcox (Strategic Leadership Consultant)	Yes	Yes	Yes	Both but price will be discounted if remote attendance only
Garry Hunt Consulting Group	No			
Andrew Hammond (HW Advisory)	Yes	Yes	Yes	Remote
Peter Casey (Mills Recruitment);	Yes	*	*	
Price Consulting	Yes	*	*	
John Phillips Consulting	No			

*Submissions have not been received but consultants have indicated they will be putting in a submission before the 19 October 2023 closing date.

Responses from the consultants including pricing will be provided to Council on the day of the Council meeting to assist with the appointment.

STATUTORY ENVIRONMENT:

The CEO is employed by Council under the requirements of the *Local Government Act 1995* to preside over the administration of the organisation.

POLICY / STRATEGIC IMPLICATIONS:

Council has formed a Chief Executive Officer Review Advisory Committee for this purpose.

ORGANISATIONAL RISK MANAGEMENT:

Statutory compliance is fundamental to the operation of a Local Government. It is important that Council complies at all times and an open and transparent performance communication is maintained with the CEO. 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

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:

\$5,000 has been allocated in the 2023/24 annual budget for an independent consultant to assist with the CEO performance review. It is assumed this has been allocated to engage an appropriate independent consultant to assist in the establishment of the CEO performance criteria and conduct the CEO probationary review. Subject to meeting the requirements of the probationary review, the annual review of the CEO's performance will occur in November 2024 with which Council may need to allocate further funds in the 2024/25 annual budget if they require assistance to conduct that review.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

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

COUNCIL RESOLUTION

MOVED: Cr D Pike SECONDED: Cr T Hay

10/23-11

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

CARRIED: 7/0

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

Against: Nil.

ATTACHMENTS

1. Nil.

APPENDICIES

1. Nil.

ITEM 9.1.9: Consideration of Conceptual Kalbarri Foreshore Revitalisation Masterplan Concept for Funding Purposes

PROPONENT:	Shire of Northampton
OWNER:	Shire of Northampton
LOCATION / ADDRESS:	Kalbarri Foreshore through to Jacques Point
WARD:	Kalbarri
ZONE:	Parks and Gardens
BUSINESS AREA:	Office of CEO
FILE REFERENCE:	5.1.8
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Andrew Campbell
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	10 October 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

After Tropical Cyclone Seroja on 11 April 2023 the Western Australian State Government through Tourism Western Australia partnered with the Mid West Development Commission and the Shire of Northampton to prepare the conceptual Kalbarri Foreshore Revitalisation Masterplan (Masterplan) with the intent of trying to attract significant State or Commonwealth funding for a major revitalisation.

To enable appropriate funding applications to be prepared and submitted, all project partners should provide endorsement to the concept. As the most potentially impacted land falls under management responsibility of the Shire of Northampton under Management Order from the State Government, it is critical that the Masterplan concept has the consent of the Council. Whilst the concept has been available since June 2022, the matter has not been formally considered by Council. The Masterplan is provided in the attachment.

ATTACHMENT 9.1.9(1)

The purpose of this report is for Council to formally consider providing support for the Masterplan concept.

PUBLIC CONSULTATION UNDERTAKEN:

The Masterplan concept was developed by Tourism Western Australia in partnership with the Kalbarri community, Mid West Development Commission and the Shire of Northampton.

COMMENT (Includes Options):

The Masterplan has multiple elements which are broken down into several locations. More detailed concepts are provided in the attachments below:

Kalbarri Foreshore concept.

ATTACHMENT 9.1.9(2)

Gidamarra Springs concept and graphic concept

ATTACHMENT 9.1.9(3)
ATTACHMENT 9.1.9(4)

Blue Holes concept.

ATTACHMENT 9.1.9(5)

Jacques Point concept.

ATTACHMENT 9.1.9(6)

Council should note when considering this matter that the Masterplan and elements attached are conceptual only to be used for grant funding purposes. This means that if funding is obtained there remains flexibility to alter parts of the project through the detailed design phase which only would occur after grant funding was received.

The Masterplan has an estimated total cost of \$33M and has been designed to be staged in several phases to make the project potentially more attractive to grant funding bodies. At this stage there is no indication of a required financial commitment by the Shire of Northampton, and it is also understood that the Mid West Development Commission is directly pursuing funding opportunities.

It is considered that the overall Masterplan concept would be highly beneficial for the local community and visitor attraction especially given there would be opportunity for flexibility during a detailed design phase if funding is received. On this basis the Kalbarri Foreshore Revitalisation Masterplan concept including all the applicable elements is recommended to Council for endorsement for grant funding purposes.

STATUTORY ENVIRONMENT:

Nil.

POLICY / STRATEGIC IMPLICATIONS:

A revitalisation project of this magnitude improves community liveability and would undoubtedly attract increased visitation to Kalbarri.

ORGANISATIONAL RISK MANAGEMENT:

The risk rating is considered Level 1 – Insignificant as any endorsement by Council for the Masterplan concept is only for grant funding purposes.

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

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

Under the current proposal there are no financial implications for the Shire of Northampton.

SUSTAINABILITY:

Environmental: The Masterplan concept will implement several natural environment protection measures with the most significant being the Gidamarra Springs element.

Economic: A revitalisation proposal such as this will attract additional visitors to Kalbarri and therefore increase monetary turnover and promote economic development in the local economy.

Social: Community infrastructure provision is extremely important to the community to improve liveability.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council endorse the Kalbarri Foreshore Revitalisation Masterplan Concept for grant funding purposes in accordance with ATTACHMENT 9.1.9(1) and all the attached project elements contained in ATTACHMENTS 9.1.9(2) through to 9.1.9(6).

COUNCIL RESOLUTION

MOVED: Cr L Sudlow SECONDED: Cr R Suckling

10/23-12

That Council endorse the Kalbarri Foreshore Revitalisation Masterplan Concept for grant funding purposes in accordance with ATTACHMENT 9.1.9(1) and all the attached project elements contained in ATTACHMENTS 9.1.9(2) through to 9.1.9(6).

CARRIED: 7/0

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

Against: Nil.

ATTACHMENTS

1. Kalbarri Foreshore Revitalisation Masterplan Concept.
2. Kalbarri Foreshore Concept.
3. Gidamarra Springs Concept.
4. Gidamarra Springs Graphic Concept.
5. Blue Holes Concept.
6. Jacques Point Concept.

APPENDICIES

1. Nil.

ITEM 9.1.10: Proposed Award of Tender 05/2023 Kalbarri Road Widening 2022-23

PROPONENT:	Chief Executive Officer
OWNER:	Shire of Northampton
LOCATION / ADDRESS:	Kalbarri Road SLK 52 to 64.36
WARD:	Kalbarri
ZONE:	N/A
BUSINESS AREA:	Office of CEO
FILE REFERENCE:	05/2023
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Andrew Campbell
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	10 October 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Western Australian Local Government Association (WALGA) Preferred Supplier, Greenfield Technical Services were engaged by the Shire of Northampton (Shire) on 4 April 2023 to provide tender consultancy services for Tender 05/2023 Kalbarri Road Widening 2022-23 (tender).

Fully funded by Main Roads Western Australia (MRWA) to an amount of \$1,804,560 (ex GST) 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. It also included the installation of audible edge line marking.

The purpose of this report is for Council to consider the award of Tender 05/2023 Kalbarri Road Widening 2022-23.

PUBLIC CONSULTATION UNDERTAKEN:

The tender was advertised in the West Australian newspaper on 5 April 2023 with a closing date of 19 April 2023. During the tender open period an addendum was issued resulting in the tender closing date being extended to 21 April 2023.

COMMENT (Includes Options):

At the time of tender close, two submissions were made:

- Raubex Construction Pty Ltd (Raubex); and
- Red Dust Holdings (RDH).

Both submissions were significantly over the budget threshold of \$1.8M which caused the tender process to stall whilst the Shire and Greenfield Technical Services engaged with MRWA attempting to find a workable solution. Options explored included the reduction in the length of the project or increasing the budget to capture the full extent of the works. On 28 August 2023 MRWA confirmed \$2M of additional project funding to potentially complete the entire works bringing the total to \$3,804,560 in MRWA Blackspot program funding.

A tender assessment was completed by Greenfields Technical Services and Shire with the tender evaluation being very similar for both Raubex and RDH aside from the total price which had assessment criteria set at 35% of the overall consideration. Raubex submitted a price that was 30.8% less than RDH. It was considered that both tenderers were competent to complete the works but, in the end, the overall best value came from the price submitted by Raubex who were identified in the tender assessment as the preferred tenderer.

Given the time between the tender close and the tender assessment due to the need to source additional funds from MRWA, Raubex and RDH were contacted to confirm their tendered price and conditions of tendering remained valid. Raubex and RDH both indicated that their tenders as submitted were valid and this has allowed the Shire to now proceed to award the tender.

STATUTORY ENVIRONMENT:

Unless it is considered an exempt situation, under the *Local Government Act 1995* any amount over \$250,000 (ex GST) requires the Shire to undertake a public tender process.

POLICY / STRATEGIC IMPLICATIONS:

Council Policy 2.3 Purchasing and Tender Guide Purchasing Policy requires tenders to be called where expenditure exceeds \$250,000 (ex GST).

ORGANISATIONAL RISK MANAGEMENT:

Incorrect procurement processes at tender threshold levels are a major risk to the Shire and statutory processes must be followed. Risk rating is considered 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
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 are no financial implications to the Shire as the project is fully funded by MRWA. Shire costs and Greenfield Technical Services costs are built into the project funding. In saying this it is essential that the project is managed appropriately to ensure that the project is kept on budget to ensure additional costs are not incurred.

SUSTAINABILITY:

Environmental: Clearing approvals may be required to be obtained by the successful tenderer.

Economic: Economic benefits resulting from construction may flow to the Kalbarri community.

Social: Road safety is a priority activity at the Shire to assist in the protection of the community.

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

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

COUNCIL RESOLUTION

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.

ATTACHMENTS

1. Nil

APPENDICIES

1. Nil.

ITEM 9.2.1 Accounts for Endorsement to 20th October 2023

PROPONENT:	Shire of Northampton
OWNER:	N/A
LOCATION / ADDRESS:	Whole of Shire
WARD:	Northampton and Kalbarri
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:	6 October 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

A list of payments submitted to Council on 20th October 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 22411 to 22418 inclusive totalling \$38,942.01, Municipal EFT payments numbered EFT25365 to EFT25501 totalling \$506,020.00, Direct Debit payments numbered GJ0304 to GJ0313 inclusive totalling \$277,486.67 be declared as authorised expenditure.

COUNCIL RESOLUTION

MOVED: Cr R Horstman, SECONDED: Cr R Burges

10/23-14

That Council note Municipal Fund Cheques 22411 to 22418 inclusive totalling \$38,942.01, Municipal EFT payments numbered EFT25365 to EFT25501 totalling \$506,020.00, Direct Debit payments numbered GJ0304 to GJ0313 inclusive totalling \$277,486.67 be declared as authorised expenditure.

CARRIED: 7/0

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

Against: Nil.

ATTACHMENTS

- 1. Payments list to 30 September 2023**

APPENDICIES

- 1. Nil**

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

PROPONENT:	Shire of Northampton
OWNER:	N/A
LOCATION / ADDRESS:	Whole of Shire
WARD:	Northampton and Kalbarri
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:	6 October 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 September 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 September 2023 financial position is comprised of the following:

- Total operating revenue has a deficit position of \$313,264 and operating expenditure has a surplus position of \$640,477 to the end of September 2023. It is anticipated that operating revenue and operating expenditure variances will be temporary and converge with the budget as the year progresses.
- Depreciation for the months of July, August and September excludes depreciation costs associated with Infrastructure Roads and Other Infrastructure assets such as parks and gardens due to the delay in the revaluation process being finalised. All depreciation costs will be posted and presented in the October monthly Financial Statements.
- Investing and Financing variances will reconcile as the year progresses and it is anticipated there will be no significant budget variations.

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

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 September 2023.

COUNCIL RESOLUTION

MOVED: Cr R Suckling, SECONDED: Cr L Sudlow

10/23-15

That Council receives the Monthly Financial Report for the period ending 30 September 2023.

CARRIED: 7/0

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

Against: Nil.

ATTACHMENTS

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

APPENDICIES

- 1. Nil**

ITEM 9.2.3 Proposed Budget Variation October 2023

PROPONENT:	Shire of Northampton
OWNER:	N/A
LOCATION / ADDRESS:	Whole of Shire
WARD:	Northampton and Kalbarri
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:	10 October 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Council is requested to consider the proposed budget variations as presented.

The budget variation is required for the following:

- Port Gregory public ablutions septic system upgrade \$19,000; and
- Contribution for the purchase of chairs, barstools, trestle tables for the Kalbarri Sport and Recreation facility \$6,000.

It is proposed that upgrades will be funded by utilising the \$25,000 budget allocation listed in the 2023/2024 budget for the construction of the Port Gregory storage shed. Whilst the shed is still considered a priority for replacement it is less of a priority than the Port Gregory abluion upgrade and therefore it can be deferred for funding to the 2024/2025 budget process.

Port Gregory Ablutions

The abluion block septic system is not coping with the number of visitors using the public toilets in Port Gregory. The toilet block was built in 2009 and the septic system that was installed was only suitable for a dwelling rather than a relatively high use toilet block.

While the system has operated adequately for the last 13 to 14 years it is unable to deal with the inflow due to increased usage and the system reaching the end of its useful life. The site has had a significant increase in visitor numbers and now requires pump outs which cost approximately \$1,200 - \$1,400 for each service.

The septic system has been checked by a licenced plumber and apart from the issues with the leach drains there are leaking seals on the toilet pans and pipes under handbasins and the urinal that require attention.

It is anticipated that the upgrade work will take 2 to 3 days. During this time the toilet block will need to be closed while the work is taking place and subsequently 3-4 portable toilets will need to be hired for the duration of the work.

Sport & Recreation Kalbarri

Council approved the listing of \$6,000 in the draft budget at the Council Meeting held on the 21st April 2023 however the funds were not included in the adopted budget.

COA/Job No.	COA/Job Description	Adopted Budget	Proposed Revised Budget	Budget Variance	Comments
154140.99	Port Gregory Water supply shed	\$25,000	\$0	-\$25,000	Construction deferred for consideration in 2024/2025
133440.99	Port Gregory public toilet septic system upgrades	\$0	\$19,000	+\$19,000	No provision in the 23/24 budget
150820.08	Contribution for chairs, barstools, trestle tables	\$0	\$6,000	-\$6,000	No provision in the 23/24 budget

PUBLIC CONSULTATION UNDERTAKEN:

Nil

COMMENT (Includes Options):

Staff evaluated the existing budget and determined that pending Council approval it would be prudent to upgrade the Port Gregory ablutions septic system as soon as possible. The return on investment associated with the upgrade of the ablutions will be significant due to the costs associated with pumping out the leach drains. Additionally, there is an older shed at the Port Gregory hall site which can be utilised with funding to be included in the draft 2024/2025 budget for the shed replacement.

The shed replacement was the only project identified that could be deferred without compromising day to day operations and thereby facilitate the funding of the ablutions upgrade and the Kalbarri Sport and Recreation assistance request.

Port Gregory Ablutions

The system has deteriorated to the point whereby it can be pumped out on a Friday and when subjected to heavy usage over the weekend the system requires further pumping on the Monday. The toilets can have several buses arrive on any day plus other visitors to the site which overloads the system. Whilst the water recedes quickly due to the sandy soil it's only a matter of time before the system fails completely.

Pumping out the system is only a short-term measure and the additional leach drain capacity will ensure the site operates efficiently plus reduce the cost associated with regular pump outs. It was originally suggested that plastic Geotech style leach drains could be used however it is considered that concrete leach drains will be more suitable in the sandy soils.

Installation costs:

- | | |
|----------------------------------------------------------|----------|
| • Install concrete leach drains | \$13,000 |
| • Remove lids, service tanks and replace lids (existing) | \$2,000 |
| • Portable Toilet Hire & Servicing | \$4,000 |

Sport & Recreation Kalbarri

The Kalbarri Sport and Recreation Club requested assistance with the purchase of 100 chairs, 25 barstools and 10 trestle tables. The total cost of the furniture is approximately \$12,000 and the group will contribute \$6,000 with Council requested to contribute \$6,000. The Sport and Recreation building is a Shire asset, this is the first request for assistance from the group for this type of assistance.

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:

The implementation of the revised structure will enable the organisation to address existing deficiencies and better position the organisation to cope with future demands and comply with legislation.

ORGANISATIONAL RISK MANAGEMENT:

The associated of not approving the budget variations will impact on Councils ability implement the new EMT structure and comply with Financial Management Regulations 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:

There will be no overall change to the 2023/2024 balanced budget position to accommodate the revised budget allocations listed above. Additionally, the budget variation will not directly impact on the Corporate Business Plan (CBP) for the 2023/2024 Financial Year.

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
Port Gregory storage shed	\$25,000	\$0	(\$25,000)
Port Gregory public toilet septic system upgrade	\$0	\$19,000	\$19,000
Contribution for chairs, barstools, trestle tables	\$0	\$6,000	\$6,000
		Net Change	\$0

COUNCIL RESOLUTION

MOVED: Cr R Suckling, SECONDED: Cr D Pike

10/23-16

That Council:

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

Budget Item	Current Budget	Proposed Budget	Change
Port Gregory storage shed	\$25,000	\$0	(\$25,000)
Port Gregory public toilet septic system upgrade	\$0	\$19,000	\$19,000
Contribution for chairs, barstools, trestle tables	\$0	\$6,000	\$6,000
		Net Change	\$0

CARRIED BY ABSOLUTE MAJORITY: 7/0

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

Against: Nil.

ATTACHMENTS

1. Nil

APPENDICIES

1. Nil

ITEM 9.2.4 Pre Fire Season Meeting Minutes and Actions

PROPONENT:	Shire of Northampton
OWNER:	N/A
LOCATION / ADDRESS:	Whole of Shire
WARD:	Northampton and Kalbarri
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 to approve changes to the Deputy Chief Bush Fire Control Officer (DCBFCO), Fire Control Officer (FCO) and Permit Issuing Officer appointments.

A Pre Fire Season meeting was held in the Northampton Council chambers on Thursday 14th September 2023. A copy of the meeting minutes is attached.

ATTACHMENT 9.2.4(1)

This meeting was requested by bush fire brigade members as a lead up to the fire season and to provide an opportunity for Shire staff, Department of Fire and Emergency (DFES) staff and brigade members to get together and ensure all associated bush fire responders are prepared for the upcoming fire season. Additionally, there were changes requested to the DCBFCO, FCO and Permit Issuing Officer appointments authorised at the Council Meeting held on 19th May 2023.

At the meeting 19 May 2023, Council resolved:

Moved Cr HORSTMAN seconded Cr BURGESS

05/23-03

That the following changes be adopted for 2023/2024 as recommended by the Bush Fire Advisory Committee:

1. Implement the following restricted and prohibited burning times:

Restricted Period 1/09/2023 - 14/10/2023

Prohibited Burning 15/10/2023 - 14/02/2024

Restricted Period 15/02/2024 - 7/04/2024

2. Appoint the following Deputy Bush Fire Control Officers:

**Mr Kyle Carson as Deputy Chief Bush Fire Control Officer – North
Mr Scott Bridgeman as Deputy Chief Bush Fire Control Officer – South**

3. Appoint the following Fire Control Officers:

**Rob McKenzie - Chief Bush Fire Control Officer/Captain Isseka BFB
Ric Davey – Kalbarri Ranger
Kyle Carson - Deputy Chief Bush Fire Control Officer North, Captain -
Ajana/Binnu BFB
Scott Bridgeman - Deputy Chief Bush Fire Control Officer South/Captain –
Sandy Gully/Alma BFB
Harley Simpson - Lieutenant – Sandy Gully/Alma BFB
Dean (Greg) Teakle - Captain - Northampton VFRS
Kyle Carson - Captain - Ajana/Binnu BFB
Joe Wood - Captain - Port Gregory/Yallabatharra BFB
Lindsay Rowe - Captain - Horrocks BFB
Matt Johnson - Captain – Ogilvie BFB
Damian Harris – Deputy Captain - Ajana/Binnu BFB
Glen Reynolds - Lieutenant - Ajana/Binnu BFB
Jerome Drew – Admin Officer - Ajana/Binnu BFB**

4. Appoint the following Permit Issuing Officers:

**Andrew Campbell – Chief Executive Officer
Grant Middleton - Deputy CEO
Rob McKenzie - Chief Bush Fire Control Officer/Captain Isseka BFB
Ric Davey – Kalbarri Ranger
Kyle Carson - Deputy Chief Bush Fire Control Officer North, Captain -
Ajana/Binnu BFB
Scott Bridgeman - Deputy Chief Bush Fire Control Officer/Captain – Sandy
Gully/Alma BFB
Harley Simpson - Lieutenant – Sandy Gully/Alma BFB
Dean (Greg) Teakle - Captain - Northampton VFRS
Kyle Carson - Captain - Ajana/Binnu BFB
Joe Wood – Captain - Port Gregory/Yallabatharra BFB
Lindsay Rowe - Captain - Horrocks BFB
Matt Johnson - Captain – Ogilvie BFB
Damian Harris – Deputy Captain - Ajana/Binnu BFB
Glen Reynolds - Lieutenant - Ajana/Binnu BFB
Jerome Drew – Admin Officer - Ajana/Binnu**

5. That Council direct staff to correspond with the Fire and Emergencies Minister

Darren Klemm and cc to the DFES Midwest Gascoyne Superintendent Mark Bowen in Geraldton requesting a Community Emergency Services Manager (CESM) be assigned to the Shire of Northampton in a shared capacity.

CARRIED: 7/0

A copy of the full minutes is provided to Council in the appendix for further reference.

APPENDIX 9.2.4(1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil

COMMENT (Includes Options):

Normally appointments and changes to authorised positions are reviewed at the Annual Bush Fire Advisory Committee Meeting (BFAC) and subsequently approved by Council. This process was undertaken as normal at the BFAC meeting held on 26th April 2023. However, the changes requested at the Pre Fire Season meeting are due to volunteers changing their roles and or not being available to complete the functions required.

The following represent the changes requiring Council endorsement:

- Appoint Damien Harris as DBFCO North.
- Remove Kyle Carson as DBFCO North.
- Appoint Travis Glass (Captain Kalbarri VFRS) as a Fire Control Officer and Permit Issuing Officer.
- Remove Greg Teakle (Ex Captain Northampton VFRS) as a Fire Control Officer and Permit Issuing Officer.

STATUTORY ENVIRONMENT:

Bush Fires Act 1954 - Part IV s. 38

38. Local government may appoint bush fire control officer

(1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.

(2A) The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.

(2C) The local government shall fill any vacancy occurring in the office of Chief Bush Fire Control Officer or Deputy Chief Bush Fire Control Officer within one month after the vacancy occurs and if the local government fails or neglects to do so within that time, the FES Commissioner may by notice in writing require the local government to appoint a person to the vacant office within one month after service on it of such notice.

(2D) Where a local government that has been served with a notice pursuant to subsection (2C) fails or neglects to comply with the requirements of that notice, the FES Commissioner may appoint a person who is not employed in the Department to the vacant office.

Shire of Northampton Bush Fires Brigades Local Law 2017

Division 2 – Chief Bush Fire Control Officer

3.3 Managerial role of Chief Bush Fire Control Officer

- (a) Subject to any directions by the local government the Chief Bush Fire Control Officer has primary managerial responsibility for the organisation and maintenance of bush fire brigades.
- (b) Where only one person is appointed as a bush fire control officer by the local government, that person is a Chief Bush Fire Control Officer for the purposes of this local law.

3.4 Chief Bush Fire Control Officer may attend meetings

The Chief Bush Fire Control Officer or her or his nominee (who is to be a bush fire control officer) may attend as a non-voting representative of the local government at any meeting of a bush fire brigade.

3.5 Duties of Chief Bush Fire Control Officer

The duties of the Chief Bush Fire Control Officer are to –

- (a) provide leadership to volunteer fire brigade;
- (b) monitor bush fire brigades' resourcing, equipment (including protective clothing) and training levels and report thereon with recommendations at least once a year to the local government;
- (c) liaise with the local government concerning fire prevention or fire suppression matters generally and directions to be issued by the local government to bush fire control officers (including those who issue permits to burn), bush fire brigades or brigade officers; and
- (d) ensure that bush fire brigades are registered with the local government and that lists of brigade members are maintained.

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 changes will have a negative impact on the ability of the Shire and volunteers to respond to bush fire incidents. The operation of Bush Fire Brigades is a vital link in the response to bush fire incidents throughout the

Shire. The DCBFCO and FCO positions represent a structural hierarchy that supports the response to bush fire incidents and establishes a chain of command. Risk is considered 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
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:

- 1. Receive the Pre Fire Season minutes as presented;**
- 2. Appoint Damien Harris to the DBFCO North.**
- 3. Remove Kyle Carson as DBFCO North.**
- 4. Appoint Travis Glass as a Fire Control Officer and Permit Issuing Officer.**
- 5. Remove Dean (Greg) Teakle as a Fire Control Officer and Permit Issuing Officer.**

COUNCIL RESOLUTION

MOVED: Cr T Hay, SECONDED: Cr R Suckling

10/23-17

That Council:

- 1. Receive the Pre Fire Season minutes as presented;**
- 2. Appoint Damien Harris to the DBFCO North.**
- 3. Remove Kyle Carson as DBFCO North.**
- 4. Appoint Travis Glass as a Fire Control Officer and Permit Issuing Officer.**
- 5. Remove Dean (Greg) Teakle as a Fire Control Officer and Permit Issuing Officer.**

CARRIED: 7/0

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

Against: Nil.

ATTACHMENTS

- 1. Minutes Pre Fire Season Meeting - 14 September 2023**

APPENDICIES

- 1. Minutes Bush Fire AGM - 26 April 2023**

ITEM 9.3.1 Amended Local Planning Policy – Heritage Conservation and Development

PROPONENT	Shire of Northampton
LOCATION / ADDRESS:	Whole of Shire
WARD:	Northampton and Kalbarri
DIRECTORATE:	Planning Services
FILE REFERENCE:	10.4.11
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Michelle Allen
DATE OF REPORT:	25 September 2022
DECLARATION OF INTEREST:	Nil

BACKGROUND:

A review of the *Heritage, Conservation and Development Local Planning Policy* has been undertaken with the primary objective of updating the Shire of Northampton's Heritage List in line with amendments made to the Municipal Heritage Inventory.

A copy of the amended Local Planning Policy is included as Attachment 9.3.1 (1) and a copy of the Heritage List showing amendments is included as Attachment 9.3.1 (2) to this report for Council's information.

ATTACHMENT 9.3.1 (1)
ATTACHMENT 9.3.1 (2)

This report recommends firstly, the initiation of the amended Local Planning Policy for public comment, and advertising for a period of 21 days, pursuant to Schedule 2 - Deemed Provisions, Part 2, cl 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

PUBLIC CONSULTATION UNDERTAKEN:

Schedule 2 - Deemed Provisions, Part 2, cl 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015* details the minimum advertising requirements for the initiation of a Local Planning Policy being no less than 21 days. It is recommended that that advertising period include the following actions in accordance with part 2, cl 4 and 5, of the 'Deemed Provisions' of the LPS Regulations:

- A newspaper advert published in the Geraldton Guardian;
- Notices displayed at both the Northampton and Kalbarri Offices; and
- Notice made available on the Shire of Northampton website.

COMMENT:

The *Heritage, Conservation and Development Local Planning Policy* was first adopted by Council in May 2016. Since this time it has been used to guide development and demolition applications for those properties included within the Shire's Municipal Heritage Inventory (or Local Heritage Survey as they are now known).

Council also adopted the amended Shire of Northampton Heritage List and included this within the LPP on the 15th November 2019. The amended Heritage List was updated to include all Category 1 and 2 places along with lower categories (3, 4 and 5) where they contributed to an important streetscape or landscape.

The amended Local Planning Policy proposes updates to the Heritage List to address changes in address and location details along with descriptions where modifications have been made to places as a result to Cyclone Seroja.

Conclusion

It is recommended that Council initiate advertising for the Heritage Conservation and Development Local Planning Policy.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005 and Planning and Development (Local Planning Schemes) Regulations 2015.

Shire of Northampton Local Planning Scheme No. 10 and Local Planning Scheme No. 11.

POLICY/STRATEGIC IMPLICATIONS:

A Local Planning Policy does not bind the local government in respect of any application for planning approval, but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

The following areas of the Shire's Strategic Community Plan 2020-2030 are applicable in the consideration of this item:

- Our Economy – To maintain or grow our population and prosperity through land development to attract and support residents, visitors, and business initiatives.
- Our Natural Environment – To support environmental protection and maintenance within our jurisdiction, with positive relationships with government agencies, landowners, developers and business enterprises.
- Our People – To support our local communities in a place management approach to ambience, services, facilities and lifestyle enhancement.
- Our Built Environment – To provide quality in built assets, roads and other infrastructure to provide continuity of services to the community and visitors.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

The cost of advertising the Local Planning Policy is covered by the Council's existing Planning budget allocation.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council

- 1. Pursuant to Schedule 2 – Deemed Provisions, Part 2, cl 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* resolve to:**
 - a) Adopt the amended Local Planning Policy ‘Heritage Conservation and Development’ presented in Attachment 9.3.1 (1) for public comment and advertise the policy for a period of 21 days:**
 - b) Should no written, author-identified objections be received during the 21-day advertising period, then adopt for final approval the Local Planning Policy and proceed to publish a notice to this effect in the local newspaper; and**
 - c) Should there be any written, author-identified objections received during the advertising period, require staff to present to Council a further report.**

COUNCIL RESOLUTION

MOVED: Cr R Horstman, SECONDED: Cr R Suckling

10/23-18

That Council

- 1. Pursuant to Schedule 2 – Deemed Provisions, Part 2, cl 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* resolve to:**
 - a) Adopt the amended Local Planning Policy ‘Heritage Conservation and Development’ presented in Attachment 9.3.1 (1) for public comment and advertise the policy for a period of 21 days:**
 - b) Should no written, author identified objections be received during the 21 day advertising period, then adopt for final approval the Local Planning Policy and proceed to publish a notice to this effect in the local newspaper, and**
 - c) Should there be any written, author identified objections received during the advertising period, require staff to present to Council a further report.**

CARRIED: 7/0

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

Against: Nil.

ATTACHMENTS

1. Draft Local Planning Policy *Heritage Conservation and Development*.
2. Updated Heritage List for *Heritage Conservation and Development* Local Planning Policy.

APPENDICES

Nil

ITEM 9.3.2: Proposed Renewable Energy Facility (Virtual Power Plant – Kalbarri District High School)

PROPONENT:	Synergy (Electrical Generation and Retail Corporation)
OWNER:	State of Western Australia/Department of Education
LOCATION / ADDRESS:	Lot 3002 (on Deposited Plan 47967) No. 48 Hackney Street, Kalbarri/Reserve 26326
WARD:	Kalbarri
ZONE:	Residential
DIRECTORATE:	Planning Services
FILE REFERENCE:	10.6.1/18.1.3/ (A4824)
LEGISLATION:	<i>Planning and Development Act 2005 Local Government Act 1995</i>
AUTHOR:	Michelle Allen
DATE OF REPORT:	7 August 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Council is in receipt of an application to install virtual power plant infrastructure on a portion of Reserve 26326 located on Hackney Street, Kalbarri (as shown in **Figures 1 and 2**).

Consultation in relation to the proposal was undertaken with one submission received objecting to the proposed application raising a number of points. One point of objection raised is a valid planning objection and relates to potential noise emissions from the power plant.

Figure 1. Locality plan of Reserve 26326 - Lot 3002 (No. 48) Hackney Street, Kalbarri

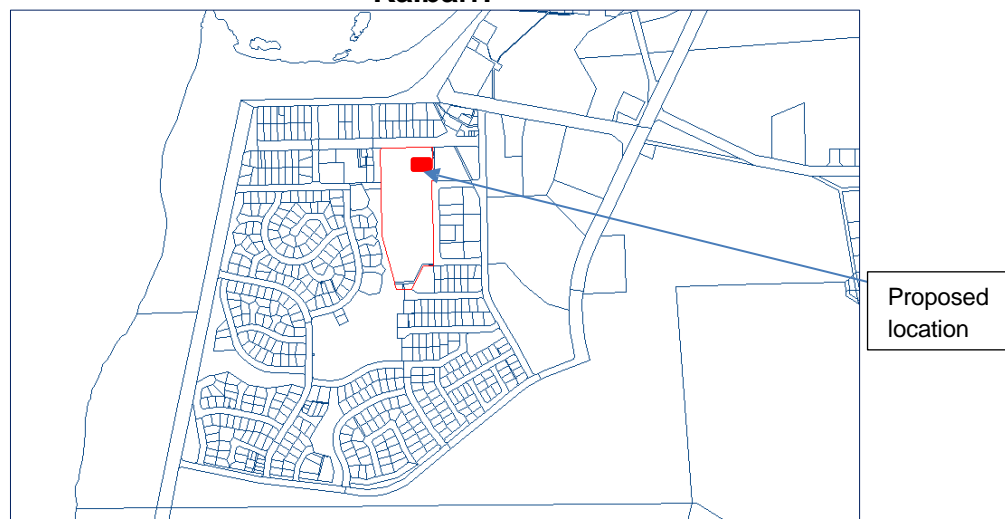


Figure 2. Site plan of location of Virtual Power Plant at Kalbarri District High School



Reserve 26326 is more particularly identified as Lot 3002 (on Deposited Plan 476967) Hackney Street, Kalbarri and is zoned Public Purposes for the designated purpose of Education, with objectives as follows:

- *To provide for a range of essential physical and community infrastructure.*

In July 2020 the Premier announced the State Government's WA Recovery Plan to assist the State to bounce back from the impacts of Covid-19. One of the key initiatives of the plan included the commitment to transform up to ten schools into Virtual Power Plants (VPP) known as the 'VPP for Schools' pilot.

Synergy is implementing Stage 2 of the VPP for Schools project which aims to install a 'behind the meter' battery energy storage system (BESS) and solar power generation at seven regional schools within Western Australia.

One of these schools is Kalbarri District High School which is the subject of the application. Installation of the battery energy storage system includes preparing the site foundations, installing the batteries and compound, establishing connections to the school's switchboard and constructing supporting infrastructure. Copy of the full application detail is available upon request

A development application has been submitted to satisfy approval requirements under the *Local Planning Scheme No. 11 – Kalbarri* (the Scheme) and ultimately the *Planning and Development Act 2005*. As the proposed location for the infrastructure is upon reserved land, the Scheme states that a person shall not use or commence or carry out development on reserved land without first having obtained the planning approval of Council.

Therefore, Council is requested to consider the application in relation to the installation of virtual power plant infrastructure at the Kalbarri District High School.

PUBLIC CONSULTATION UNDERTAKEN:

In accordance with Section 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and in consideration of the Shire of Northampton's *Local Planning Policy – Consultation for Planning Proposals*, a Level C 'Consultation with Owners and Occupiers of Nearly Land' was undertaken.

The application was advertised for a 14-day period to adjacent landowners and with one submission received objecting to the application.

COMMENT:

The location is Reserve 26326 zoned Public Purposes for the purpose of Education under the management and control of the Department of Education. The site contains the Kalbarri District High School.

The installation of virtual power plant infrastructure at Kalbarri District High School is proposed as part of the Western Australian's Government's Energy Transformation Strategy, a program to ensure delivery of secure, reliable, sustainable and affordable electricity to Western Australians for years to come.

Consultation in relation to the proposal was undertaken with one submission received objecting to the proposed application. One point of objection raised within the submission is a valid planning objection and relates to potential noise emissions from the power plant.

To guide Council on the determination of this application in consideration of the submission raised in relation to potential noise impacts, summary of the findings of the Noise Impact Assessment undertaken is presented as Attachment 9.3.2 (2).

ATTACHMENT 9.3.2 (1)

Conclusion

Based on the noise impact assessment, Shire Officers recommend that Council approve the application to install virtual power plant infrastructure on a portion of Reserve 26326 Hackney Street, Kalbarri, more particularly located on the site of the Kalbarri District High School.

STATUTORY ENVIRONMENT:

State: Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

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

APPENDIX: 9.3.2 (1)

POLICY / STRATEGIC IMPLICATIONS:

Local: Shire of Northampton Kalbarri Townsite Strategy

Applications for Development Approval must be assessed against requirements of the Scheme and relevant Local Planning Policies and Townsite Strategies.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

An application fee of \$1280.00 has been in respect of the current application.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That application for development approval for the installation of Virtual Power Plant Infrastructure upon a portion of Reserve 26326, Lot 3002 (on Deposited Plan 47967) Hackney Street, Kalbarri, is granted approval subject to the following conditions:

1. This approval is for the installation of Virtual Power Plant infrastructure in accordance with the attached approved plans dated 20 October 2023 and subject to any modifications required as a consequence of this approval. The endorsed plan(s) shall not be modified or altered without prior written approval of the local government;
2. If the development/use the subject of this approval is not substantially completed within a period of 2 years after the date of the determination the approval shall lapse and be of no further effect;
3. Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and planning approval for that use/addition;
4. Where applicable, a building permit shall be issued by the local government prior to the commencement of any work on the site;
5. Any soils disturbed or deposited on the site shall be stabilised to the approval of the local government; and
6. The applicant/proponent shall ensure any works undertaken at the site in the process of construction, establishment or installation of the development/land use, shall not damage any existing infrastructure and be subject to a defect liability period of 12 months from the date of

practical completion of works. Should works associated with the development/land use result in such damage, the existing infrastructure shall be reinstated to the satisfaction of the local government at the cost of the applicant/proponent.

Advice Notes

- 1. If the development/use the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.**
- 2. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.**
- 3. The Applicant is advised that compliance with any and all governmental legislation and regulations, is required at all times.**
- 4. Prior to commencement of works, the applicant is advised to investigate whether or not approval is required pursuant to the relevant *Aboriginal Heritage Act*. The applicant should conduct a search to determine if any aboriginal sites have been recorded in the vicinity of their application, and this heritage information should be submitted to the Department of Plannings, lands and Heritage with a request for advice.**
- 5. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of determination.**

COUNCIL RESOLUTION

MOVED: Cr R Burges, SECOND: Cr R Suckling

10/23-19

That application for development approval for the installation of Virtual Power Plant Infrastructure upon a portion of Reserve 26326, Lot 3002 (on Deposited Plan 47967) Hackney Street, Kalbarri, is granted approval subject to the following conditions:

- 1. This approval is for the installation of Virtual Power Plant infrastructure in accordance with the attached approved plans dated 20 October 2023 and subject to any modifications required as a consequence of this approval. The endorsed plan(s) shall not be modified or altered without prior written approval of the local government;**
- 2. If the development/use the subject of this approval is not substantially completed within a period of 2 years after the date of the determination the approval shall lapse and be of no further effect;**
- 3. Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and planning approval for that use/addition;**
- 4. Where applicable, a building permit shall be issued by the local government prior to the commencement of any work on the site;**
- 5. Any soils disturbed or deposited on the site shall be stabilised to the approval of the local government; and**
- 6. The applicant/proponent shall ensure any works undertaken at the site in the process of construction, establishment or installation of the development/land use, shall not damage any existing infrastructure and be subject to a defect liability period of 12 months from the date of practical completion of works. Should works associated with the development/land use result in such damage, the existing infrastructure shall be reinstated to the satisfaction of the local government at the cost of the applicant/proponent.**

Advice Notes

- 1. If the development/use the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.**
- 2. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.**

3. The Applicant is advised that compliance with any and all governmental legislation and regulations, is required at all times.
4. Prior to commencement of works, the applicant is advised to investigate whether or not approval is required pursuant to the relevant *Aboriginal Heritage Act*. The applicant should conduct a search to determine if any aboriginal sites have been recorded in the vicinity of their application, and this heritage information should be submitted to the Department of Plannings, lands and Heritage with a request for advice.
5. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of determination.

CARRIED: 7/0

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

Against: Nil.

ATTACHMENT

1. Findings of Noise Impact Assessment

APPENDIX

2. Shire of Northampton Local Planning Scheme No. 11

ITEM: 9.3.3 Delegated Planning Decisions for September 2023

PROPONENT:	Shire of Northampton
OWNER:	Various
LOCATION / ADDRESS:	Various
WARD:	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
DATE OF REPORT:	2 October 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 9.3.3 (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 September 2023, 3 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 July 2023 compared to July 2022:

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

	September 2022	September 2023
Delegated Decisions	5 - \$879,125 **3	3 - \$385,000 **1
Council Decisions	1 - **1	2 - \$1,000 **1
Total	6 - \$879,125	5 - \$386,000

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	60 - \$7,670,837	48 - \$5,531,824 ** 17
Council Decisions	17 - \$355,000	14 - \$2,524,125 **6
Total	77 - \$8,025,837	62 - \$8,409,949

** 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 September 2023 as detailed in Attachment 9.3.3(1).

COUNCIL RESOLUTION

MOVED: Cr L Sudlow , SECONDED: Cr R Horstman

10/23-20

That Council receives the report on Delegated Development Approvals for September 2023 as detailed in Attachment 9.3.3(1).

CARRIED: 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.

ATTACHMENTS

- 1. Delegated Planning Decisions September 2023.**

ITEM 9.4.1: Building Approvals Report September 2023

PROPONENT:	Shire of Northampton
OWNER:	N/A
LOCATION / ADDRESS:	Whole of Shire
WARD:	Northampton and Kalbarri
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:	10 th September 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 September 2023 to 30 September 2023.

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

ATTACHMENT 9.4.1(1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

During September 2023 fourteen (14) 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 September 2023 in accordance with ATTACHMENT 9.4.1(1).

COUNCIL RESOLUTION

MOVED: Cr T Hay, SECONDED: Cr T Gibb

10/23-21

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

CARRIED: 7/0

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

Against: Nil.

ATTACHMENTS

- 1. Building Approvals Report September 2023.**

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
WARD:	Northampton and Kalbarri
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:	20 October 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 Yallabartharra, Rob, Ivans, Little Bay, Bowes River, Balline, Hose, Swamps, Suckling and private works on Lucky Bay Access Road/s.
- Gravel Patching/Sheeting/Verge works carried out on Yallabartharra, Swamps and Wundi Road/s.

Maintenance Items

- General – Various signage and road furniture works.
- General – Potholes and edges various locations.
- General – Various chemical spraying to road verges and park area/s.
- Northampton – Showground cleanup works.
- Northampton – Townsite street sweep prior to agricultural show and school holidays.
- Northampton – Minor cleanup following storm event.
- Kalbarri – Townsite street sweep prior to school holidays.
- Kalbarri – Significant paint spill cleanup works undertaken (Grey/Woods).
- Kalbarri – Malaluca pathway replacement works undertaken.
- Horrocks Road – Install and replacement of guideposts.
- Port Gregory Road – Graffiti removal.
- Warribanno Chimney Road – Repairs to culvert site.

Other Items (Budget)

- Northampton – Gwalla Street / Second Avenue works sealed with concrete kerb installed. Backfilling and site tidy up works progressing.
- Parker Road/Wundi Road – Road furniture installation to be carried out. Insitu culvert headwall installation undertaken.
- Kalbarri widening – Finalisation 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.

Plant Items

- Backhoe – New Backhoe arrived. Incorrect specification machine supplied by Westrac. New machine ordered. Replacement approximately 10 months. (At no additional cost to shire.)

Staff Items

- Basic and Traffic Controller course x 9 employees undertaken.
- Vacant positions advertised x 3. (Grader/Truck/Gardener.). Positions/Applications being assessed.
- Retirement of Kalbarri Leading Hand, Mr. Michael Sparling received.
- Resignation of Port Gregory Permanent Part Time Water Custodian Mr. Kevin Moss received,

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

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
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 October 2023.

COUNCIL RESOLUTION

MOVED: Cr D Pike, SECONDED: Cr T Gibb

10/23-22

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

CARRIED: 7/0

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

Against: Nil.

ATTACHMENTS

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

APPENDICES

- 1. Nil.**

11. QUESTIONS FROM MEMBERS:

- 11.1 Response to questions from members taken on notice: Nil
- 11.2 Questions from members: Nil

12. MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING:
Nil.

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

14. APPLICATIONS FOR LEAVE OF ABSENCE:

Cr T Gibb requested a Leave of Absence for the Special Council Meeting held on the 23rd October 2023 and also the Ordinary Council Meeting held on the 15th December 2023.

Moved: Cr D Pike, Seconded: Cr R Horstman

10/23-23

That Council grant Cr T Gibb a leave of absence for the Special Council Meeting held on the 23rd October 2023 and also the Ordinary Council Meeting held on the 15th December 2023.

CARRIED: 7/0

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

Against: Nil.

15. CLOSURE:

There being no further business to discuss the Shire President thanked those in attendance and closed the meeting at 1.55PM.

SIGNED:.....DATE:

**Liz Sudlow
Shire President**