



ORDINARY COUNCIL MEETING

MINUTES

**Ordinary Meeting of Council was held
in the Council Chambers, Welcome Road, Karratha,
on Monday, 29 July 2024 at 6pm**



**Simon Kot
A/CHIEF EXECUTIVE OFFICER**



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Signed: _____


Simon Kot - A/Chief Executive Officer

DECLARATION OF INTERESTS (NOTES FOR YOUR GUIDANCE) (updated 13 March 2000)

A member who has a **Financial Interest** in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest:

- (a) In a written notice given to the Chief Executive Officer before the Meeting or;
- (b) At the Meeting, immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

- (c) Preside at the part of the Meeting, relating to the matter or;
- (d) Participate in, or be present during any discussion or decision-making procedure relative to the matter, unless to the extent that the disclosing member is allowed to do so under Section 5.68 or Section 5.69 of the *Local Government Act 1995*.

NOTES ON FINANCIAL INTEREST (FOR YOUR GUIDANCE)

The following notes are a basic guide for Councillors when they are considering whether they have a **Financial Interest** in a matter. I intend to include these notes in each agenda for the time being so that Councillors may refresh their memory.

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measure in money terms. There are exceptions in the *Local Government Act 1995* but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:
 - 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the *Local Government Act*; or
 - 6.2 Where the Minister allows the Councillor to participate under s5.69 (3) of the *Local Government Act*, with or without conditions.

INTERESTS AFFECTING IMPARTIALITY

DEFINITION: *An interest that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected, but does not include an interest as referred to in Section 5.60 of the 'Act'.*

A member who has an **Interest Affecting Impartiality** in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest;

- (a) in a written notice given to the Chief Executive Officer before the Meeting; or
- (b) at the Meeting, immediately before the matter is discussed.

IMPACT OF AN IMPARTIALITY CLOSURE

There are very different outcomes resulting from disclosing an interest affecting impartiality compared to that of a financial interest. With the declaration of a financial interest, an elected member leaves the room and does not vote.

With the declaration of this new type of interest, the elected member stays in the room, participates in the debate and votes. In effect then, following disclosure of an interest affecting impartiality, the member's involvement in the Meeting continues as if no interest existed.

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AGENDA

1 OFFICIAL OPENING

The Ordinary Meeting of Council held in the Council Chambers, Welcome Road, Karratha on 29 July 2024 was declared open at 6.00pm. Mayor Scott acknowledged the traditions of the Ngarluma people, on whose land we are gathered here today.

2 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE PREVIOUSLY APPROVED

Councillors: Cr Daniel Scott [Mayor]
 Cr Daiva Gillam [Deputy Mayor] (via Teams)
 Cr Gillian Furlong
 Cr Brenton Johannsen
 Cr Travis McNaught
 Cr Kelly Nunn
 Cr Sarah Roots
 Cr Tony Simpson
 Cr Joanne Waterstrom Muller

Staff:

Simon Kot	A/Chief Executive Officer
Emma Landers	Director Community Experience
Alistair Pinto	Director Corporate & Commercial
Lee Reddell	Director Development Services (via Teams)
Michael Bunting	A/Director Strategic Projects & Infrastructure
Miranda Geal	A/Manager Governance & Organisational Strategy
Kate Jones	Minute Secretary

Apologies: 0

Absent: 0

Leave of Absence: 0

Members of Public: 5

Members of Media: 0

3 PUBLIC QUESTION TIME

There were no public questions.

4 PETITIONS/DEPUTATIONS/PRESENTATIONS

There were no public petitions/deputations/presentations.

5 REQUESTS FOR LEAVE OF ABSENCE

Cr Simpson requested Leave of Absence for the 19 August 2024 and 16 September 2024 Ordinary Council meetings.

COUNCIL RESOLUTION

That Council approve leave of absence for Cr Simpson for the 19 August 2024 and 16 September 2024 Ordinary Council meetings.

Res No : **OCM240729-01**
MOVED : **Cr Johannsen**
SECONDED : **Cr Roots**

CARRIED 9/0

FOR : Cr Scott, Cr Gillam, Cr Furlong, Cr Johannsen, Cr McNaught, Cr Nunn, Cr Roots, Cr Simpson, Cr Waterstrom Muller
AGAINST : Nil

6 DECLARATIONS OF INTEREST

Cr Nunn declared an interest in the following item:

- Impartiality interest in Item 10.2 Roebourne Licensed Post Office as Cr Nunn is employed by Volunteering WA and Nyarliyarndu Bindirri Aboriginal Corporation is a regional affiliate member of Volunteering WA.

Cr Waterstrom Muller declared an interest in the following item:

- Impartiality interest in Item 10.2 Roebourne Licensed Post Office as Cr Waterstrom Muller is an ex-employee of Nyarliyarndu Bindirri Aboriginal Corporation.

7 CONFIRMATION OF MINUTES AND BUSINESS ARISING FROM MINUTES OF PREVIOUS MEETINGS

COUNCIL RESOLUTION

That the Minutes of the Ordinary Meeting of Council held on 28 June 2024, be confirmed as a true and correct record of proceedings.

Res No : **OCM240729-02**

MOVED : **Cr Furlong**

SECONDED : **Cr McNaught**

CARRIED 9/0

FOR : Cr Scott, Cr Gillam, Cr Furlong, Cr Johannsen, Cr McNaught, Cr Nunn, Cr Roots, Cr Simpson, Cr Waterstrom Muller
AGAINST : Nil

8 ANNOUNCEMENTS BY PERSON PRESIDING WITHOUT DISCUSSION

There were no announcements.

9 CORPORATE & COMMERCIAL REPORTS

9.1 STATEMENTS FOR PERIOD ENDED 31 MAY 2024

File No:	FM.19
Responsible Executive Officer:	Director Corporate & Commercial
Reporting Author:	Corporate Accountant
Date of Report:	19 June 2024
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none"> 1. Statement of Financial Activity 2. Variance Commentary – Statement of Financial Activity by Nature 3. Statement of Financial Position 4. Net Current Funding Position

PURPOSE

To provide a summary of Council’s financial position for the period ending 31 May 2024.

OFFICER’S RECOMMENDATION / COUNCIL RESOLUTION

That Council **RECEIVE** the Financial Statements for the financial period ending 31 May 2024 as shown in Attachments 1 to 4.

Res No : **OCM240729-03**
MOVED : **Cr Waterstrom Muller**
SECONDED : **Cr Simpson**

CARRIED 9/0

FOR : Cr Scott, Cr Gillam, Cr Furlong, Cr Johannsen, Cr McNaught, Cr Nunn, Cr Roots,
 Cr Simpson, Cr Waterstrom Muller
AGAINST : Nil

BACKGROUND

Regulation 34(1) of the *Local Government (Financial Management) Regulations 1996* requires the City to prepare a monthly statement of financial activity including the sources and application of funds, as compared to the budget.

DISCUSSION

The attached Monthly Financial Report for May 2024 has been prepared in accordance with the Local Government Act and the associated Financial Management Regulations.

The following table is a summary of the Financial Activity Statement compared to the Budget as of 31 May 2024:

2023/24	Original Budget	Amended Budget	Year to Date Budget	Year To Date Actual	YTD Variance*	Variance %	Surplus Impact
Operating Activities							
Revenue (incl. Rates)	131,228,517	135,168,007	126,770,480	130,715,534	3,6945,054	3.1%	↑
Expenditure	(114,822,455)	(115,820,127)	(105,522,134)	(104,361,969)	1,160,165	-1.1%	↑
Investing Activities							
Inflows	7,903,088	4,157,713	3,645,173	2,233,707	(1,411,466)	-38.7%	↓
Outflows	(41,258,084)	(26,830,154)	(23,031,244)	(15,116,798)	7,914,446	34.4%	↑
Financing Activities							
Inflows	6,969,982	7,566,631	0	0	0	0.0%	
Outflows	(26,254,084)	(37,480,762)	(7,739,210)	(3,557,814)	4,181,396	-54.0%	↑
Non-Cash Items	31,470,521	28,477,738	26,894,603	26,211,891	(682,712)	-	↓
Restricted PUPP Surplus BFWD 1 July	62,129	62,129	62,129	62,129	0	0.00%	
Unrestricted Surplus BFWD 1 July	4,739,380	4,739,380	4,739,380	4,739,380	0	0.00%	
Restricted PUPP Surplus CFWD	(31,064)	(31,064)	(31,064)	(31,064)	0	0.00%	
Surplus/(Deficit) 23/24	7,929	9,490	25,788,113	40,894,996	15,106,883	58.58%	↑

*Refer to variance commentary attachment for material differences.

The restricted balance referred to in the preceding table and throughout this report comprises Pilbara Underground Power (PUPP) Service Charges levied in 2014/15, which are subject to the 10-year instalment option offered by Council.

In accordance with the materiality threshold adopted by Council for the reporting of variances in Operating Revenue and Expenses, the comments provided in the Attachment - Variance Commentary Statement of Financial Activity by Nature offer an explanation of material variances which contribute significantly to the total YTD budget variance shown in the above table.

FINANCIAL MANAGEMENT UPDATE
Local Government Financial Ratios

The following table shows the YTD actual financial ratios meet the target ratios, except for the Asset Sustainability Ratio which is lower than target due to delays in capital renewal projects.

Period Ended 31 May 2024	Target Ratio	YTD Budget Ratio	Original Annual Budget Ratio	YTD Actual Ratio
Current Ratio	> 1	N/A	N/A	28.21
The Current Ratio identifies a local government's liquidity: how well it can meet its financial obligations as and when they fall due. A ratio greater than 1 indicates the local government is able to cover its immediate cash commitments				
Asset Sustainability Ratio (ASR)	> 0.90	0.56	0.80	0.43
The ASR measures how effectively a local governments assets are being replaced or renewed. The City's ASR is low due to the delays in capital renewal projects. Upgrades, expansions, and new works are not considered for the ASR				
Operating Surplus Ratio (OSR)	> 15%	38.5%	15.1%	22.5%
The OSR measures how well a local government can cover its operational costs with funds left over for capital projects and other purposes. The City's ratio is lower than budgeted expectation due to delays in capital projects, less reliance on capital grant funding, and decreased fees & charges and interest income				
Own Source Revenue Coverage Ratio (OSRC)	> 0.90	1.34	0.97	1.11
The OSRC ratio outlines a local government's ability to cover its costs through its own revenue sources, such as rates, fees and charges and interest revenue. A ratio greater than 0.90 indicates the local government is operating in an 'advanced' capacity, however it should be noted that each local government has different revenue raising capacities				
Debt Service Cover Ratio (DSCR)	> 2	36.7	40.4	38.8
The DSCR measures a local government's ability to repay its debt using cash. As the City has minimal debt, it exceeds the basic standard of greater than 2.0				

Statement of Financial Position

	May-24	Apr-24	% Change	Comments
Current				
Assets	131,731,533	136,868,083	-3.75%	Decrease in Unrestricted Cash, Cash Equivalents and Trade Receivables.
Liabilities	7,127,641	6,167,915	15.56%	Increase in Trade and Other Payables.
Non-Current				
Assets	753,892,024	752,387,702	0.20%	Increase in Infrastructure and Property Plant & Equipment.
Liabilities	7,506,039	7,514,351	-0.11%	Decrease in Long Term Borrowings; Self Supporting loans.
Net Assets	870,989,877	875,573,518		

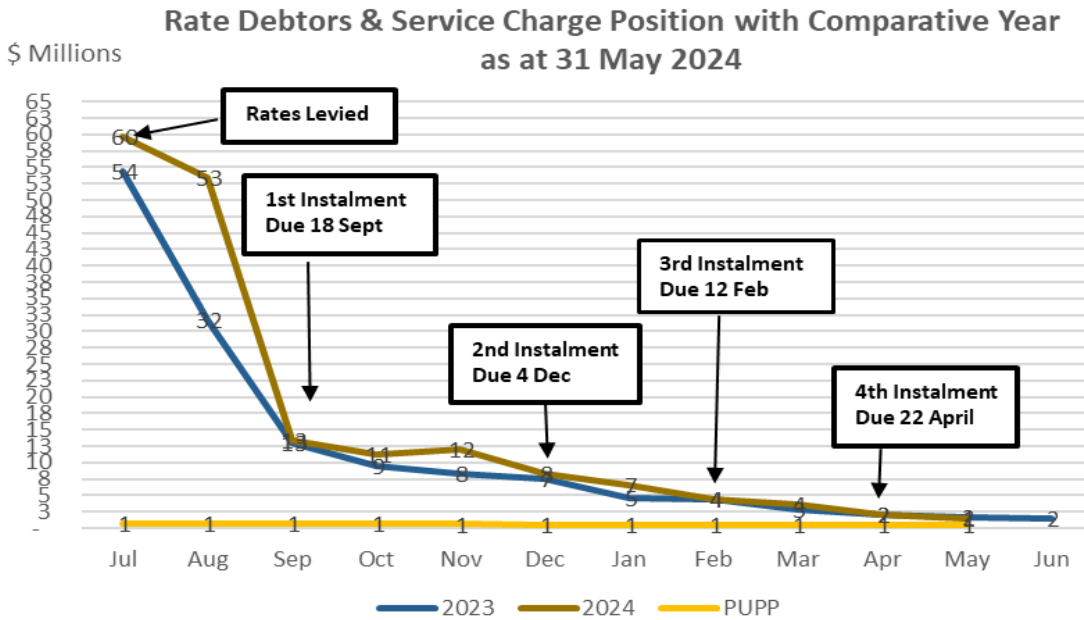
Debtors Schedule

The following table shows Trade Debtors that have been outstanding over 40, 60 and 90 days as at the end of May 2024. The table also includes the total Rates and PUPP Service Charges outstanding.

When the following table is compared to Attachment 3, there is a balance sheet difference of \$4.6m, reflecting the loans receivable, accrued revenue and GST receivable.

	May	April	Change %	% of Current Total
Sundry Debtors				
Current	5,273,144	5,135,920	3%	92.3%
> 40 Days	123,649	178,110	-31%	2.2%
> 60 Days	65,546	198,083	-67%	1.1%
> 90 Days	251,803	307,706	-18%	4.4%
Total	5,714,143	5,819,818	- 2%	100%
Rates Debtors				
Total	1,428,999	2,018,845	-29%	100%
PUPP Debtors				
Total	519,658	518,503	0.2%	100%

A total of \$61.3 mil of Rates (including ESL and waste charges) has been paid to end of May 2024, representing a collection rate of 97.7% to date (comparative to 96.5% on 31 May 2023).



There was no material change in March in the PUPP Debtors balance. PUPP payments have now been received on 99.78% of properties and of those paid, 99.42% have paid in full, with 0.36% paying by instalments.

Collection of outstanding debts greater than 40 days is continuing in line with Council policy. The following table highlights outstanding balances for each ageing period for Trade Debtor balances in excess of \$5,000.

Debtor Code	Name	40 Days	60 Days	Over 90 Days	Commentary
S500	Julian Sebastian Ackad	-	5,745.70	-	Reimbursement of Unsightly Property Clean Up Fees from Direction Issued by Rangers. Final Notice Issued 21.06.24
K373	Guadalupe Del Carmen Kocsis	-	17.81	5,487.25	Reimbursement of Unsightly Property Clean Up Fees from Direction Issued by Rangers. Reminder email sent 21.06.24

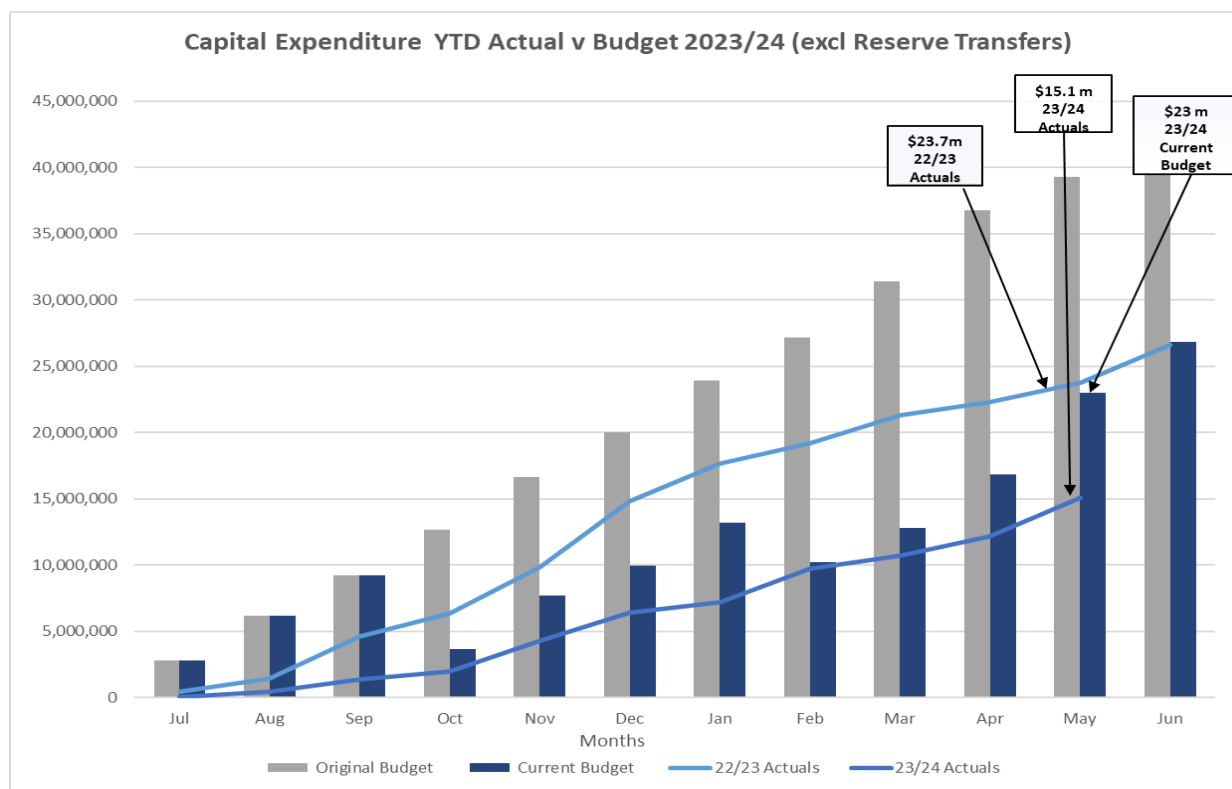
Capital Expenditure

Council’s current 2023/24 Capital Expenditure budget is \$26.8m which includes significant projects such as: Hillview/Balmoral Upgrade, Hancock Way – Six House Construction, Kevin Richards Memorial Oval Lighting and Pole Upgrade, and Roebourne Streetscape Master Plan.

The City spent \$15.1 million on its capital program to the end of May, representing an underspend of \$7.8 million (34.3%) against YTD budget (down from 27.6% in April 24).

The following table shows the capital budget performance by asset class:

CAPITAL EXPENDITURE						
	YTD			ANNUAL		
Asset Class	YTD Budget	YTD Actual	Variance %	Annual Original Budget	Annual Amend Budget	% of Annual Budget
	31-May-24			30-Jun-24		
Land	1,785,000	29,462	-98.3%	20,000	1,820,000	1.6%
Artwork	0	0	0.0%	0	0	0.0%
Buildings	6,657,064	6,085,751	-8.6%	8,499,135	7,504,614	81.1%
Equipment	303,783	247,338	-18.6%	767,500	487,783	50.7%
Furn & Equip	1,223,361	576,878	-52.8%	1,467,000	1,407,961	41.0%
Plant	2,271,227	2,046,382	-9.9%	1,964,000	2,481,727	82.5%
Inv Property	338,000	0	-100.0%	0	347,000	0.0%
Infrastructure	10,428,307	6,129,839	-41.2%	28,515,947	12,756,567	48.1%
Totals	23,006,742	15,115,649	-34.3%	41,233,582	26,805,652	56.4%



Financial Statements

The financial statements for the reporting period are provided as an attachment in the form of:

- Statement of Financial Activity by Nature.
- Variance Commentary - Statement of Financial Activity by Nature.
- Net Current Funding Position.
- Statement of Financial Position.

LEVEL OF SIGNIFICANCE

In accordance with Council policy CG-8 Significant Decision Making, this matter is considered to be of high significance in terms of Council's ability to perform its role.

Financial integrity is essential to the operational viability of the City but also as the custodian of community assets and service provision. An ability to monitor and report on financial operations, activities and capital projects is imperative to ensure that financial risk is managed at acceptable levels of comfort.

The ability for the City to remain financially sustainable is a significant strategy for a region that is continually under pressure from the resources industry, private enterprise and State Government obligations for the ongoing development of infrastructure and services.

STATUTORY IMPLICATIONS

In accordance with the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996*, a Statement of Financial Activity is required to be presented to Council as a minimum requirement. Section 6.4 of the *Local Government Act 1995* provides for the preparation of financial reports.

In accordance with Regulation 34(5) of the *Local Government (Financial Management) Regulations 1996*, a report must be compiled on variances greater than the materiality threshold adopted by Council of \$50,000 or 10% whichever is greater. As this report is composed at a nature level, variance commentary considers the most significant items that comprise the variance.

COUNCILLOR/OFFICER CONSULTATION

Executives and Management have been involved in monthly reviews of their operational and departmental budgets and notifying the Financial Services team of trends and variances arising from their operational areas.

COMMUNITY CONSULTATION

No community consultation is required.

POLICY IMPLICATIONS

The Council's financial reporting is prepared in accordance with Accounting Policy CF12. This is reviewed periodically to ensure compliance with legislative and statutory obligations.

FINANCIAL IMPLICATIONS

The financial implications of this report are noted in the detail sections of the report. The Administration is satisfied that appropriate and responsible measures are in place to protect the City's financial assets.

STRATEGIC IMPLICATIONS

This item is relevant to the Council's approved Strategic Community Plan 2020-2030 and the Corporate Business Plan 2020-2025. In particular, the Operational Plan 2023-2024 provided for this activity:

- Our Programs/Services: 4. c.1.1 Management Accounting Services
- Our Projects/Actions: 4. c.1.1.19.1 Conduct monthly and annual financial reviews and reporting.

RISK MANAGEMENT CONSIDERATIONS

The level of risk to the City is considered to be as follows:

Category	Risk level	Comments
Health	N/A	Nil
Financial	Low	Completion of the Monthly Financial Activity Statement report is a control that monitors this risk. Strong internal controls, policies and monitoring ensure risks are assessed regularly and managed appropriately. Expenditure and revenue streams are monitored against approved budgets by management and the financial team with material variances being reported.
Service Interruption	N/A	Nil
Environment	N/A	Nil
Reputation	N/A	Nil
Compliance	Low	Financial reports are prepared in accordance with the Local Government Act, Regulations and Accounting Standards.

IMPACT ON CAPACITY

There is no impact on capacity or resourcing to carry out the Officer’s recommendation.

RELEVANT PRECEDENTS

This is a monthly process advising Council of the current financial position of the City.

VOTING REQUIREMENTS

Simple Majority.

OPTIONS:

Option 1

As per the Officer’s recommendation.

Option 2

That Council RECEIVE the Financial Reports for the financial period ending 31 May 2024 and APPROVE the following actions:

- a) _____
- b) _____

Option 3

That Council NOT RECEIVE the Financial Report for the financial period ending 31 May 2024.

CONCLUSION

Council is obliged to receive the monthly financial reports as per statutory requirements. Details in regard to the variances and the commentary provided are to be noted as part of the report.

COUNCILLOR QUESTION:

Relating to Investing Activities, Purchase of Assets - Artwork, I notice the balance is \$0.00, is there room for investment in art?

CITY RESPONSE:

There is currently no allocated capital expenditure budget for Artwork. However, Council can make a decision to put some money aside in a reserve for public art. It is worth noting that the \$0.00 balance in the Public Art Reserve does not prevent purchase of an item of artwork.

9.2 LIST OF ACCOUNTS – 1 MAY 2024 TO 31 MAY 2024

File No: FM.19
Responsible Executive Officer: Director Corporate & Commercial
Reporting Author: Senior Creditors Officer
Date of Report: 3 July 2024
Applicant/Proponent: Nil
Disclosure of Interest: Nil
Attachment(s): 1. List of Payments - May 2024
 2. Purchase Cards Report - May 2024
 3. Fuel Cards Report - April 2024

PURPOSE

To advise Council of payments made for the period from 1 May 2024 to 31 May 2024.

OFFICER’S RECOMMENDATION / COUNCIL RESOLUTION

That Council **ACCEPT** payments totalling \$12,178,500.23 as detailed in Attachments 1, 2 and 3 being made up of:

1. Trust Payments: nil;
2. BPay Payments 499 to 533 and EFT Payments 81979 to 82778 (Inclusive): \$9,104,144.29;
3. Cheque Voucher: 78741 to 78743: \$300.00;
4. Cancelled Payments: nil;
5. Direct Debits: nil;
6. Credit Card Payments (May 2024): \$40,733.87;
7. Payroll Payments: \$3,033,322.07

Res No : OCM240729-04
MOVED : Cr McNaught
SECONDED : Cr Waterstrom Muller

CARRIED 9/0

FOR : Cr Scott, Cr Gillam, Cr Furlong, Cr Johannsen, Cr McNaught, Cr Nunn, Cr Roots, Cr Simpson, Cr Waterstrom Muller
AGAINST : Nil

BACKGROUND

Council has delegated authority to the Chief Executive Officer (Delegation 1.6) the power to make payments from the City’s Municipal and Trust funds.

In accordance with *Regulations 12 and 13 of the Local Government (Financial Management) Regulations 1996* a list of accounts paid by the Chief Executive Officer is to be provided to Council, where such delegation is made.

The list of accounts paid must be recorded in the minutes of the Council Meeting.

DISCUSSION

Payments for the period 1 May 2024 to 31 May 2024 (including credit card transactions – May 2024) totalled \$12,178,500.23 which included a sample of large payments as follows:

- BCP Contractors – Hillview/Balmoral Road Reconstruction Claim #1 - \$622,248
- Corps Earthmoving – Delambre Drive, Footpath Works - \$415,682
- Forpark Australia – Smith/Delambre Park Revitalisation Works - \$251,920
- Komatsu Australia – Plant Purchase, Loader - \$362,684
- Profix Australia – KLP Shades, Deposit - \$254,748

Consistent with CG-11 Regional Price Preference Policy, 54% of the total value of external payments reported for the period were made locally. This result is slightly higher than the prior month. In May 2024, 69% of the total number of invoices paid were for local suppliers, higher than the prior period.

LEVEL OF SIGNIFICANCE

In accordance with Council Policy CG-8 Significant Decision-Making Policy, this matter is of high significance in terms of Council’s ability to perform its role.

COUNCILLOR/OFFICER CONSULTATION

Officers have been involved in the approvals of any requisitions, purchase orders, invoicing and reconciliation matters.

COMMUNITY CONSULTATION

No community consultation is required.

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

Staff are required to ensure that they comply under Council Policy CG12 – Purchasing Policy and CG11 - Regional Price Preference Policy (where applicable) and that budget provision is available for any expenditure commitments.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

This item is relevant to the Council’s approved Strategic Community Plan 2020-2030 and the Corporate Business Plan 2020-2025. In particular, the Operational Plan 2023-2024 provided for this activity:

Our Program: 4.c.1.4 Accounts Receivable and Accounts Payable

RISK MANAGEMENT CONSIDERATIONS

The level of risk to the City is considered to be as follows:

Category	Risk level	Comments
Health	N/A	Nil

Financial	Low	Failure to make payments within terms may render Council liable to interest and penalties
Service Interruption	Moderate	Failure to pay suppliers may lead to delays in the future provision of goods and services from those suppliers
Environment	N/A	Nil
Reputation	Moderate	Failure to pay for goods and services in a prompt and professional manner, in particular to local suppliers, may cause dissatisfaction amongst the community
Compliance	N/A	Nil

IMPACT ON CAPACITY

There is no impact on capacity or resourcing to carry out the Officer’s recommendation.

RELEVANT PRECEDENTS

There are no relevant precedents related to this matter.

VOTING REQUIREMENTS

Simple Majority

OPTIONS:

Option 1

As per Officer’s recommendation.

CONCLUSION

Payments for the period 1 May 2024 to 31 May 2024 and credit card payments for the period 30 April 2024 to 29 May 2024 totalled \$12,178,500.23. Payments have been approved by authorised officers in accordance with agreed delegations, policies and budget.

COUNCILLOR QUESTION:

Regarding payment 082023, The Quarter HQ L2 Kitchen Mar 24 for \$10,318, what is that payment for?

CITY RESPONSE:

The invoice is for daily cleaning of the Quarter Level 2 kitchen, reception and meeting rooms. Cleaning is undertaken Monday to Friday evenings by two cleaners.

9.3 INVESTMENTS FOR PERIOD ENDED 31 MAY 2024

File No:	FM.19
Responsible Executive Officer:	Director Corporate & Commercial
Reporting Author:	Corporate Accountant
Date of Report:	21 June 2024
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	Nil

PURPOSE

To provide a summary of Council's investment position for the period ending 31 May 2024.

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION

That Council RECEIVE the Investment Report for the financial period ending 31 May 2024.

Res No : **OCM240729-05**
MOVED : **Cr Simpson**
SECONDED : **Cr Furlong**

CARRIED 9/0

FOR : Cr Scott, Cr Gillam, Cr Furlong, Cr Johannsen, Cr McNaught, Cr Nunn, Cr Roots, Cr Simpson, Cr Waterstrom Muller
AGAINST : Nil

BACKGROUND

In accordance with section 6.14 of the *Local Government Act 1995* and Regulation 19C of the *Local Government (Financial Management) Regulations 1996*, the City will invest excess funds not required for any specific purpose in authorised deposit taking institutions as defined in the *Banking Act 1959 (Cth)* Section 5 and/or the Western Australian Treasury Corporation established by the *Western Australian Treasury Corporation Act 1986*, for a term not exceeding 3 years.

The City's surplus funds are invested in bank term deposits for various terms and Property related investments to facilitate maximum investment returns in accordance with the City's Investment Policy (CF03).

The City also seeks to support Council's strategic goals through investment in property in accordance with the City's Investment Policy – Property (CF04).

DISCUSSION

Details of the investments are included in the report

- Schedule of Cash and Financial Investments
- Allocation of Cash and Financial Investments
- Schedule of Maturity of Cash and Financial Investments
- Schedule of Liquidity

- Schedule of Other Investments
- Aging of Outstanding Lessees Balances
- Schedule of Loan Agreement

Schedule of Cash and Financial Investments

The following table indicates the financial institutions where the City has investments as of May 2024.

Institution	Accounts	Principal Investment \$	Balance 31 May 2024 \$	Interest %	Investment Term	Maturity	Source
RESERVE FUNDS							
WBC	Business Premium Cash Reserve		2,080,960	2.15	At Call		Reserve at Call
BOQ	Reserve Term Deposit	10,000,000	10,507,945.25	5.15	12 months	Jun-24	Reserve TD
CBA	Reserve Term Deposit	10,000,000	10,437,917.84	5.55	12 months	Aug-24	Reserve TD
NAB	Reserve Term Deposit	12,000,000	12,391,117.81	5.15	12 months	Oct-24	Reserve TD
WBC	Reserve Term Deposit	15,000,000	15,492,842.48	5.33	12 months	Oct-24	Reserve TD
WBC	Reserve Term Deposit	5,000,000	5,158,219.17	5.50	12 months	Nov-24	Reserve TD
WBC	Reserve Term Deposit	4,000,000	4,080,764.93	5.19	12 months	Jan-25	Reserve TD
NAB	Reserve Term Deposit	6,000,000	6,089,736.99	5.15	12 months	Feb-25	Reserve TD
WBC	Reserve Term Deposit	10,000,000	10,011,594.52	5.29	11 months	Apr-25	Reserve TD
WBC	Reserve Term Deposit	10,000,000	10,011,638.36	5.31	12 months	May-25	Reserve TD
MUNICIPAL FUNDS							
WBC	Municipal Term Deposit	5,000,000	5,247,338.37	5.59	12months	Jul-24	Muni TD
WBC	Municipal Term Deposit	4,000,000	4,077,352.33	5.19	12months	Jan-25	Muni TD
WBC	Municipal Term Deposit	3,500,000	3,538,406.99	5.07	3months	Jun-24	Muni TD
NAB	Municipal Term Deposit	5,000,000	5,030,821.92	5.00	3months	Jul-24	Muni TD
WBC	Municipal (Transactional)		17,972,402.05	4.20	At Call		Muni at Call
N/A	Cash on Hand		8,564.00				
TOTAL		99,500,000	122,137,623				

The balance of all Term Deposits includes interest accrued to 31 May 2024

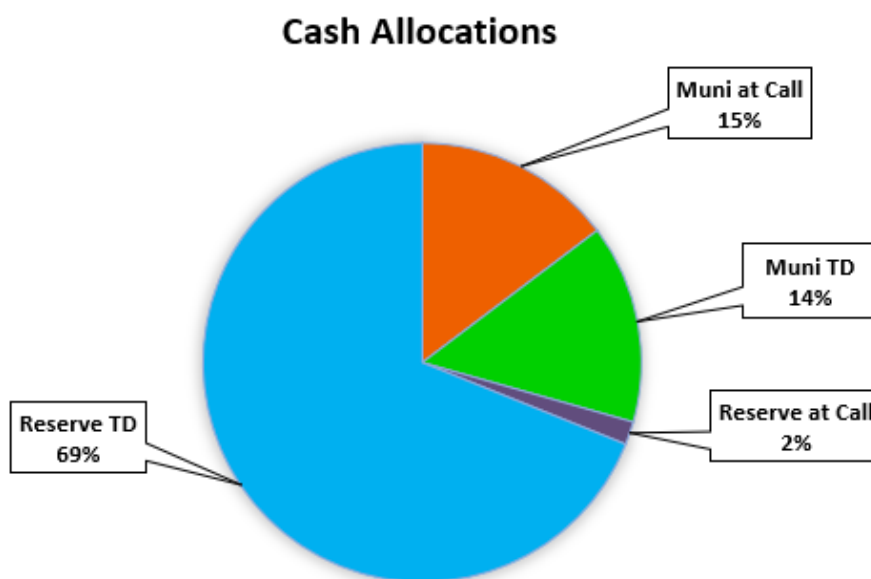
On average, the City is earning 5.21% across Municipal Term Deposits and 5.29% across Reserve Term Deposits.

The RBA official cash rate (overnight money market interest rate) remained unchanged at 435 basis points during the month of May. As a result, the Municipal Funds held in the Westpac transaction account continue to earn 4.20% interest. Reserve funds held in the Westpac Business Premium Cash Reserve account are earning 2.15% in interest on balances over \$1m.

Allocations of Cash and Financial Investments

Council’s Municipal and Reserve Bank Accounts are to be maintained so that a maximum return can be achieved from funds required in the short term.

The following graph depicts the allocation of our Cash and Financial Investments to maximise return on investment which shows that 84% of our Cash and Financial Investments are invested in Term Deposits.



Graph 10.1a. Percentage of Cash Allocations

Schedule of Maturity of Cash and Financial Investments

In accordance with the City’s Investment Policy (CF3), in respect to liquidity of funds, the following schedule shows the maturity of our various investments. 34% of Cash and Financial Investments will mature in the next 3 months, 32% maturing in the next 4-6 months and 34% maturing in the next 7-12 months.

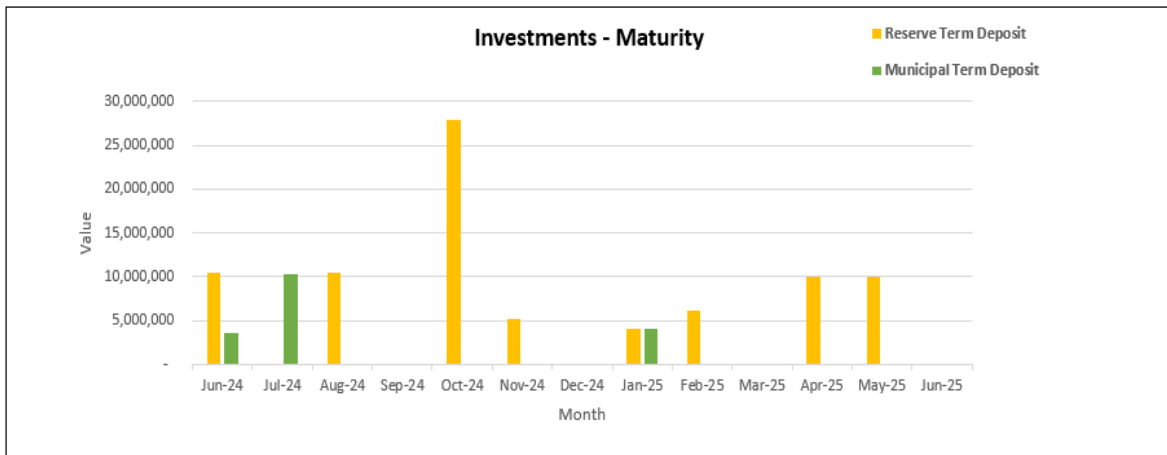


Figure 10.1b. Schedule of Maturity of Cash and Financial Investments

Schedule of Liquidity

Administration reviews funds to ensure there is sufficient liquidity to meet the operational cash flow requirements.

The liquidity graph for 2023/24 demonstrates a slight increase compared to May forecasts, based on the March budget review.

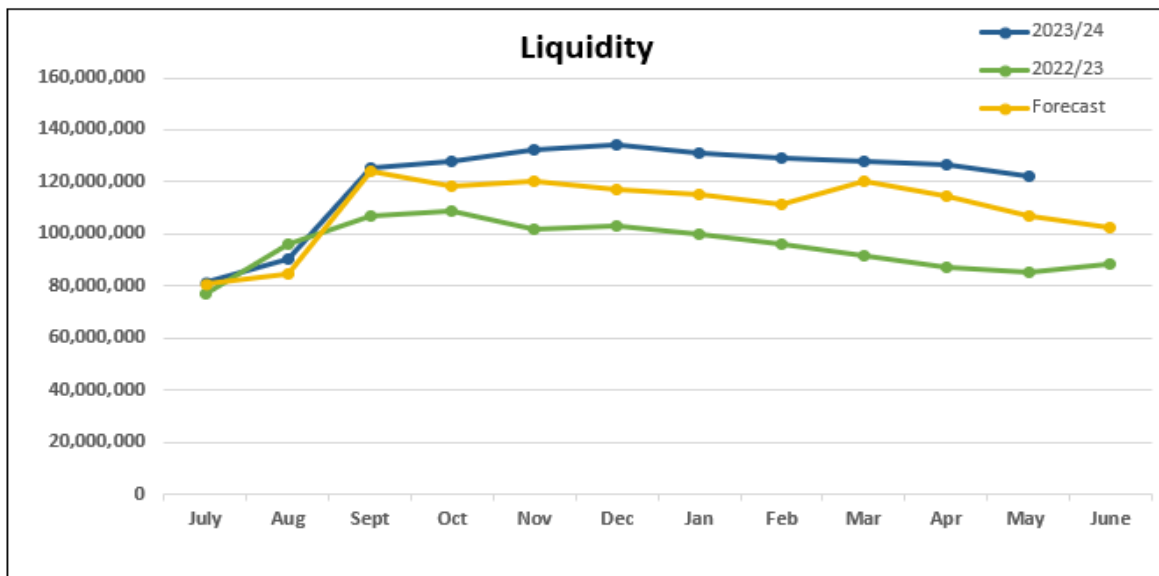


Table 10.1c. Schedule of Liquidity

Schedule of Other Investments

Hangar Lease – Aspen Medical

On 1 November 2018, a Lease agreement was entered into with Aspen Medical for the use of a newly built Hangar in relation to their provision of emergency medical services. The lease agreement was for an initial term of seven (7) years with two extensions of two (2) years each. Rent increases every two years, as per the schedule set out in the lease agreement. The initial investment incurred was \$3,011,975, with the performance of the hangar lease shown in the table below.

	Month 31 May 2024 \$	Year-to-Date 31 May 2024 \$	Life-to-Date 31 May 2024 \$
Total Income Received	33,250	364,583	2,232,637
Total Expenditure Paid	(1,070)	(19,461)	(120,443)
Net Income	32,180	345,123	2,112,195
Annualised ROI	12.8%	12.5%	39.4%

Table 10.1d. Aspen Medical – Hangar Lease Performance

Ground and Hangar Lease – Babcock Offshore

In March 2019, an agreement was entered into with Babcock Offshore in relation to the construction, purchase, lease and buy-back of a Hangar. The initial lease agreement, including the ground and hangar, covered a term of nine (9) years and no further terms, with annual rent increases of 4.5%. The option is available to repurchase the Hangar for a fixed price, plus a new Ground Lease for a five (5) year term at a pre-determined rate, increasing annually by 4%. The initial investment incurred was \$4,243,867, with the performance of the hangar and ground lease shown in the table below.

	Month 31 May 2024 \$	Year-to-Date 31 May 2024 \$	Life-to-Date 31 May 2024 \$
Total Income Received	47,701	521,746	2,427,622
Total Expenditure Paid	-	-	(17,611)
Net Income	47,701	521,746	2,445,233
Annualised ROI	13.5%	13.4%	34.9%

Table 10.1e. Babcock Offshore – Ground & Hangar Lease Performance

The Quarter HQ

As part of Council's investment strategy, reserve funds were used to purchase a commercial property 'The Quarter HQ' in June 2017 for \$20,000,000. The following table provides a summary of all income and expenditure for The Quarter for the current financial year.

	Month 31 May 2024 \$	Year to Date 31 May 2024 \$	Life to Date 31 May 2024 \$
Total Income Received	436,289	4,051,365	23,263,973
Total Expenditure Paid	57,772	(1,739,286)	(11,101,944)
Net Income	494,061	2,312,079	12,162,028
Annualised ROI	29.6%	12.6%	8.8%

Table 10.1f. The Quarter HQ Performance

Ageing of Outstanding Lessees Balances

The following table highlights The Quarter lessees with aged balances in excess of \$5,000 as of 31 May 2024 by month.

Suite ID	Lessee	Current May 2024	April 2024	March 2024	February 2024 and Prior	Total	Commentary
0003	T0000699 - Pilbara Weddings & Events	-	4,292.63	5,946.08	3,877.43	14,116.14	Payment plan accepted 24/04/2024. Initial payments being received as agreed
0009	T0000716 – Onyx Group WA Pty Ltd	-	-	5,945.38	-	5,945.38	Lessee in liquidation. Deed of Surrender actioned 27 March. Bond yet to be allocated

Table 10.1g. Aged Debtors of The Quarter

Schedule of Loan Agreement

As part of Council's investment strategy, Council resolved at its May 2020 meeting to execute a loan agreement with Scope Property Group Pty Ltd for the acquisition and redevelopment of the Dampier Shopping Centre. This loan is to be funded utilising Reserve funds and borrowings from WATC (if required) and is to be for a maximum initial term of ten years. To date, no borrowings from WATC have been required.

	Month 31 May 2024 \$	Year to Date 31 May 2024 \$	Life to Date 31 May 2024 \$
Funded Amount	-	-	3,800,000
Interest Charges*	25,333	139,333	338,419
Remaining Loan Amount	(300,000)	(300,000)	(300,000)

Total loan approved of \$4.1M, with a 10-year repayment period, to be repaid by 2030

*Interest Charges of \$12,666.67 for April received 1st May

Table 10.1h. Scope Property Group Loan Agreement Schedule

The Scope Property Loan earns the City interest at 4% per annum which may incur an opportunity cost, being the value of alternative investment options foregone. At the average rate indicated in Table 10.1a of 5.29%, there is an opportunity cost for the year to date of \$38,365 and a life to date benefit of \$39,484. For the current month of May 2024, the opportunity cost is \$4,163. This is reflective of current market rates and represents the community benefit to Dampier and the broader community.

LEVEL OF SIGNIFICANCE

In accordance with Council policy CG-8 Significant Decision Making policy, this matter is considered to be of high significance in terms of Council's ability to perform its role.

STATUTORY IMPLICATIONS

In accordance with section 6.14 of the Local Government Act and Regulation 19C of the Financial Management Regulations, the City will invest excess funds not required for any specific purpose in authorised deposit taking institutions as defined in the *Banking Act 1959 (Cth)* Section 5 and/or the Western Australian Treasury Corporation established by the *Western Australian Treasury Corporation Act 1986*, for a term not exceeding 3 years.

COUNCILLOR/OFFICER CONSULTATION

Executives and Management have been involved in monthly reviews of their operational and departmental budgets and notifying the Financial Services team of trends and variances arising from their operational areas.

COMMUNITY CONSULTATION

No community consultation is required.

POLICY IMPLICATIONS

The Council’s financial reporting is prepared in accordance with Accounting Policy CF03, CF04, & CF12. This is reviewed periodically to ensure compliance with legislative and statutory obligations.

FINANCIAL IMPLICATIONS

The financial implications of this report are noted in the detail sections of the report. The Administration is satisfied that appropriate and responsible measures are in place to protect the City’s financial assets.

STRATEGIC IMPLICATIONS

This item is relevant to the Council’s approved Strategic Community Plan 2020-2030 and the Corporate Business Plan 2020-2025. In particular, the Operational Plan 2023-2024 provided for this activity:

Programs/Services:	4.c.1.1	Management Accounting Services
Projects/Actions:	4.c.1.1.19.1	Conduct monthly and annual financial reviews and reporting

RISK MANAGEMENT CONSIDERATIONS

The level of risk to the City is considered to be as follows:

Category	Risk level	Comments
Health	N/A	Nil
Financial	Low	Administration has developed effective controls to ensure funds are invested in accordance with City’s Investment Policy. This report enhances transparency and accountability for the City’s Investments.
Service Interruption	N/A	Nil
Environment	N/A	Nil
Reputation	N/A	Nil
Compliance	Low	Financial reports are prepared in accordance with the Local Government Act, Regulations and Accounting Standards.

IMPACT ON CAPACITY

There is no impact on capacity or resourcing to carry out the Officer’s recommendation.

RELEVANT PRECEDENTS

This is a monthly process advising Council of the current investment position of the City.

VOTING REQUIREMENTS

Simple Majority.

OPTIONS:

Option 1

As per Officer’s recommendation.

Option 2

That Council:

1. RECEIVE the Investment Report for the financial period ending 31 May 2024; and
2. APPROVE the following actions:
 - a. _____
 - b. _____

Option 3

That Council NOT RECEIVE the Investment Report for the financial period ending 31 May 2024.

CONCLUSION

Council is obliged to receive the monthly investment report (report previously formed part of the monthly financial reports) as per statutory requirements. Details in regard to the variances and the commentary provided are to be noted as part of the report.

9.4 EXTRAORDINARY ELECTION – KARRATHA DISTRICT

File No:	GV.4
Responsible Executive Officer:	Director Corporate and Commercial
Reporting Author:	Manager Governance and Organisational Strategy
Date of Report:	8 July 2024
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	Draft Extraordinary Election Timetable for Election on 17 Oct 2024

PURPOSE

For Council to consider the pathway to undertaking an extraordinary election following the early resignation of Cr Pablo Miller.

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION

That Council by **ABSOLUTE MAJORITY**:

- 1. ACCEPT Cr Pablo Miller's resignation and acknowledge his commitment and service to the Council at the City of Karratha;**
- 2. DECLARE in accordance with s.4.20(4) of the Local Government Act 1995, that the WA Electoral Commissioner is responsible for the conduct of an extraordinary election for the district of Karratha on Thursday, 17 October 2024; and**
- 3. DECIDE in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the extraordinary election will be as a postal election.**

Res No : OCM240729-06

MOVED : Cr Johannsen

SECONDED : Cr Gillam

CARRIED 9/0

FOR : Cr Scott, Cr Gillam, Cr Furlong, Cr Johannsen, Cr McNaught, Cr Nunn, Cr Roots, Cr Simpson, Cr Waterstrom Muller

AGAINST : Nil

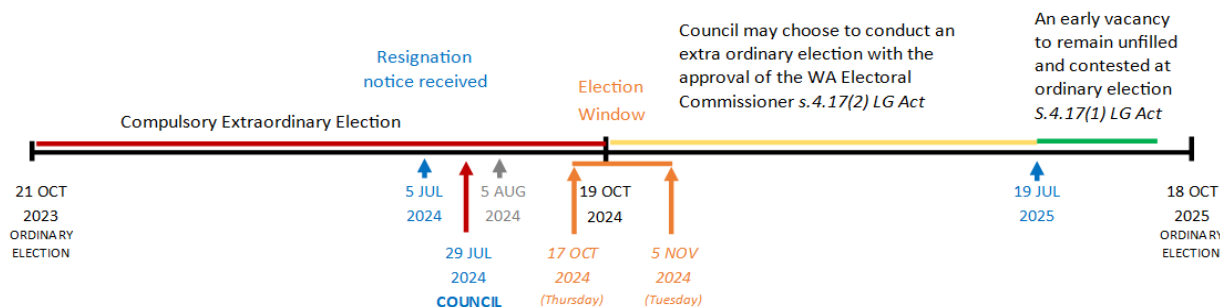
BACKGROUND

Cr Pablo Miller was elected as a councillor for the Karratha Ward on 21 October 2017 for a four (4) year term and was re-elected on 16 October 2021 for a four (4) year term expiring 17 October 2025. Cr Miller has submitted his letter of resignation to the Mayor and CEO on Friday 5 July 2024. Cr Miller's early resignation triggers provisions under the *Local Government Act 1995* to undertake an extraordinary election.

Under s.4.17 of the Act, had Cr Miller's resignation been received after the third Saturday in October of a non-election year (i.e. approximately 12 months prior to the next ordinary election), then there is the opportunity for the seat to remain vacant if Council so chooses. If

the resignation notice is received outside of this period, as is the case, there is no option but to undertake an extraordinary election.

An 80% rule used to exist under s.4.17(4A) of the Act that allowed Council’s the option to avoid extraordinary elections if a minimum of 80% of councillors continued to represent the respective ward or district. This subsection was repealed in 2023 with the introduction of the new electoral provisions.



A number of decisions now need to be made in terms of conducting an extraordinary election for the balance of Cr Miller’s term expiring 18 October 2025.

1. Council is to determine whether it wishes to conduct the extraordinary election by postal vote or by in person voting. Postal voting must be conducted by the WA Electoral Commissioner as Returning Officer as opposed to an In Person voting being conducted by the CEO or an appointed Returning Officer.

Traditionally, Council has opted to use the independent services of the WAEC to run postal elections, however a voting in person election does not require that the WAEC conduct the election. Anecdotally postal elections whilst more expensive do have a better voter turnout with the last seat contested across the district of Karratha in 2023 attracting a 27.69% voter turnout (3,461 votes cast). The State average amongst 115 local governments conducting postal elections last year was 31.59% as compared to nine (9) local governments that conducted in person voting with an average voter turnout of only 19.14%.

Incidentally with the introduction of the proportional representation voting system now in place, 25 local governments have held extraordinary elections since October last year, 15 appointed the WAEC to conduct postal elections, 4 did not go to elections as nominees were elected unopposed and only 6 were in person elections with the largest being Port Hedland garnering a 18.89% voter turnout.

2. Determine a date to conduct the extraordinary election.

Either the Mayor can fix a date to conduct the extraordinary election, or Council can fix a date at a meeting held within one month of the resignation notice. An extraordinary election must be held not later than four months after the vacancy occurs.

A decision made by Council on 29 July 2024 will mean the earliest that an election could be held is 17 October 2024 and the latest date would be 5 November 2024. As this is an extraordinary election, it is not necessary for this to be held on a Saturday and could be held on a working day.

Note voting period is likely to include school holidays from 21 September to 6 October 2024.

DISCUSSION

The option to conducting a postal election as opposed to an in-person election is often a case of whether the CEO wants to be perceived to be independent to the election process as they

will be the returning officer if the election was in-person. With this election there are some risks associated with staffing if Council so chooses the in-person election method. The timing is unfortunate with the Manager Governance on long service leave and the remaining staff having no election experience. Training and mentoring can be made available to staff from WALGA, DLGSC and WAEC. Alternatively, by conducting a postal election, the WA Electoral Commission and the appointed Returning Officer will be administering the entire process and can support staff locally on local administrative issues.

POSTAL ELECTION		V	IN PERSON ELECTION	
PROS	CONS		PROS	CONS
COSTS				
Costs are more accurately forecast. If no election results, as the number of nominations is only one, then costs proposed will be minimal.	WAEC run full cost recovery models. By using an independently appointed returning officer, the costs are higher.		Costs are generally lower to run as many tasks can be conducted in the administration's ordinary office hours.	Costs have been estimated as the City has not conducted an in-person election for two decades.
RETURNING OFFICER				
Returning Officer is appointed by the WAEC and is independent to the City of Karratha and is skilled and supported in undertaking the election process.			Returning Officer is usually the CEO or their appointed person.	Returning Officer can be perceived to have a conflict of interest if they are the CEO and administer the election process to appoint a councillor that they will report to. If the Returning Officer has not undertaken in-person elections they will need training and mentoring throughout the process. Electoral staff will be undertaking additional duties that would otherwise have been carried out by the WAEC.
VOTER PARTICIPATION				
Voter participation is generally higher with postal votes.				Voter participation is generally lower especially when voting is undertaken on a weekday.

POSTAL ELECTION		V	IN PERSON ELECTION	
PROS	CONS		PROS	CONS
PREPAREDNESS + EXPERIENCE				
WAEC specialised in this type of activity and ready to respond.		The City does have print resources and election booths, ballot boxes and signage available for use.	<p>City staff are not trained to run an in-person election.</p> <p>City staff will need to rely on other support agencies to provide training, support and advice along the way.</p> <p>May need access to WAEC software for Count where more than 2 candidate nominations are received.</p>	
				If the process is challenged by a candidate, this may result in a meeting with the Court of Disputed Returns and worst case result in an election rerun.
PROCESS				
<p>All electors receive a postal pack delivered to their postal address.</p> <p>Replacement packs can be issued if the original packs are lost or destroyed.</p> <p>Electors have the voting period to place their vote.</p>		<p>All electors will have the opportunity to vote on the election day.</p> <p>Postal packs can be issued upon application and receipt of packs closes 3 days prior to the election day.</p> <p>Early votes can be issued up until the day before the election day.</p>		

It is recommended based on risks associated with a lack of experience amongst staff in conducting elections that conducting a postal election will be a far safer option utilising the experience of WAEC staff.

LEVEL OF SIGNIFICANCE

In accordance with Council Policy CG-8 Significant Decision Making Policy, this matter is considered to be of moderate significance in terms of Council's ability to perform its role.

STATUTORY IMPLICATIONS

The following provisions of the *Local Government Act 1995* are relevant to this matter:

- Section 2.32(b) – regarding extraordinary vacancies;
- Section 4.9 – regarding election day; and
- Section 4.20 and 4.61 – regarding the appointment of the returning officer to conduct elections and the method of conducting the election.

COUNCILLOR/OFFICER CONSULTATION

Councillors were informed of Cr Miller's resignation following his notice in July 2024.

COMMUNITY CONSULTATION

No community consultation is required. The WAEC has been advised and consulted regarding the conduct of an extraordinary election.

POLICY IMPLICATIONS

There are no policy implications. The [Election Caretaker Period Policy CG-14](#) does not apply to extraordinary elections.

FINANCIAL IMPLICATIONS

As a result of the vacancy, councillor fees and allowances of \$3,564.83 per month will not be required until the vacant seat is filled.

The cost to engage the WA Electoral Commission to conduct an extraordinary postal vote will be approximately \$73,000 (inclusive of GST) that is based on 12,870 postal packs being issued, receiving a response rate of 30% and cost recovery for a Returning Officer to be appointed to conduct the election locally and using CountWA software. Costs do not include statutory advertising, costs borne by the City using their staff to issue replacement votes and casual staff on the day of the election. If there is only one nomination received and the election is uncontested then the full costs will not be realised.

An in-person election has not been held in recent years so an estimate is provided below based on costings ascertained from recent postal voting elections as it related to statutory advertising and staff costs on the day of the count. If an In Person Election was to be conducted, the following estimates are based on the assumption that the extraordinary election is based on a Saturday and there is a 30% voter turnout and 50% of voters request a postal pack. Whilst this is an in-person election, electors do have the opportunity to apply for a postal pack.

Estimated costs:

Statutory + Local Advertising/Notices	\$6,000
<i>Call for Nominations, Close of Enrolments (to rolls), Election Notice, Notice of Results</i>	
<i>Candidates Information Session</i>	
Returning Officer	\$15,000
Deputy Returning Officer	\$10,000
Electoral Officers (early and postal voting)	\$3,000
Polling Officers (Replacement Pack issues)	\$3,000
Election Day and Count Officers (8 count staff)	\$6,000
Printing Costs	\$6,000
<i>Statutory + Local Notices, Ballot Papers, Electoral Rolls</i>	
Prepaid Postage and Stationery	\$10,000
<i>(Assumed 50% are Postal Votes)</i>	
Use of CountWA Software (if required)	TBD
Hire cost for Polling Stations (if applicable)	\$500
Training of Electoral Staff	\$1,000
	\$60,500

No provision has been made in the budget for this extraordinary election expense.

STRATEGIC IMPLICATIONS

This item is relevant to the Council’s approved Strategic Community Plan 2020-2030 and the Corporate Business Plan 2020-2025. In particular, the Operational Plan 2024-2025 provided for this activity:

Programs/Services:	4.a.2.4	Legal and legislative support
Projects/Actions:	4.a.2.4.20.2	Partner with the WA Electoral Commission to conduct bi-annual LG elections

RISK MANAGEMENT CONSIDERATIONS

The level of risk to the City is considered to be as follows:

Category	Risk level	Comments
Health	N/A	Nil
Financial	Low	The savings/costs associated with this item are immaterial in the City’s overall budget.
Service Interruption	N/A	Nil
Environment	N/A	Nil
Reputation	High	There is a requirement to carry out an extraordinary election. The risk is elevated as the Manager of Governance is on long service leave and available staff have limited or no experience in carrying out an in-person election. There are numerous moving parts including the assessment of applications for postal packs as the City has a high number of electors who reside outside of the district. The risk is lowered if this task is carried out by the WAEC as a postal election.
Compliance	Moderate	An extraordinary election is required for the district of Karratha to ensure compliance with the <i>Local Government Act 1995</i> . Any failure to comply with the electoral provisions may result in an appeal to the Court of Disputed Returns that may cause the election to be rerun.

IMPACT ON CAPACITY

Conducting the extraordinary election was not a planned activity for this financial year. The team responsible for election management does not have capacity nor the experience and new staff will need to be trained correctly for the work ahead. This has been exacerbated by the Manager of Governance being on long service leave for the period whereby the election will be held.

If the election is conducted as an in-person election, the resourcing needs are significantly multiplied. The CEO is likely to be the returning officer unless someone else is appointed. No other existing staff members have an in-depth understanding of the election process and will require training and support from the Department of Local Government, WALGA and possibly the WA Electoral Commission for this to succeed.

If the election is conducted as a postal vote, the resourcing needs are significantly lessened as the WAEC will be running the election and administrative processes with some local support from City staff throughout the engagement period.

RELEVANT PRECEDENTS

Over the past decade the Council has previously opted to leave a vacant seat uncontested with the approval of the WA Electoral Commissioner in:

- June 2010 when Cr D Rothe (Karratha Ward) resigned - seat contested at October 2011 election;
- July 2011 when Cr F Cechner (Karratha Ward) resigned - seat contested at October 2011 election;
- January 2013 when Cr N Lockwood (Karratha Ward) resigned - seat contested at October 2013 election; and
- January 2015 when Cr N Kickett (Dampier Ward) resigned - seat contested at October 2015 election.

Extraordinary elections have been held infrequently and all but one was held simultaneously with ordinary elections in 2007, 2011 and 2013. In 2010 an extraordinary election was held on 25 February 2010 for the Karratha Ward and in February 2021 for the Dampier Ward.

Apart from an extraordinary election in 2000 that was conducted by the WAEC, since 2007 all bi-annual elections have been conducted by the WAEC.

VOTING REQUIREMENTS

Absolute Majority

OPTIONS:Option 1

As per Officer's recommendation.

Option 2 – In Person Election

That Council by ABSOLUTE MAJORITY:

1. ACCEPT Cr Pablo Miller's resignation and his commitment and service to the Council at the City of Karratha;
2. DECLARE in accordance with s.4.20(4) of the Local Government Act 1995 that the CEO will be the Returning Officer responsible for the conduct of an extraordinary election for the district of Karratha on Thursday, 17 October 2024; and
3. DECIDE in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the extraordinary election will be as an in-person election.

Option 3 – In Person Election with an alternate date

That Council by ABSOLUTE MAJORITY:

1. ACCEPT Cr Pablo Miller's resignation and his commitment and service to the Council at the City of Karratha;
2. DECLARE in accordance with s.4.20(4) of the Local Government Act 1995 that the CEO will be the Returning Officer responsible for the conduct of an extraordinary election for the district of Karratha on *(insert date between 17 October and 5 November 2024)*; and
3. DECIDE in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the extraordinary election will be as an in-person election.

Option 4 – Postal Election with an alternate date

That Council by ABSOLUTE MAJORITY:

1. ACCEPT Cr Pablo Miller's resignation and his commitment and service to the Council at the City of Karratha;
2. DECLARE in accordance with s.4.20(4) of the Local Government Act 1995 that the WA Electoral Commissioner is responsible for the conduct of an extraordinary election for the district of Karratha on *(insert date between 17 October and 5 November 2024)*; and
3. DECIDE in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the extraordinary election will be as a postal election.

CONCLUSION

It is necessary for an extraordinary election to be held to fill the vacancy following the resignation of Cr Miller for the balance of his term expiring in October 2025. Council has only two pathways to take being a postal election or an in-person election. It is recommended due to staffing limitations that the engagement of the WA Electoral Commissioner to run a postal vote is the preferred method that is also likely to garner a higher voter turnout.

COUNCILLOR QUESTION:

Why would the election be held on a Thursday?

CITY RESPONSE:

The WA Electoral Commission (WAEC) have advised the earliest date we can run an extraordinary election is 80 days from the Ordinary Council Meeting.

Hence, the earliest we could run an election is Thursday the 17 October 2024, this being 80 days from the OCM on 29 July 2024.

The quotation received from WAEC is based on the election taking place on 17th October. This is the preferred date suggested by WAEC, to ensure their staff are not in the region over the weekend. If the election date was to be moved to the Friday or Saturday, then accordingly the quoted WAEC costs would increase as a result.

There is an option within the recommendations for Council to nominate an alternative date as per their choosing.

COUNCILLOR QUESTION:

Is there a preference by administration to hold the election on a weekday?

CITY RESPONSE:

There would be additional costs associated with administration staff working at an election. If the election were to be held over the weekend, the City would have to pay staff overtime and/or weekend rates accordingly. If the election was held on the Thursday, then staff would be paid as per a normal working day.

Either way administration has no preference and is happy to organise the election and will support Council's preferred date.

COUNCILLOR QUESTION:

Can we include in the report that there has been investigation into whether it is possible to defer the election based on the reduction in number of councillors effective from the next scheduled election?

CITY RESPONSE:

The advice received from WAEC stated there was no scope for deferral of the election as the vacancy has occurred before 19 October 2024.

10 COMMUNITY EXPERIENCE REPORTS

10.1 DISABILITY ACCESS AND INCLUSION PLAN 2024-2029

File No:	CS.62
Responsible Executive Officer:	Director Community Experience
Reporting Author:	Community Development and Partnership Coordinator
Date of Report:	24 June 2024
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none"> 1. DRAFT Disability Access and Inclusion Plan 2024 - 2029 2. Disability Access and Inclusion Plan Annual Progress Report 1 July 2023 – 30 June 2024

PURPOSE

For Council to endorse the draft Disability Access and Inclusion Plan 2024 - 2029 and to receive the Annual DAIP progress report that will be submitted to the Department of Communities by 31 July 2024.

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION

That Council:

1. **ENDORSE** the City of Karratha's Disability Access and Inclusion Plan 2024-2029 (as at Attachment 1); and
2. **RECEIVE** the City of Karratha's Disability Access and Inclusion Plan Annual Progress Report 1 July 2023 – 30 June 2024 to be submitted to the Department of Communities for tabling in Parliament (as at Attachment 2).

Res No : OCM240729-07
 MOVED : Cr Waterstrom Muller
 SECONDED : Cr Simpson

CARRIED 9/0

FOR : Cr Scott, Cr Gillam, Cr Furlong, Cr Johannsen, Cr McNaught, Cr Nunn, Cr Roots, Cr Simpson, Cr Waterstrom Muller
 AGAINST : Nil

BACKGROUND

Local governments are required to develop and implement a Disability Access and Inclusion Plan (DAIP) and review it every five years in accordance with legislative requirements of the *Disability Services Act 1993 (amended 2014)*. The previous DAIP 2018-2022 was adopted by Council in August 2018.

The City of Karratha's Disability Access and Inclusion Plan 2024-2029 will be the guiding document for the delivery of identified actions that support the State's Disability Strategic Outcomes.

DISCUSSION

The City's DAIP 2024 - 2029 identifies the City's outcomes to improve access and inclusion for people of all abilities. It outlines key actions for implementation to reduce and eliminate barriers within the city and to advocate for equity of access for all. The DAIP complies with Commonwealth and State legislative requirements to ensure access for all is at the forefront of all planning and partnership actions and developments within the City's boundaries.

Officers commenced a review of the DAIP in 2022, with consultation commencing in early 2023.

Should Council adopt the DAIP, it will be submitted to the Department of Communities in accordance with Section 28(9) of the Disability Services Act 1993, which prescribes that public authority must lodge an amended DAIP with the Department of Communities as soon as practicable following its review.

It is also a requirement for the City to provide an Annual Progress Report in relation to the outcomes identified in the current DAIP to the Department of Communities. This information is collated each year and presented to Parliament by the Minister of Disability Services.

LEVEL OF SIGNIFICANCE

In accordance with Council Policy CG-8 Significant Decision Making Policy, this matter is considered to be of high significance in terms of social and wellbeing issues due to the effect that implementation of the DAIP has on the day to day lives of people living with disability (including their families and carers).

STATUTORY IMPLICATIONS

Preparing the DAIP is a requirement of the Disabilities Services Act 1993.

The City is currently non-compliant with its obligations under the Disability Services Act 1993, as the existing DAIP expired in 2022. Officers have discussed this with the Department of Communities and were directed to proceed with the review as planned, and to provide annual progress reports on the lapsed plan.

COUNCILLOR/OFFICER CONSULTATION

Consultation has taken place regarding the review and further development of the DAIP and its implementation across the organisation.

An internal Technical Working Group (TWG) has been established with representation across the organisation to provide expert advice in their areas of responsibility. A draft version of the DAIP was shared with the TWG for comment and feedback. Officers consolidated feedback for inclusion into the final draft document.

COMMUNITY CONSULTATION

From February 2023, through to May 2024, extensive consultation has been undertaken with community members living with disability, their families, disability service providers, City staff and the Department of Communities, to gain perspective on the major issues and barriers that are facing people with disability living in the City of Karratha.

Consultation was conducted via several methods, including:

- Quarterly Disability Access and Inclusion Stakeholder Working Group meetings
- One-on-one interviews with individuals and service providers in person

- Survey
- By telephone and via email.

The review of the DAIP was advertised in the Pilbara News, April 2023, on the City of Karratha’s website and Facebook page and via local community agencies as per the requirements set out by the Disability Services Regulations 2004. Should Council endorse the draft DAIP, officers will advertise the new plan via these channels.

Through the consultation process, the draft DAIP 2024-2029 was presented to the City of Karratha’s Disability Access and Inclusion Working Group with positive feedback received.

It was also noted through the consultation process that the City of Karratha should continue to expand its efforts where possible within the accessibility space and continue to advocate for people living with disability within our community.

POLICY IMPLICATIONS

Council Policy CS15 - Disability Access and Inclusion Policy applies.

FINANCIAL IMPLICATIONS

An accurate indication of the financial implications for the life of this plan will not be known until actions are progressed. Actions contained within the plan will be included in budget submissions annually.

STRATEGIC IMPLICATIONS

This item is relevant to the Council’s approved Strategic Community Plan 2020-2030 and the Corporate Business Plan 2020-2025. In particular, the Operational Plan 2023-2024 provided for this activity:

Programs/Services:	1.e.2.1	Community Engagement
Projects/Actions:	1.e.2.1.23.1	Finalise the review and begin the implementation of the City’s Disability Access and Inclusion Plan

RISK MANAGEMENT CONSIDERATIONS

The level of risk to the City is considered to be as follows:

Category	Risk level	Comments
Health	Low	An accessible community assists those living with disability to improve health outcomes
Financial	Moderate	If the City does not design services and facilities that meet the needs of people with disability it could be more costly to rectify at a later date.
Service Interruption	N/A	Nil
Environment	N/A	Nil
Reputation	Moderate	There may be reputational risk should Council not endorse the DAIP as it may be perceived that Council is not supportive of supporting those living with disability and their carer’s.
Compliance	High	It is a legislative requirement that all local government authorities develop and implement a DAIP that outlines the ways in which the authority will ensure that people living with disability have equal access to facilities and services in

Category	Risk level	Comments
		accordance with the Disability Services Act 1993 (amended 2004).

IMPACT ON CAPACITY

There is no additional impact on capacity or resourcing to carry out the Officer’s recommendation.

RELEVANT PRECEDENTS

Council has previously resolved to endorse the DAIP 2008-2012, resolution number 14225, the DAIP 2012-2018, resolution number 152090 and the DAIP 2018-2022 resolution number 154135.

VOTING REQUIREMENTS

Simple Majority.

OPTIONS:

Option 1

As per Officer’s recommendation.

Option 2

That Council:

1. ENDORSE the City of Karratha Disability Access and inclusion Plan 2024-2029 with the following amendments:
 - a) _____
 - b) _____
 - c) _____

2. RECEIVE the City of Karratha’s Disability Access and Inclusion Plan Annual Progress Report 1st July 2023 – 30th June 2024.

Option 3

That Council NOT ENDORSE the City of Karratha Disability Access and Inclusion Plan 2024-2029.

CONCLUSION

The City of Karratha is required to have a DAIP in accordance with legislative requirements of the *Disability Services Act 1993 (amended 2014)*. Increased levels of accessibility and inclusivity will benefit every member of our community including people living with disability, their families and carers, disability services providers, young families, and our aging community. The DAIP 2024-2029 provides specific strategies to increase the accessibility of the City of Karratha, meets the legislative requirements under the instruction of the Department of Communities, and will be reported on annually.

COUNCILLOR QUESTION:

Can the captions on this report be updated? They are inconsistent and do not capture the feeling of each image.

CITY RESPONSE:

The captions are used to describe the image to persons with visual impairment. We will check the captions to ensure they reference the images correctly and provide a little further detail to better describe each image. These updates will be made prior to publishing the final document.

COUNCILLOR QUESTION:

Can we add some local context to the captions?

CITY RESPONSE:

Yes, this can be added. The additional detail will be updated in the document prior to publishing.

COUNCILLOR QUESTION:

Can a description be provided next to the strategic context diagram?

CITY RESPONSE:

Yes, a description for this diagram can be added prior to publishing the final document.

COUNCILLOR QUESTION:

Really pleased that artwork is included, however when we are displaying artwork in highly focussed images, can the artist be credited?

CITY RESPONSE:

Yes, you are correct. We will ensure appropriate artist credit is included in the image description.

COUNCILLOR QUESTION:

On the progress report, will the contact person remain constant?

CITY RESPONSE:

Reporting officer is relevant to the progress report at the time it is submitted. Contact details on the DAIP itself are generic.

10.2 ROEBOURNE LICENSED POST OFFICE

File No:	CR.96
Responsible Executive Officer:	Director Community Experience
Reporting Author:	Manager Engagement and Partnerships
Date of Report:	29 February 2024
Applicant/Proponent:	Nyarliyarndu Bindirri Aboriginal Corporation
Disclosure of Interest:	Nil
Attachment(s):	1. Funding Prospectus 2. CONFIDENTIAL Project Budget

PURPOSE

For Council to consider providing support to Nyarliyarndu Bindirri Aboriginal Corporation (NBAC) to facilitate the provision of post office services from their premises in Roe Street, Roebourne.

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION

That Council by **ABSOLUTE MAJORITY**:

- APPROVE community sponsorship of \$100,000 (excl. GST) to Nyarliyarndu Bindirri Aboriginal Corporation (NBAC) to be used towards the purchase of demountable buildings to enable sufficient space to deliver Licensed Post Office services from their premises in Roebourne; and**
- APPROVE the CEO to update the Annual Budget 2024/25 to increase expenditure by \$100,000.**

Res No : **OCM240729-08**
MOVED : **Cr Roots**
SECONDED : **Cr Gillam**

CARRIED 9/0

FOR : Cr Scott, Cr Gillam, Cr Furlong, Cr Johannsen, Cr McNaught, Cr Nunn, Cr Roots, Cr Simpson, Cr Waterstrom Muller
AGAINST : Nil

BACKGROUND

In October 2023, Australia Post officers contacted City staff to advise that the current Roebourne Post Office Licensees were intending to surrender their Licence if a buyer could not be secured, with the last day of trading being 29 February 2024.

City officers met with Australia Post representatives on several occasions to assist in identifying stakeholders and/or businesses in Roebourne that may have an interest in acquiring the lease.

In early 2024, Nyarliyarndu Bindirri Aboriginal Corporation (NBAC) indicated an interest in acquiring the post office licence to ensure the service remained available for the community

of Roebourne. NBAC is an Aboriginal Controlled Community Organisation and is not affiliated with Native Title or Land Use Agreements. The organisation employs more than 200 employees of which over 55% are Aboriginal and is almost entirely self-funded through its social enterprises Brida Pty Ltd and Handy Hands Pty Ltd.

DISCUSSION

Since February 2024, City Officers have worked with the NBAC Board Chair, their Executive and other key Industry representatives to support NBAC's acquisition of the Roebourne Post Office licence. In March 2024, two large Industry operators agreed to provide seed funding to enable NBAC to secure professional project management services to progress the project. NBAC subsequently appointed Ochre Project Services, an Indigenous owned company, as the project manager for the project.

Project Objectives

NBAC's project involves permanently reestablishing Australia Post services within their current premises at 22-24 Roe Street, Roebourne, the site from which Centrelink, Red Dirt Driving Academy and a variety of other social innovation services are provided. Their intention is to develop a collaborative hub for seamless access to these essential community services. Specifically, the project has two key objectives:

1. *Update of existing buildings*

The existing buildings require internal remodelling to meet Australia Post standards and to enable the postal functions to be provided in the same area as the Centrelink services. Post boxes will also be installed in this area, including an increase of an additional 50 boxes to the 200 previously available.

2. *Addition of 2 new demountable buildings*

Demountable building #1 will become a new reception area for NBAC and the social innovation programs. Demountable building #2 will be staff office space, replacing the space lost in the existing buildings to post box installation and mail sorting logistics.

Project Milestones

The project plan has several key milestones, as follows:

1. Pre-Planning – Completed.

Licence negotiations with Australia Post
Key stakeholder identification and engagement
Establishing the project team

2. Post Office takeover – Completed.

Physical transition of postal services to NBAC via mobile vending van
Implementation of systems and procedures

3. Preparation – Completed

Staff hiring, training and orientation of new services
Obtaining necessary permits and approvals
Implementing Australia Post security requirements
Finalising project budget

4. Capital fundraise – In progress

Develop funding strategy
Creating investment materials
Negotiating terms with potential investors/funding sources

5. Project Commencement – In progress
 - Design documentation and document issue
 - Development application
 - Tendering – contractor pricing and engagement
6. Construction – In progress
 - Building permit
 - Appointment of builder

Once funds are secured and construction is complete, the project will conclude with funding acquittal and reporting to close out contracts and update stakeholders. An official opening ceremony is planned for later in 2024.

Project Funding Request

NBAC is now seeking to secure the necessary funds to finalise the project, as per Attachment 1, and requests financial support from Council to contribute to capital works. Specifically, NBAC seeks \$100,000 to contribute towards the purchase of demountable buildings, that will provide additional staff office space to replace the space utilised for post office activities.

The total project cost is quoted as \$743,001 plus contingency for completion of all project milestones noted above. An itemised breakdown of the project cost is provided at Attachment 2.

Project Benefits

NBAC intends to provide a full-service Licensed Post Office, inclusive of mail services, banking, mobile phone recharge, identity verification, post office box rental and retail offerings. It is understood that retaining the Post Office in Roebourne will result in additional employment opportunities, with three community members trained to date to provide Australia Post services. Staff support has been considered with current NBAC staff acting as contingency staff for unexpected or cultural absences.

A number of benefits for the Roebourne community are noted should this project reach completion, including:

- A central, well-known location at existing NBAC premises
- NBAC provides a culturally safe environment (self-described)
- Continuity of postal and ancillary services
- Local employment and training opportunities
- NBAC is a well-established Aboriginal Community Controlled Organisation and one of the largest in the Pilbara, with self-generated funding streams.

Conversely, should this project not proceed, residents, neighbouring Aboriginal communities and pastoral station residents would be required to travel to other towns for their postal and related services, the closest being Wickham (12kms) and Karratha (39kms). This would pose additional cost and inconvenience, particularly for those without private transport: around 40% of the Roebourne population. Essential services such as banking, purchasing pay-as-you-go electricity credits and mobile phone recharges would no longer be available, further reducing the services available in the township.

Perhaps most significantly is the potential loss of postcode should the Roebourne Post Office cease operations. It is well understood that the postcode 6718 is intrinsically linked to

Roebourne's identity and to lose the Roebourne post office could also mean losing Roebourne's postcode.

LEVEL OF SIGNIFICANCE

In accordance with Council policy CG-8 Significant Decision Making policy, this matter is considered to be of high significance in terms of social, economic, cultural and wellbeing issues. It is well understood that regional Post Offices offer more than just postal services.

In Roebourne, 40% of all transactions at the Post Office during the 2022/2023 financial year were for banking services. There are currently no financial institution branches in Roebourne, with the nearest bank branches located in Karratha.

In terms of cultural and wellbeing impacts, the closure of the Roebourne Post Office could mean a loss of their postcode of 6718, an accepted part of Roebourne's identity.

STATUTORY IMPLICATIONS

Section 6.8 of the Local Government Act 1995 (Act) states (inter alia):

"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; (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."

COUNCILLOR/OFFICER CONSULTATION

Consultation has taken place between Officers and NBAC on several occasions over the past five months. Additionally, Council have been kept informed via briefing notes.

COMMUNITY CONSULTATION

In considering whether to pursue the licence for the Roebourne Post Office, NBAC conducted a local community survey in January 2024.

78 completed surveys were received, and some of the results are as follows:

- 44% of respondents said that they visited the post office daily and 49% weekly
- 95% of respondents said that it was "Extremely Important" to have a Post Office in Roebourne
- 58% of respondents said that it would be "Extremely Hard" to travel to another post office.

POLICY IMPLICATIONS

Policy CE-1 - Unbudgeted Financial Requests from Community

FINANCIAL IMPLICATIONS

There is currently no budget allocated for this project.

It is proposed funds be identified from surplus during the next budget review.

STRATEGIC IMPLICATIONS

This item is relevant to the Council’s approved Strategic Community Plan 2020-2030 and the Corporate Business Plan 2020-2025:

Outcome: 4.d Strong Partnerships and Indigenous Relations
 Our Response: 4.d.1 Continue to develop partnerships with Indigenous groups.

RISK MANAGEMENT CONSIDERATIONS

The level of risk to the City is considered to be as follows:

Category	Risk level	Comments
Health	N/A	
Financial	Moderate	This is an unbudgeted request for funds and so allocation has not been widely considered
Service Interruption	N/A	
Environment	N/A	
Reputation	High	There could be a high level of perceived reputational risk if this project was not supported by the City, due to the significance of the Roebourne post code to the local community and a loss of existing services.
Compliance	N/A	

IMPACT ON CAPACITY

There is no impact on capacity or resourcing to carry out the Officer’s recommendation.

RELEVANT PRECEDENTS

Council has previously approved sponsorship funding for community infrastructure requests.

VOTING REQUIREMENTS

Absolute Majority.

OPTIONS:

Option 1

As per Officer’s recommendation.

Option 2

That Council:

DECLINES TO PROVIDE \$100,000 in financial support to Nyarliyarndu Bindirri Aboriginal Corporation for the Roebourne Post Office project and instead offers the following:

Option 3

That Council:

DECLINES TO PROVIDE any support to Nyarliyarndu Bindirri Aboriginal Corporation for the Roebourne Post Office project.

CONCLUSION

The continuation of services provided by the Roebourne Post Office is considered a high priority for the Roebourne community. The financial support being recommended will allow for a long term solution for postal services the township and importantly, ensure that the town retains the existing services and its 6718 postcode.

COUNCILLOR QUESTION:

What is the fall out if this funding is not received?

CITY RESPONSE:

NBAC may not be able to extend their front office to meet Australia Post standards. Most funding received by NBAC cannot be used to fund capital expenditure.

COUNCILLOR QUESTION:

Why is the funding going into demountables rather than fixed buildings?

CITY RESPONSE:

Demountables are the most appropriate option given the short project timeline and requirement to meet Australia Post standards.

COUNCILLOR QUESTION:

Has the applicant mentioned why they have not been able to secure funding from the state?

CITY RESPONSE:

This project is a rapid response arising due to the previous license holder surrendering their license in February 2024. Timing of existing funding programs, including the federal government's RED grants, is the predominate issue.

COUNCILLOR QUESTION:

The proposal says that NBAC is Deductible Gift status, and it is GST free. How will this impact the City's sponsorship?

CITY RESPONSE:

No GST is applicable to this sponsorship. The invoice submitted to the City will be GST exempt.

COUNCILLOR QUESTION:

Are there any fee waivers, for example development approvals, that can be waived instead of providing direct funding?

CITY RESPONSE:

Development Applications were received by the City two months ago, fee waivers were not requested at the time.

COUNCILLOR QUESTION:

What is the timeframe for this to be completed?

CITY RESPONSE:

Late August 2024.

11 DEVELOPMENT SERVICES REPORTS

11.1 PROPOSED LOCAL PLANNING POLICIES DP24 ‘COMPLEX APPLICATIONS’ AND DP25 ‘DESIGN REVIEW’ – PREPARATION FOR PUBLIC CONSULTATION

File No:	LP.36
Responsible Executive Officer:	Director Development Services
Reporting Author:	Senior Strategic Planner
Date of Report:	21 June 2024
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none"> Draft Local Planning Policy DP24 ‘Complex Applications’ Draft Local Planning Policy DP25 ‘Design Review’

PURPOSE

For Council to consider Draft Local Planning Policies DP24 ‘Complex Applications’ (DP24) and DP25 ‘Design Review’ (DP25) for public consultation.

OFFICER’S RECOMMENDATION / COUNCIL RESOLUTION

- That Council, pursuant to Clauses 3 and 4 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, **RESOLVES** to **PREPARE**:
 - Local Planning Policy DP24 – Complex Applications (Attachment 1); and
 - Local Planning Policy DP25 – Design Review (Attachment 2).
- NOTE** that the draft Local Planning Policies DP24 ‘Complex Applications’ and DP25 ‘Design Review’ are required to be advertised and presented back to Council following advertising, along with any submissions, for final consideration.

Res No : **OCM240729-09**
MOVED : **Cr McNaught**
SECONDED : **Cr Roots**

CARRIED 9/0

FOR : Cr Scott, Cr Gillam, Cr Furlong, Cr Johannsen, Cr McNaught, Cr Nunn, Cr Roots, Cr Simpson, Cr Waterstrom Muller
AGAINST : Nil

BACKGROUND

The *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) allow local government to provide localised guidance on development applications through the implementation of local planning policies (LPPs).

Administration has prepared two new LPPs to guide when development applications:

- are considered to be ‘Complex’, and then subject to additional advertising requirements;
- will be subject to independent design review.

It is proposed that the two new LPPs be prepared for the purposes of public consultation.

DISCUSSION

Local Planning Policy DP24 – Complex Applications

The Regulations allow local governments to determine what it considers to be a ‘Complex Application’ through the implementation of an LPP. The intent is to enable a more robust advertising process for applications that are likely to have a greater impact on the community or have heightened public interest.

Where proposals are considered Complex Applications in accordance with an LPP, the Regulations require an advertising period of 28 days, as opposed to the prescribed 14 day maximum advertising period for all other development applications. Designation as a Complex Application does not affect the statutory timeframes the local government has to consider and determine a development application, being 90 days for an application that is advertised.

DP24 proposes the following types of applications be identified as Complex Applications:

- a. Any non-residential accommodation, including Workforce Accommodation, where there are more than 16 rooms; and
- b. Any application to extend, alter or change a non-conforming use, pursuant to Clause 7.2 of the Scheme; and
- c. Any application for land within the Urban Development or Industrial Development zone that is not consistent with an adopted Structure Plan or Local Development Plan or where there is no adopted Structure Plan or Local Development Plan; and
- d. Any application for Childcare Premises within the Residential zone or within 100m of the Residential zone; and
- e. Any application for a Service Station within 50 metres of a sensitive land use, as defined by the Environmental Protection Authority’s *Guidance for the Assessment of Environmental Factors*; and
- f. Any application for development where the estimated cost of development is more than \$5 million, except where:
 - i. The application is for works associated with a permitted land use; and
 - ii. An application for Warehouse, a Single House or Grouped or Multiple Dwellings where there are 16 dwellings or less; and
- g. Any Regional Development Assessment Panel application where it meets the requirements of (a) to (f); and
- h. Any application which in the opinion of the City is likely to generate significant community interest.

DP24 also clarifies certain types of applications that are not considered Complex Applications, including:

- a. An application to amend or cancel a development approval;
- b. The reconsideration of an application that is subject of an application for review (‘appeal’) with the State Administrative Tribunal (SAT); and
- c. Relatively minor development, unlikely to generate significant community interest or be of strategic importance, as determined by the City of Karratha.

Development Assessment Panel (DAP) Applications

DAP applications are proposed to be included as a Complex Application on the basis that they typically involve a relatively high level of investment and will often generate significant community interest.

\$5 Million Threshold (excluding residential development with less than 16 dwellings)

This generally aligns with the threshold for 'Significant Development', as part of the recently introduced Significant Development Pathway, which is an optional pathway for development that raises significant State or regional importance.

Non-conforming Use

A non-conforming use is a land use that either did not require development approval at the time it was established or has lawfully received development approval in the past but is no longer capable of receiving development approval if applied for today.

The Scheme allows for the continuation of the non-conforming uses and provides a right to apply to alter, extend or change the development. These types of applications are relatively rare but would likely generate community interest or be of strategic importance.

Childcare Centres and Service Stations

These land uses are likely to generate amenity impacts, such as noise and traffic congestion, on residential development. Childcare Premises is already an 'A' use in the Residential zone but is currently only able to be advertised for a maximum of 14 days. While a Service Station is an 'X' use in the Residential zone and cannot be considered, an application could be received on land adjacent to the Residential zone and/or in close proximity to existing dwellings within a commercial zone. Given the significant interest that Childcare Premises and Service Stations in, or adjacent to, residential areas typically raise, it is considered appropriate to require that these uses be advertised for an extended period.

Local Planning Policy DP25 – Design Review

Design review is the process of independently evaluating the design quality of a built environment proposal. It has been shown to improve the design quality of built outcomes and reduce project costs via shortened design development stages and expedited development application approvals. Design review is typically undertaken by local government Design Review Panels, consisting of built environment professionals experienced in offering design advice to guide the improvement of proposals (they do not redesign proposals).

Design review is guided by the 10 Design Principles outlined in State Planning Policy 7.0 (SPP7.0) 'Design of the Built Environment' which are:

1. *Context and Character – Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.*
2. *Landscape Quality – Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.*
3. *Built Form and Scale – Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.*
4. *Functionality and Build Quality – Good design meets the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life-cycle.*
5. *Sustainability – Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.*

6. *Amenity – Good design provides successful places that offer a variety of uses and activities while optimising internal and external amenity for occupants, visitors and neighbours, providing environments that are comfortable, productive and healthy.*
7. *Legibility – Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around.*
8. *Safety – Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.*
9. *Community – Good design responds to local community needs as well as the wider social context, providing environments that support a diverse range of people and facilitate social interaction.*
10. *Aesthetics – Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.*

It is not mandatory for a local government to offer a design review service, or for an applicant to agree to design review for their proposal. It is however highly recommended to demonstrate adequate consideration against the Design Principles of SPP7.0 and is generally accepted as best practice.

The City is proposing that the following types of applications be subject to design review:

1. All Development Assessment Panels applications, where there is a design element that may impact on the character, appearance or streetscape of an area; or
2. Major development proposals where there is a design element that may have a significant impact on the character, appearance, or streetscape of an area at the discretion of the City; or
3. Any other planning proposal (e.g. Scheme Amendment, Structure Plan, Precinct Plan, Local Planning Policy, Local Development Plan, Design Guidelines; or City project) relating to the design of development and places may be referred to the Design Review Panel at the discretion of the City.

To incentivise the use of Design Review as part of identified applications, the City is proposing to cover the costs of up to three design reviews, provided the proponent undertakes one design review pre-lodgement of a development application.

The purpose of design review is to provide independent, expert advice on the design quality of the proposed development to the applicant, City officers, Council and the decision maker, to encourage innovative, high-quality designs that meet the needs of all stakeholders and the community.

Ultimately, the City aims to either appoint its own Design Review Panel or formalise arrangements to access an existing panel established by another local government. Until this is resolved however, the City proposes to continue seeking independent design review services, as required, from a qualified architect with experience in providing such advice to local government.

LEVEL OF SIGNIFICANCE

In accordance with Council policy CG-8 Significant Decision-Making policy, this matter is considered to be of moderate significance in terms of economic, environmental issues or Council's ability to perform its role.

STATUTORY IMPLICATIONS

In accordance with Schedule 2, Part 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council needs to determine whether it supports the proposed DP24 and DP25.

Should Council resolve to prepare DP24 and DP25, the draft local planning policies will be required to be publicly advertised for a period of no less than 21 days. Following the advertising period, submissions received must be reviewed and presented back to Council with the final version of DP24 and DP25 to be considered. At that point, Council can resolve to proceed with the policies as drafted, to proceed with modification, or to not proceed with the proposed policies.

COUNCILLOR/OFFICER CONSULTATION

No Councillor or Officer consultation is required.

COMMUNITY CONSULTATION

In accordance with Schedule 2, Part 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the local government is required to give public notification of the preparation of a local planning policy for a period of no less than 21 days.

POLICY IMPLICATIONS

Local Planning Policies guide decision making on planning matters.

FINANCIAL IMPLICATIONS

Financial implications relating to the cost of advertising.

STRATEGIC IMPLICATIONS

This item is relevant to the Council’s approved Strategic Community Plan 2020-2030 and the Corporate Business Plan 2020-2025. In particular, the Operational Plan 2023-2024 provided for this activity:

Programs/Services:	3.b.1.3	Planning Services
Projects/Actions:	3.b.1.3.20.3	Review Local Planning Framework

RISK MANAGEMENT CONSIDERATIONS

The level of risk to the City is considered to be as follows:

Category	Risk level	Comments
Health	N/A	Nil
Financial	N/A	Nil
Service Interruption	N/A	Nil
Environment	N/A	Nil
Reputation	Low	The review of the draft LPP (including public advertising) ensures it is aligned to current legislation and that it reflects community expectations.
Compliance	Low	The review of the draft LPP ensures consistency with the state planning framework.

IMPACT ON CAPACITY

There is no impact on capacity or resourcing to carry out the Officer’s recommendation.

RELEVANT PRECEDENTS

The City’s Development Services have recently used social media in advertising complex and significant applications to the wider community. This policy provides transparency on when this will occur.

VOTING REQUIREMENTS

Simple Majority.

OPTIONS:Option 1

As per Officer's recommendation.

Option 2

That Council RESOLVES to DEFER preparation of draft Local Planning Policies DP24 'Complex Applications' and DP25 'Design Review' to allow for modifications to be made to the policies prior to public consultation.

Option 3

That Council RESOLVES to NOT PROCEED with the preparation of draft Local Planning Policies DP24 'Complex Applications' and DP25 'Design Review' for public consultation.

CONCLUSION

The proposed local planning policies will provide fair, consistent and transparent processes for significant development applications that either justify an extended advertising period to ensure adequate community consultation and/or the need for independent design review advice. While the City only receives what may be considered complex applications on an intermittent basis, it is appropriate to introduce these policies to ensure City staff, Councillors, applicants and the community are aware of the City's expectations for robust public consultation and the need for independent design advice for significant proposals. It is therefore recommended that Council resolve to prepare the local planning policies for the purpose of public consultation.

COUNCILLOR QUESTION:

Can the Director please explain the two policies that have been proposed?

CITY RESPONSE:

An overview of the content of the two policies was provided, including:

- The intent of the Complex Applications policy is to identify what kind of development applications Council considers to be 'complex' which will require a 28-day advertising period rather than the standard 14 days; and
- The intent of the Design Review policy is to provide clarity to Council, officers and applicants about the kinds of applications will be subject to independent design review which will either be in the form of a review by an independent architect (forward of a panel being established) or a panel review once that process has been embedded.

COUNCILLOR QUESTION:

Are there other regionally based panels?

CITY RESPONSE:

The Town of Port Hedland has a design review panel established and administration have commenced conversations with them to ascertain whether the City could access that panel on a fee for service basis, rather than establishing its own panel.

In another example there is a Joint South West Design Review Panel that includes five local governments.

It is reasonably common for local governments to have joint panel arrangements. The use of design review in regional areas is becoming more common because of the focus on built form design contained in State Planning Policy 7.0 and an expectation by DAP for a robust design assessment for significant development.

COUNCILLOR QUESTION:

How are members of the panel determined and how often does the architect change?

CITY RESPONSE:

For a panel, expressions of interest are called for members and typically an architect will be the Chair. There will also be other relevant professionals included, for example Urban Designers, Landscape Architects and/or Traffic Consultants. In my experience, more than one architect is generally included on the panel to ensure there are suitable proxies but the Chair will remain the same for the tenure of the panel, which is typically a period of two years.

COUNCILLOR QUESTION:

Are the types of applications that will be required to undertake design review pretty generic?

CITY RESPONSE:

Some provisions are generic and have come from a review of other local government's design review policies, however some are specific to our existing Scheme and other local planning policy provisions. The intention is that anything that is considered complex or significant would be encouraged to have a design review.

COUNCILLOR QUESTION:

Can we review the design review policy regularly to make sure it is working?

CITY RESPONSE:

Yes, it will be reviewed every 2 or 3 years.

COUNCILLOR QUESTION:

How would a panel get set up in the first instance? What are the procurement requirements.

CITY RESPONSE:

The procurement requirements will depend on the model but for a review by an independent architect, a request for quote is sought in accordance with the City's procurement rules. These are typically expected to be in the order of \$1,500 - \$2,000. Review by a panel is expected to be more expensive because more than one professional is involved but the procurement process will depend on whether the City can establish an arrangement with another local government or will need to establish its own panel.

12 STRATEGIC PROJECTS & INFRASTRUCTURE REPORTS

12.1 RFT - PRE-CYCLONE GREEN WASTE VERGE COLLECTION – TENDER OUTCOME

File No:	WM.12 & RFT0000011
Responsible Executive Officer:	Director Strategic Projects & Infrastructure
Reporting Author:	Manager Waste, Fleet & Depot
Date of Report:	5 July 2024
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	Confidential – Tender Evaluation Report

PURPOSE

For Council to consider tenders for the Pre-Cyclone Green Waste Verge Collection.

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION

That Council:

- ACCEPT** the tender submitted by T C Waste Pty Ltd ABN 74 164 872 806 as the most advantageous tender to form a contract, based on the assessment of the compliance criteria, qualitative criteria and pricing structures offered under RFT0000011 Pre-Cyclone Green Waste Verge Collection; and
- AUTHORISE** the Chief Executive Officer to execute a contract with T C Waste Pty Ltd, **SUBJECT** to any variations of a minor nature.

Res No : **OCM240729-10**

MOVED : **Cr Roots**

SECONDED : **Cr Nunn**

CARRIED 9/0

FOR : Cr Scott, Cr Gillam, Cr Furlong, Cr Johannsen, Cr McNaught, Cr Nunn, Cr Roots, Cr Simpson, Cr Waterstrom Muller

AGAINST : Nil

BACKGROUND

The City of Karratha's (City) pre-cyclone green waste verge collection is an annual service provided to residential properties.

The City's current pre-cyclone green waste verge collection contract expires on 29 September 2024.

A request to invite tenders for pre-cyclone green waste verge collection was approved at the 27 May 2024 Council meeting for a period of two (2) years with three (3) x one (1) year extension options exercisable at the sole discretion of the City.

The City has proceeded to tender for the provision of pre-cyclone green waste verge collection.

Tenders were advertised on 12 June 2024 and closed 1 July 2024.

One (1) tender was received by the closing date from:

- T C Waste Pty Ltd

The tender was evaluated by a three (3) person panel comprising of:

- Manager Waste, Fleet & Depot
- Waste & Fleet Coordinator
- Waste Operations Supervisor

The tender was first assessed for compliance with the tender documents. The tender was then assessed against the qualitative criteria that were weighted.

The criteria and associated weightings were:

Criteria	Weighting
Relevant Experience	20%
Methodology	10%
Capacity to Deliver	20%
Price	45%
Sustainability	5%

A copy of the Evaluation Report is contained within the confidential section of the agenda.

The Director Strategic Projects & Infrastructure and the Chief Executive Officer have endorsed the recommendation.

LEVEL OF SIGNIFICANCE

In accordance with Council policy CG-8 Significant Decision Making policy, this matter is considered to be of moderate significance in terms of economic issues, environmental issues and Council’s ability to perform its role.

STATUTORY IMPLICATIONS

Tenders for the works were called in accordance with Section 3.57 of the *Local Government Act* and associated *Regulations*.

COUNCILLOR/OFFICER CONSULTATION

No Councillor or Officer consultation is required.

COMMUNITY CONSULTATION

Community consultation is not required at this stage of the process.

A communication strategy has been developed to ensure the community clearly understand the intentions of the service. The extensive plan includes residential flyer drop-off, advertising via social media and the City’s website, in addition to other media platforms.

POLICY IMPLICATIONS

Council Policies CG12 – Purchasing is applicable to this matter.

FINANCIAL IMPLICATIONS

The total estimated cost of the service proposed under this tender including extension options and CPI increases is \$522,300 excl. GST over the five (5) year period.

It is anticipated that expenditure associated with delivering these services under this tender will be in accordance with Council’s budget allocations.

STRATEGIC IMPLICATIONS

This item is relevant to the Council’s approved Strategic Community Plan 2020-2030 and the Corporate Business Plan 2020-2025. In particular, the Operational Plan 2024-2025 provided for this activity:

Programs/Services: 3.c.1.1 Waste Facility Management
 Projects/Actions: 3.c.1.1.b Process green waste into mulch/compost

RISK MANAGEMENT CONSIDERATIONS

The level of risk to the City is considered to be as follows:

Category	Risk level	Comments
Health	N/A	Nil
Financial	Low	Funding has been proposed in the 2024/2025 budget process
Service Interruption	N/A	Nil
Environment	Low	Green waste collected is shredded at the 7 Mile waste facility and used in the compositing trial
Reputation	Low	Maintaining the current collection service model should continue to result in favourable community expectations represented in the Community Survey.
Compliance	Low	Service will be undertaken in accordance with relevant Australian Standards, current legislation, OSH provisions and best industry practice.

IMPACT ON CAPACITY

There is no impact on capacity or resourcing to carry out the Officer’s recommendation.

RELEVANT PRECEDENTS

At the September 2019 OCM, Council resolved to award a tender (RFT 44-18/19) for Pre-Cyclone Green Waste Verge Collection.

VOTING REQUIREMENTS

Simple Majority.

OPTIONS

Option 1

As per Officer’s recommendation.

Option 2

That Council by SIMPLE Majority pursuant to Section 3.57 of the *Local Government Act 1995* NOT SUPPORT the officer’s recommendation and PROPOSE an alternative recommendation.

Option 3

That Council REJECT the tender for RFT0000011 Pre-Cyclone Green Waste Verge Collection and READVERTISE the tender.

CONCLUSION

The Evaluation Panel believes that the recommended tenderer has the required skill, knowledge, expertise, and capacity to perform the contract requirements to the expected level.

The Evaluation Panel sees no advantage in requesting the RFT0000011 Pre-Cyclone Green Waste Verge Collection be readvertised.

COUNCILLOR QUESTION:

Have we engaged this company before?

CITY RESPONSE:

Yes, it is the same contractor we have used before. Their previous contract expired.

12.2 REQUEST TO CALL TENDERS FOR FENCING SERVICES

File No:	RFT0000018
Responsible Executive Officer:	Director Strategic Projects & Infrastructure
Reporting Author:	Contract Administration Officer
Date of Report:	28 June 2024
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	Nil

PURPOSE

For Council to consider calling Tenders for Fencing Services.

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION

That Council **AGREE** to invite Tenders for Fencing Services for a period of three (3) years with two (2) x one (1) year extension options, exercisable at the sole discretion of the City.

Res No : **OCM240729-11**
MOVED : **Cr Nunn**
SECONDED : **Cr Johannsen**

CARRIED 9/0

FOR : Cr Scott, Cr Gillam, Cr Furlong, Cr Johannsen, Cr McNaught, Cr Nunn, Cr Roots, Cr Simpson, Cr Waterstrom Muller
AGAINST : Nil

BACKGROUND

Historically, the City of Karratha's (the City) Departments have been responsible for the installation of new fencing, repairs and replacement of existing fencing. The process has involved obtaining quotes for individual projects when required whilst adhering to the relevant purchasing policy applicable based on estimated/budgeted value.

Officers propose that consideration be given to an alternative process and tender for the fencing works.

If Council support tendering, the proposed scope of works in the request for tender would comprise:

- Supply and installation of new fencing for all the City's facilities, including the Airport, Leisureplex, sports amenities, parks, and ovals.
- Supply and installation of bollards for all the City's facilities, including the Airport, Leisureplex, sports amenities, ovals, and parks.
- Supply, installation and repair of all caged/fenced sporting assets including softball cages, cricket nets, and shotput cages.
- Repair and replacement of all fencing across the City's facilities, parks, and ovals.

- Fencing repairs and replacement at City housing as required.
- Hiring and installation of temporary fencing for construction works.
- Design consultation for new projects.
- Complete all building approvals and permits as required.
- Removal and disposal of fencing at an approved licensed waste facility.

Fencing construction includes chain link, pool fencing, colorbond fencing, temporary fencing for construction works, sporting nets, cages, railings, palisade fencing and gates.

All works would be installed to Australian Standards and comply with Local Government Legislation and Regulations.

Officers propose Tenders to be assessed against weighted qualitative criteria:

Criteria	Weighting
Relevant Experience	20%
Methodology	15%
Capacity to Deliver	15%
Sustainability	5%
Price	45%

DISCUSSION

The Parks & Gardens team have recently been given responsibility for the majority of fencing requirements for the whole of the City. This has been established as a result of internal discussions within the Asset Maintenance Department, Community Facilities Department and through Levels of Service.

Officers propose the most cost effective and time efficient process to maintain the fencing throughout the City is to engage a Fencing Contractor for all fencing works to assist with maintenance, reactive repairs, and new installations.

LEVEL OF SIGNIFICANCE

In accordance with Council policy CG-8 Significant Decision Making policy, this matter is considered to be of low significance in terms of economic issues.

STATUTORY IMPLICATIONS

Should the Officers recommendation be supported, Section 3.57 of the *Local Government Act* and associated *Regulations* are applicable to the tender process.

COUNCILLOR/OFFICER CONSULTATION

Consultation has taken place across the Asset Maintenance and Community Facilities Departments.

COMMUNITY CONSULTATION

No community consultation is required.

POLICY IMPLICATIONS

CG-12 Purchasing and CG-11 Regional Price Preference Polices are applicable to this matter.

FINANCIAL IMPLICATIONS

An allocation of \$450K has been proposed in the 2024/25 budget to reflect contract rates based on the current level of service.

The total cost of the service over three (3) years is estimated at a minimum \$1.7M (excl GST) assuming an annual CIP increase may be applied.

STRATEGIC IMPLICATIONS

This item is relevant to the Council’s approved Strategic Community Plan 2020-2030 and the Corporate Business Plan 2020-2025. In particular, the Operational Plan 2024-2025 provided for this activity:

Programs/Services:	1.a.1.2	Parks and Gardens Maintenance
Projects/Actions	1.a.1.2.19.1	Implement Park Enhancement Program
Programs/Services:	1.a.1.4	Airport Facility Management
Projects/Actions	1.a.1.4.23.1	Complete Fencing to new Airport commercial lots
Programs/Services:	1.a.1.5	Building Maintenance Services
Projects/Actions	1.a.1.5.19.1	Deliver buildings and structures maintenance program
Programs/Services:	1.a.1.7	Community Facility Management
Programs/Services	1.a.1.8	Sports Fields and Ground Management

RISK MANAGEMENT CONSIDERATIONS

The level of risk to the City is considered to be as follows:

Category	Risk level	Comments
Health	N/A	Nil
Financial	Low	Expenditure to be monitored against approved budgets for scheduled and reactive maintenance works.
Service Interruption	Low	Works to be conducted in line with the approved scheduled as arranged with the Facility Managers.
Environment	N/A	Nil
Reputation	Low	Failure to maintain fencing structures may impact on the City’s reputation.
Compliance	Low	The contractor is to supply and install fencing in accordance with Australian Standards and to comply with Local Government building permits.

IMPACT ON CAPACITY

There is no impact on capacity or resourcing to carry out the Officer’s recommendation.

RELEVANT PRECEDENTS

The City currently engages contractors to provide fencing construction and maintenance services for individual projects. Establishing a Fencing Service Contract creates a new precedent for delivery of these services.

VOTING REQUIREMENTS

Simple Majority.

OPTIONS:

Option 1

As per Officer’s recommendation.

Option 2

That Council RESOLVES to NOT INVITE tenders for Fencing Services and continue to procure services through RFQ process as required.

CONCLUSION

Officers propose that Council consider the request to invite tenders for a Fencing Services contract. A contract represents the most cost effective and efficient process to deliver the City's fencing services requirements.

COUNCILLOR QUESTION:

Have we allowed for the price increase across contract years and how do we manage that?

CITY RESPONSE:

The City manages price increases within service contracts by using CPI. When we complete a new financial year budget process we will allow for a change in CPI within budget estimates for new works. We have budget allocated for this year's program of works already.

13 CHIEF EXECUTIVE OFFICER REPORTS

13.1 ITEMS FOR INFORMATION ONLY

Responsible Officer: Chief Executive Officer

Reporting Author: Minute Secretary

Disclosure of Interest: Nil

PURPOSE

To advise Council of the information items for July 2024.

VOTING REQUIREMENTS

Simple Majority.

OFFICER’S RECOMMENDATION / COUNCIL RESOLUTION

That Council note the following information items:

- 13.1.1 Community Experience Information – May 2024**
- 13.1.2 Concession on Fees for City Facilities**
- 13.1.3 Development Services update**
- 13.1.4 Register of Documents Stamped with the City of Karratha Common Seal**
- 13.1.5 Public Agenda Briefing Session Additional Information**

Res No : OCM240729-12

MOVED : Cr McNaught

SECONDED : Cr Simpson

CARRIED 9/0

FOR : Cr Scott, Cr Gillam, Cr Furlong, Cr Johannsen, Cr McNaught, Cr Nunn, Cr Roots, Cr Simpson, Cr Waterstrom Muller

AGAINST : Nil

13.1.1 COMMUNITY EXPERIENCE INFORMATION – MAY 2024

File No: CS.23
Responsible Executive Officer: Director Community Experience
Reporting Author: EA Community Experience
Date of Report: 30 June 2024
Applicant/Proponent: Nil
Disclosure of Interest: Nil
Attachment(s) Nil

PURPOSE

To provide Council with an update on Community Experience services for May 2024.

Attendance & Utilisation Summary

Facility Attendance	May 2023	May 2024	Year on Year %
The Youth Shed	673	629	-7%
The Base	932	958	3%
Total Library	5,068	13,225	161%
Karratha Leisureplex	48,465	52,492	8%
Wickham Recreation Precinct	2,791	2,540	-9%
Roebourne Aquatic Centre	0	0	0%
Red Earth Arts Precinct	8,761	6,444	-26%
Arts Development & Events	3,306	5,207	58%
Indoor Play Centre	1,960	1,696	-13%

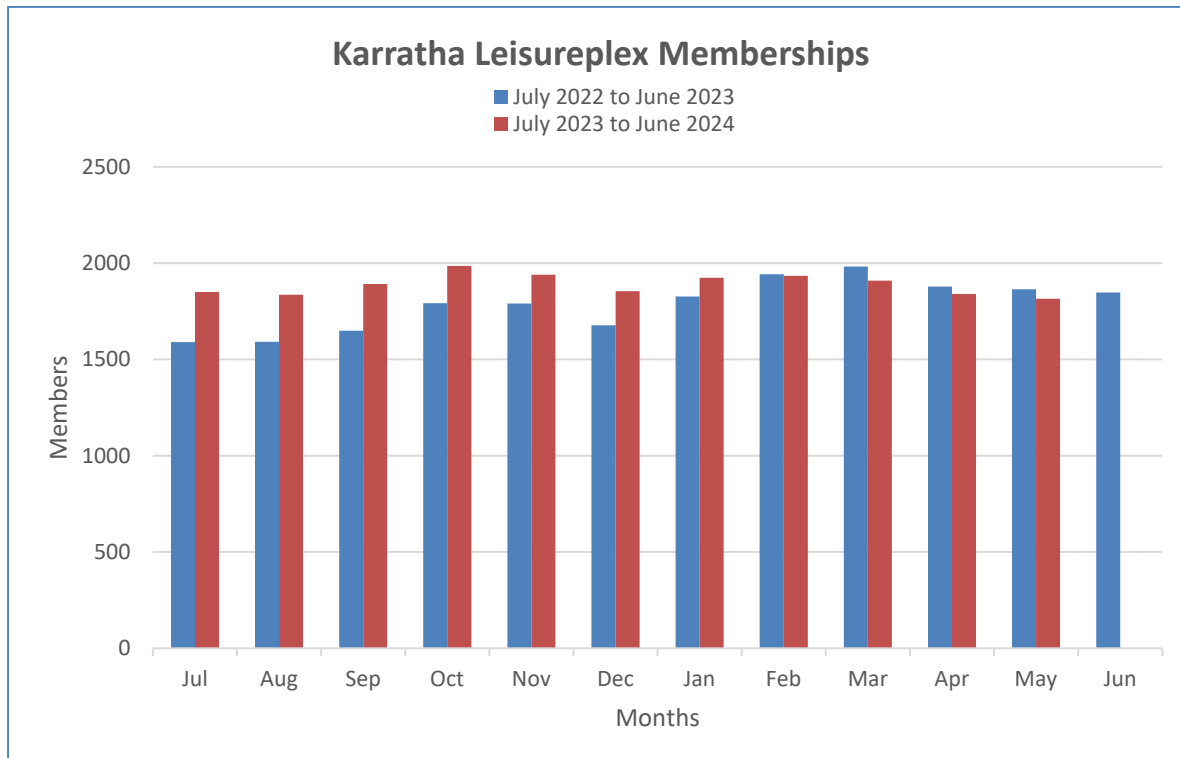
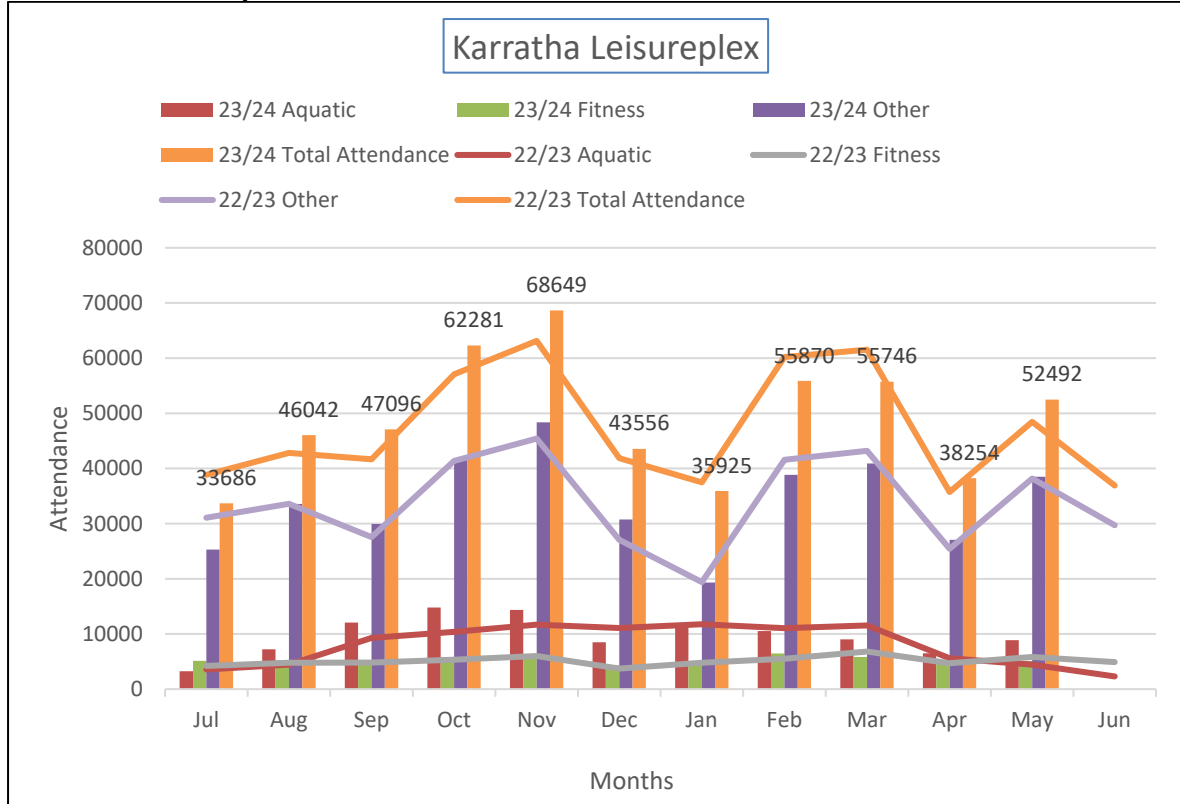
Small Community Grants

The following Small Community Grant was awarded since the last Ordinary Council Meeting. The total contribution is \$500.

May 2024

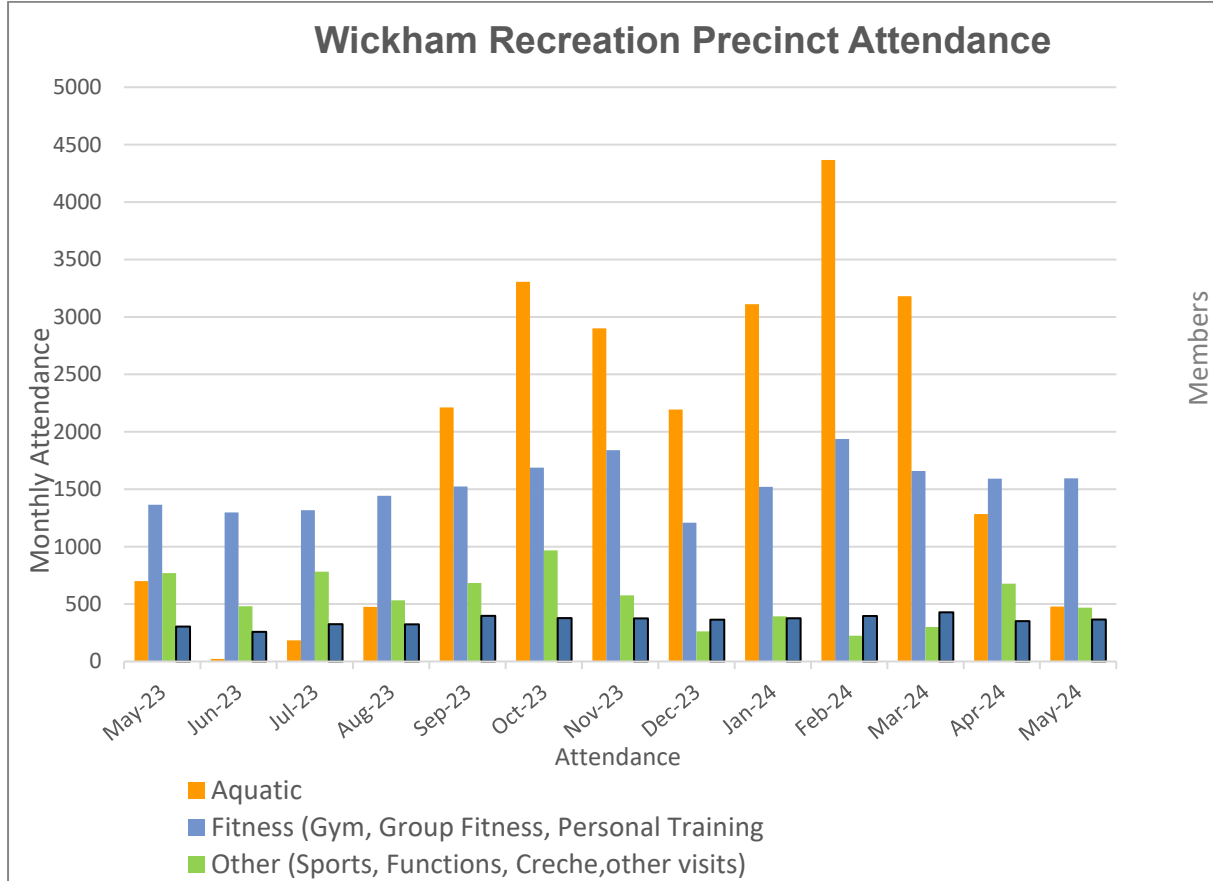
Town	Who	What	Awarded ex GST
Karratha	Karratha Community Garden	Funding towards annual insurance fees and water bills	\$500

Karratha Leisureplex



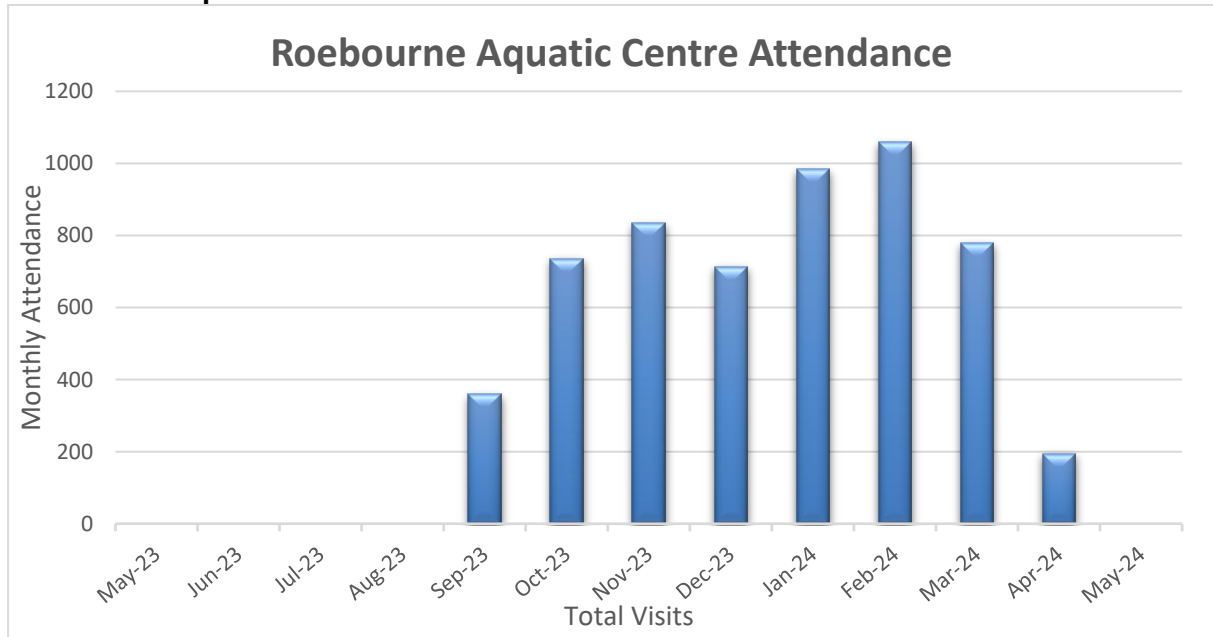
Total attendance was up 8% on May 2023 at 52,492 – this is partly attributable to strong growth in netball. Memberships continue a downward trend, normal for this time of year – total 1,815. There were 423 enrolments in term 2 (winter) swim school. Total aquatic attendance was up 55% on May 2023 which can be attributed to growth in our school swimming lessons.

Wickham Recreation Precinct



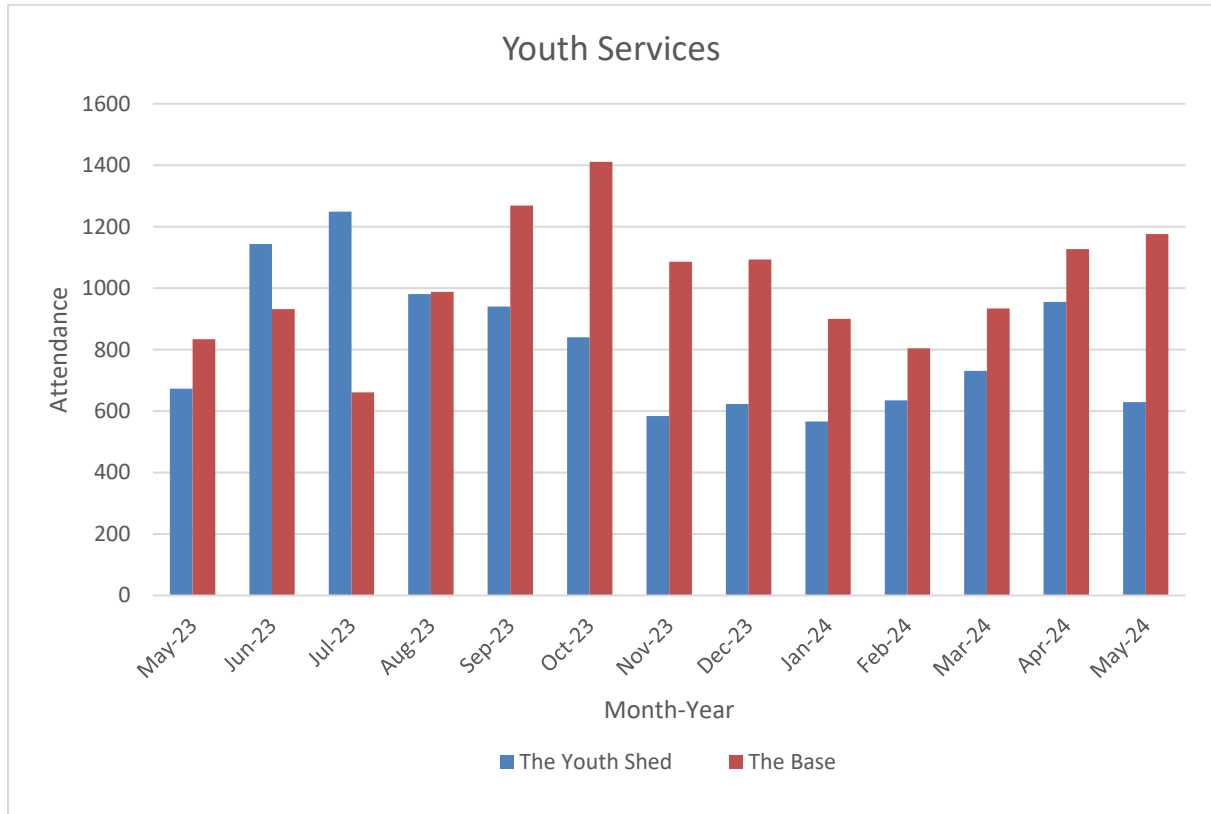
Wickham Recreation Precinct had an increase of 30% memberships and 59% group fitness attendance from May 2023. WAC has continued to see numbers decrease in aquatic entries in all categories with cooler weather being the driving factor.

Roebourne Aquatic Centre



Centre closed for the season.

Youth Services



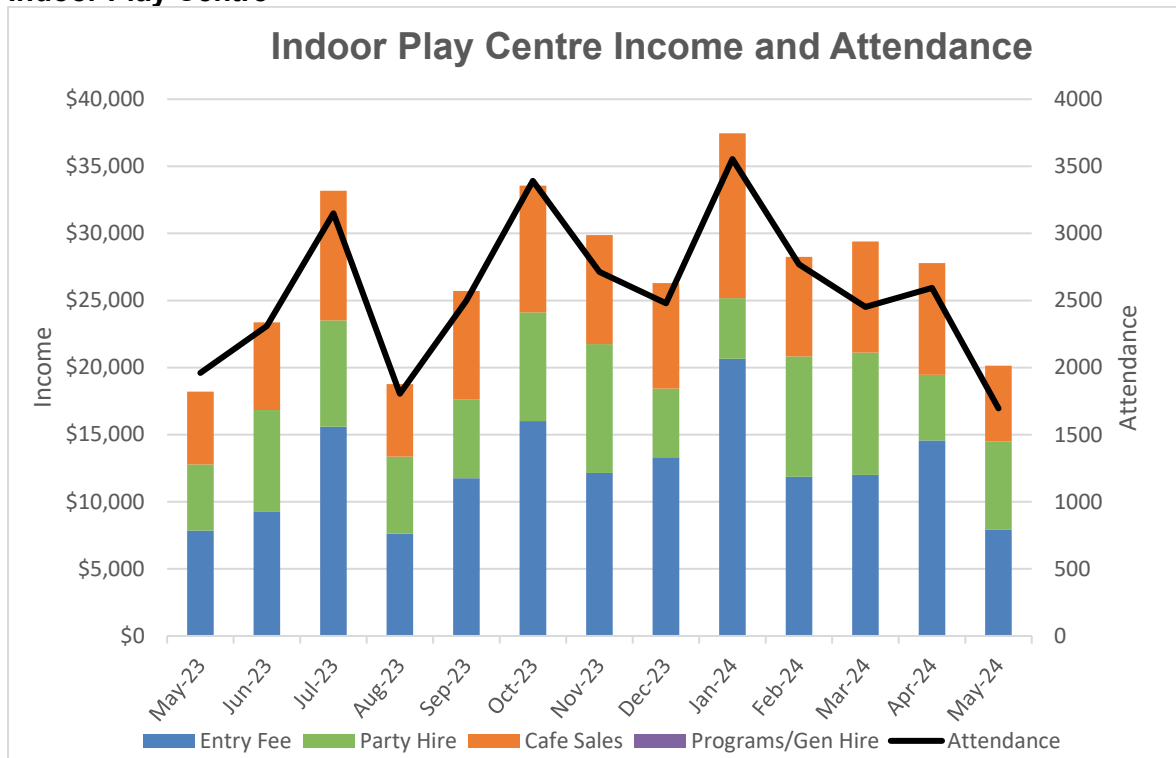
The Base, Wickham

Base statistics showed a slight fall in numbers from April to May with 958 youths attending the Centre. However, it is worthy to mention that our figures are marginally higher compared to the same month last year. The impact of the winter sporting season and families moving out of Wickham and the surrounds also contributed to the decline in numbers.

The Youth Shed, Karratha

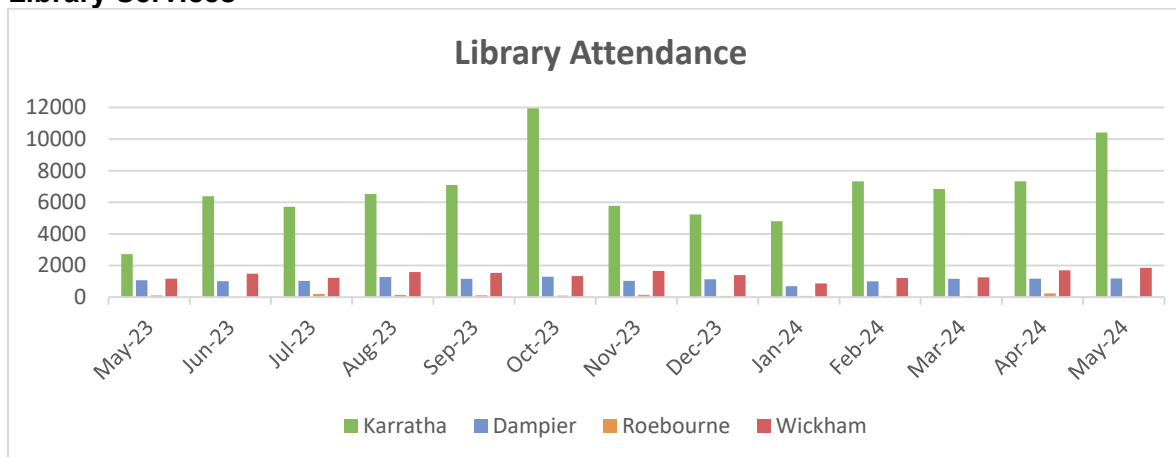
The Youth Shed attendance statistics for the current month reflect a total attendance number of 629. This figure represents a decrease from the previous month's attendance of 955. However, despite this decline, there has been a marginal increase in attendance compared to May of the previous year, which recorded 626 attendees.

Indoor Play Centre



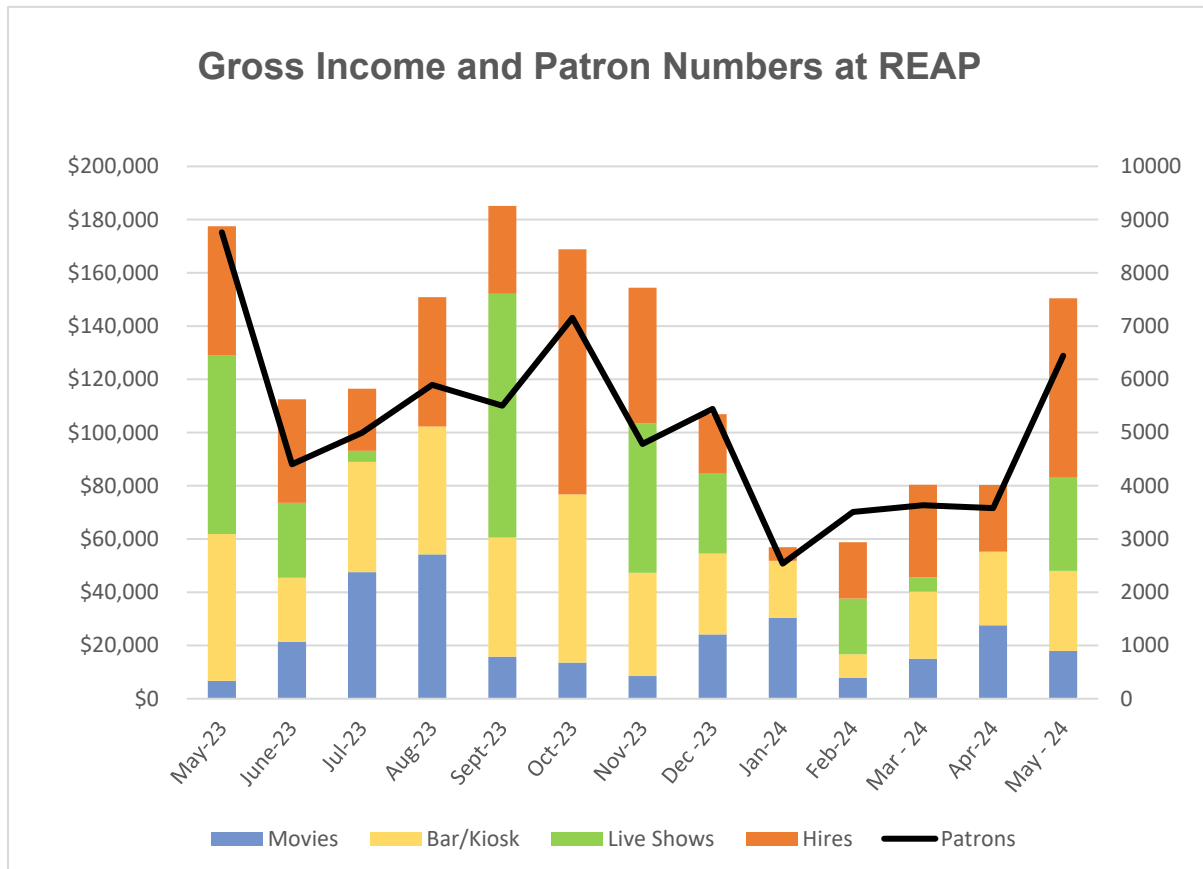
Attendance numbers compared to May 2023 are down, noting May is usually a quieter month as customers opt for outdoor pursuits with the onset of cooler weather. Despite lower attendance, revenue was higher than the same period in 2023. The centre was also unable to run laser tag parties as equipment was offline for repair.

Library Services



11,337 Total memberships (69 new members signed up in April).	3,102 Physical items and 1,290 eResources borrowed.
730 Individual computer log ins by members and guests (excludes Wi-Fi).	8 External requests for local history information.
1,081 Program participants at 76 programs, (including Story Time, Rhyme Time Family Funday and School Holiday Programs, REAF and special events).	85 Better Beginnings Packs were distributed to Population Health, Kindy classes and Library Patrons.
1,070 Technical enquiries (including assistance with Computers, Wifi, Printing and Scanning).	

Red Earth Arts Precinct



In May 2024, REAP experienced a decline in performance compared to May 2023. The decrease in overall revenue can be attributed to the lack to limited venue availability with live shows and REAF having the theatre locked out for hire over multiple days for bump ins/outs.

Movies: The top-performing movie for the month was the children’s film “IF”, which attracted 544 attendees over six screenings. This turnout was lower than anticipated despite the movie being screened on its Australian release day, thanks to a deal with Paramount.

Bar/Kiosk: The Bar/Kiosk revenue decreased to \$30,073 down significantly from \$55,112 in May 2023 as the Melbourne International Comedy Festival (MICF), typically held in May, was scheduled for June this year.

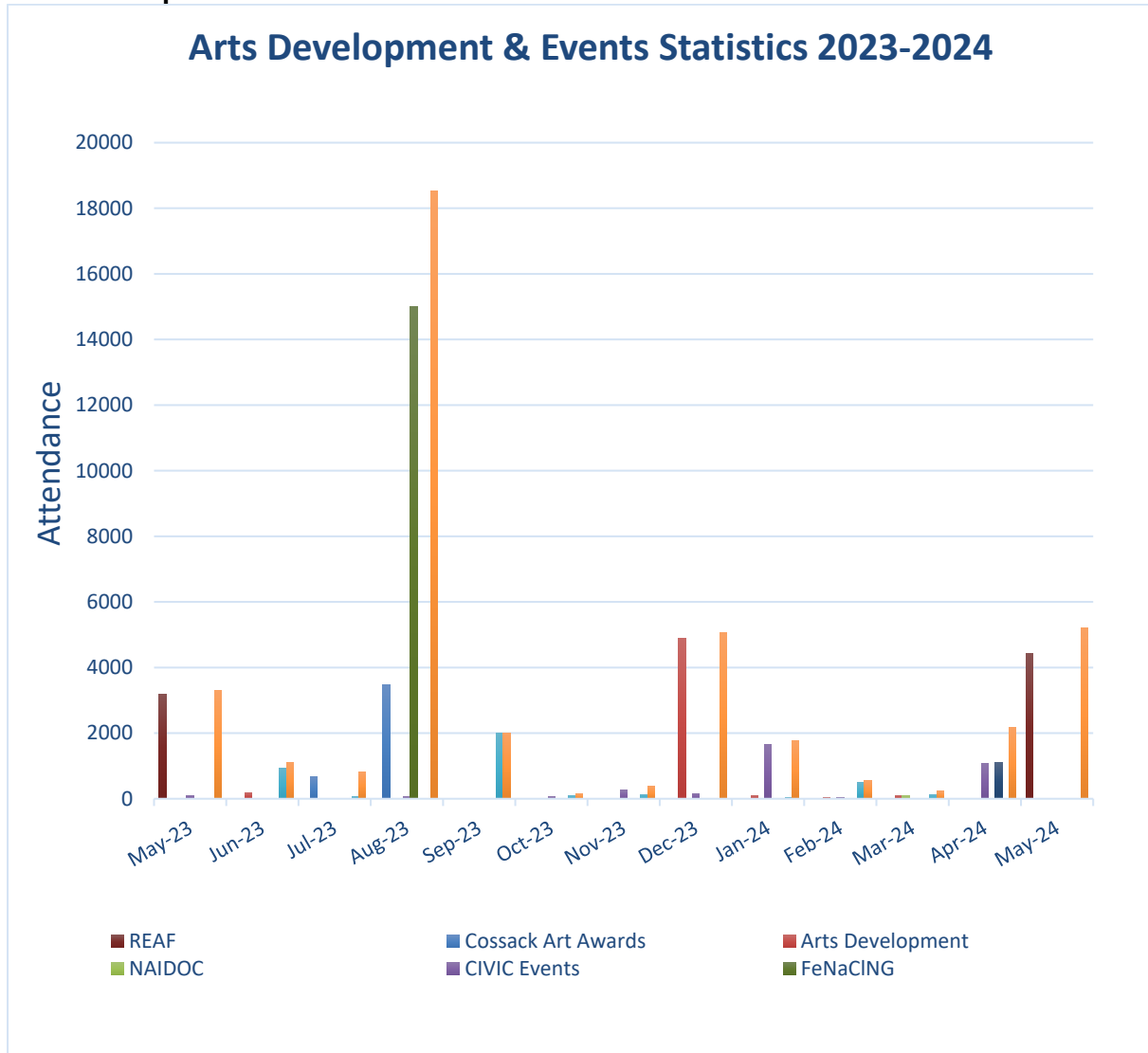
Live Shows: May featured the REAF festival, which included seven live shows in the Theatre and the Shelf, generating \$25,672 in ticket sales. Additionally, there were two other live shows under the AD&E programming schedule. “Barracking for the Umpire” had its final performance cancelled due to a cast member becoming unwell, reducing its income to \$3,964. “The Seedy Magical Sea Dragon” was well-received, drawing 275 patrons on a Tuesday night and performing for 160 children as part of the education program. Live show apparent income decreased compared to 2023, because this year’s report separates ticketing revenue from venue hire revenue. Venue hire is now detailed in the venue hire section, providing a clearer representation of ticketing revenue.

Venue Hire: Revenue from venue hires increased to \$67,367 in May 2024. This growth is attributable to the inclusion of the venue hire for four days during the REAF festival in the venue hire revenue rather than the live show revenue. Other large venue hire events included the VRA Awards night, Reconciliation Breakfast, KSHS Ball and the Polly Farmer Foundation event.

Patrons: The total number of patrons visiting the precinct decreased to 6,444 in May 2024 compared to 8,761 in May 2023. This decline is due to the use of the Quarter for REAF events instead of the REAP Amphitheatre.

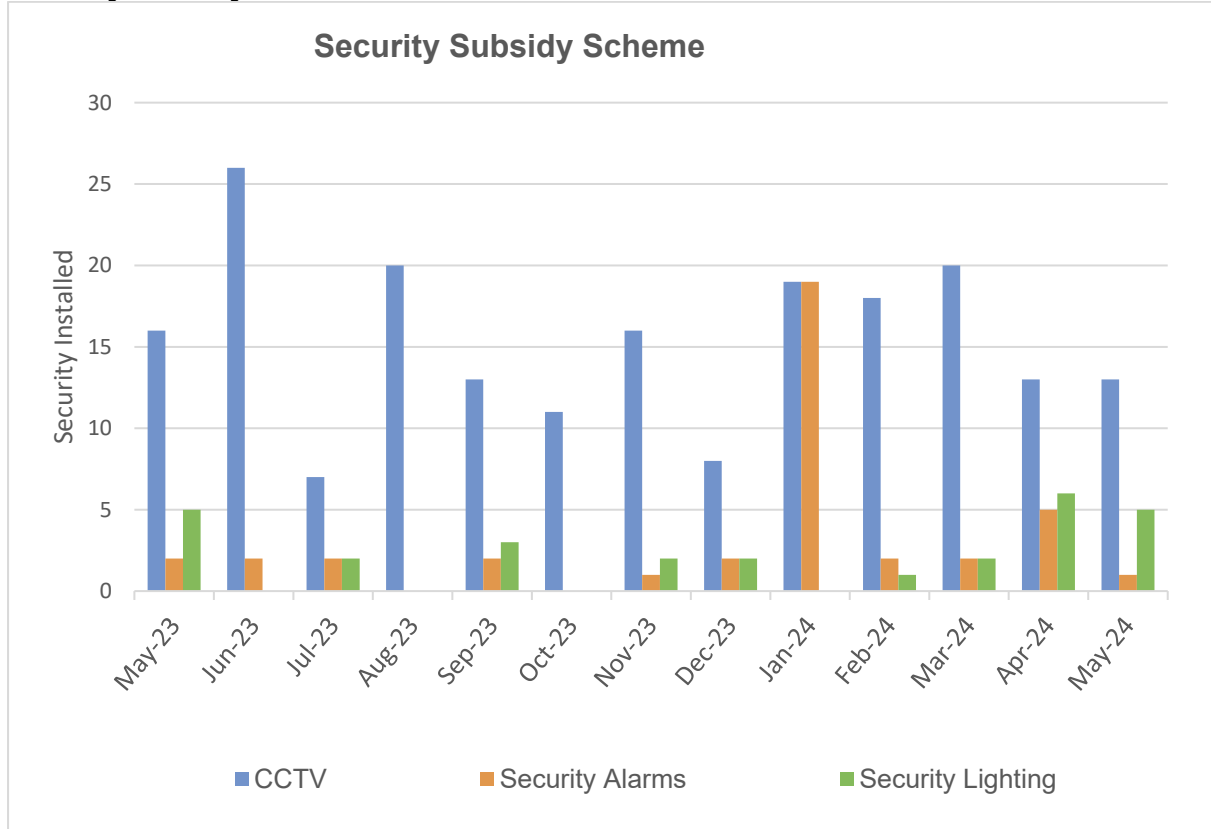
Total Revenue: Overall, the total revenue for May 2024 was \$161,752, a slight decrease from May 2023’s total of \$177,514. The primary contributor to this decline was the rescheduling of our annual MICF event to June.

Arts Development & Events

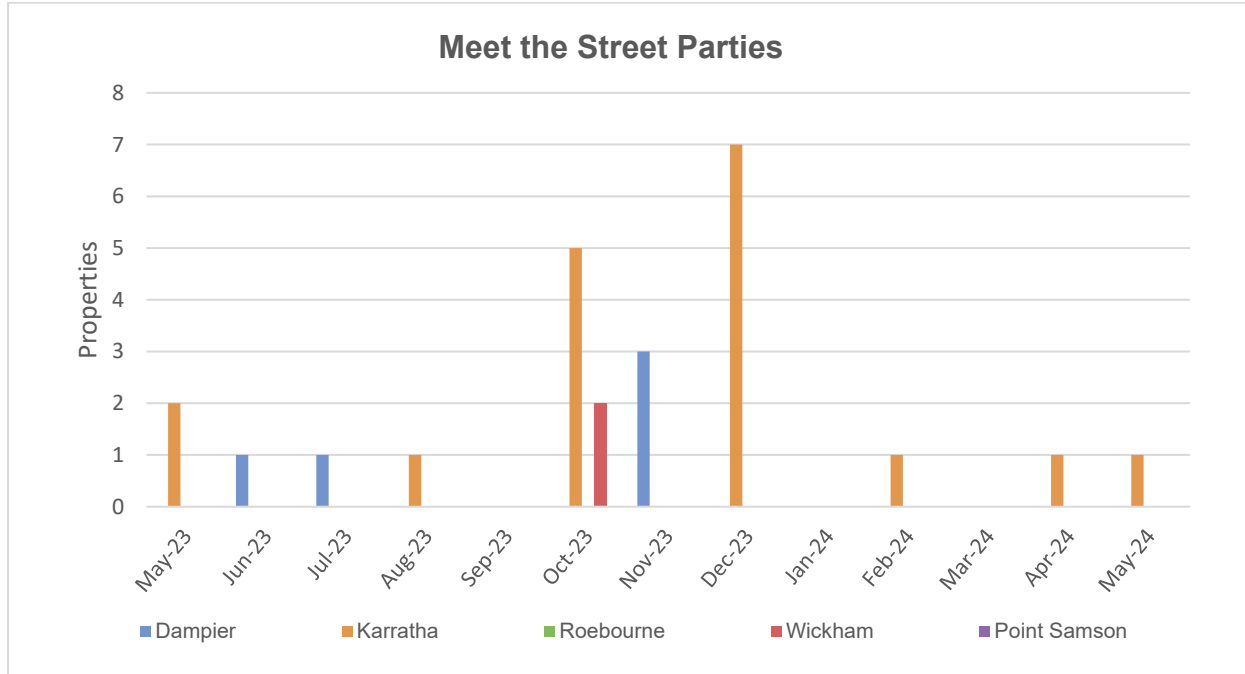


May 2024 was an eventful month with over 25 REAF activations drawing a total of 4,415 participants.

Security Subsidy Scheme



Meet the Street



One Meet the Street party was hosted in Karratha this month.

13.1.2 CONCESSION ON FEES FOR CITY FACILITIES

File No: CR.38
Responsible Executive Officer: Director Community Experience
Reporting Author: EA Community Experience
Date of Report: 30 June 2024
Disclosure of Interest: Nil

PURPOSE

To provide Council with a summary of all concessions on fees for the City’s community facilities under Delegation 1.10 of the Delegations Register for the month of May 2024

Organisation	Reason	Authorised Officer	Amount (excl. GST)
City of Karratha	To waive the fee of \$400 for 8 x \$50 gift certificates to be spent at REAP over a 3 year period as prizes for distribution during live performances at REAF 2024.	A/Director Community Experience	\$400.00

13.1.3 DEVELOPMENT SERVICES UPDATE

File No:	DB.32
Responsible Executive Officer:	Director Development Services
Reporting Author:	Statutory Planning Coordinator
Date of Report:	2 July 2024
Disclosure of Interest:	Nil
Attachment(s)	List of current decisions subject of State Administrative Tribunal Review and List of current Joint Development Assessment Panel applications

PURPOSE

To provide information relating to current State Administrative Tribunal (SAT) Reviews and development applications to be determined by the Joint Development Assessment Panel (JDAP).

This information is provided to keep Council informed of major development applications within the City of Karratha that will be determined by the JDAP rather than the City, and decisions made under planning legislation within the City that are being challenged in SAT.

These matters may also be of interest to members of the local community. The attached summaries also make information publicly available on major development applications and decisions that are being challenged.

As of 4 July 2024

APPLICATION (Name, No., City File Reference &/or JDAP File Reference)	PROPERTY	DATE FOR SAT REVIEW / APPLICATION LODGED	STATUS	RESPONSIBLE OFFICER	DATE CLOSED / COMPLETED
SAT					
Nil					
JDAP					
DA24-024	Lot 2654 Bayview Road, GAP RIDGE	8 April 2024	<ul style="list-style-type: none"> • Proposed Hotel and Restaurant development. • Application proposes: <ul style="list-style-type: none"> ○ Demolition of existing park homes, ablution blocks and related amenities, with the retention & refurbishment of existing swimming pool, reception area and caretakers' facility; ○ Guest accommodation consisting of 928 rooms, sited within 74 buildings; ○ Associated amenities (gym, laundry); ○ New restaurant, licenced bar and beer garden; and ○ Associated areas of car parking, access and landscaping • All new buildings within the proposal are of a modular construction. • Application has been advertised for comments/submissions. • Application was advertised in the newspaper, on the City's website, letters to property owners and occupiers within 200m of the site and also on the City's Facebook page. • Independent design review undertaken on 29 May 2024. • The City requested further information from the applicant on 7 June 2024. • The City's Responsible Authority Report (RAR) was originally due to the JDAP on 4 July 2024. • The applicant has now requested an extension of time to provide the requested information until 19 July 2024. 	A/Manager Planning	Under Assessment / Ongoing

			<ul style="list-style-type: none"> • The due date of the City’s RAR will be determined by the DAP upon receipt of the further information requested. • The meeting date to determine the application will also be set by the DAP pending the RAR submission. 		
DA24-066	Lot 572 Mof Road, BURRUP	25 June 2024	<ul style="list-style-type: none"> • Proposed modifications to the Pluto Train 1 LNG Plant. • Application proposes modifications to Train 1 to be able to accept and process Scarborough gas through the facility. • The application comprises: <ul style="list-style-type: none"> ○ Temporary construction facilities, to be removed by 2027; ○ Construction of Pluto Train 1 Scarborough Modifications (modules) to allow the processing of the Scarborough gas through the existing Train 1 facility; and ○ Laydown areas. 	Senior Planner	Under Assessment

13.1.4 REGISTER OF DOCUMENTS STAMPED WITH THE CITY OF KARRATHA COMMON SEAL

Responsible Executive Officer: Chief Executive Officer

Reporting Author: Executive Assistant to the Mayor and Council

Date of Report: 02 July 2024

PURPOSE

To advise Councillors of documents, as listed below, that have been stamped with the Common Seal of the City of Karratha since the last Council Meeting.

DATE	DOCUMENT
04/06/2024	Proposed Scheme Amendment No. 58 to City of Karratha Local Planning Scheme No. 8 – Amendment to Normalise Zoning of Land Parcels Currently Zoned ‘Urban Development’

13.1.5 PUBLIC BRIEFING ADDITIONAL INFORMATION – 22 JULY 2024

File No: CM.191
Responsible Executive Officer: Chief Executive Officer
Reporting Author: Minute Secretary
Date of Report: 22 July 2024
Disclosure of Interest: Nil
Attachment(s): Nil

PURPOSE

To record meeting proceedings of the Public Agenda Briefing Session held on Monday 22 July 2024 and outline areas of the July 2024 Ordinary Council Meeting Agenda with additional information following the meeting.

BACKGROUND

The Public Briefing session is a meeting whereby councillors can ask questions and obtain additional information related to Council Agenda items. No decisions can be made at this meeting. Meeting is also open to members of the public, where questions can be asked, and deputations/presentations can be made (time limited) to Council Agenda items only.

MEETING PROCEEDINGS

Official Opening

Mayor Scott acknowledged the traditions of the Ngarluma people, on whose land we are gathered here today. The meeting was officially opened by the Mayor at 6.00pm on Monday 22 July 2024.

Record of Attendance

Councillors:	Cr Daniel Scott	[Mayor]
	Cr Daiva Gillam	[Deputy Mayor]
	Cr Gillian Furlong	
	Cr Brenton Johannsen	
	Cr Travis McNaught	
	Cr Kelly Nunn	
	Cr Sarah Roots	
	Cr Joanne Waterstrom Muller	
 Staff:	Virginia Miltrup	Chief Executive Officer
	Emma Landers	Director Community Experience
	Alistair Pinto	Director Corporate & Commercial
	Lee Reddell	Director Development Services
	Michael Bunting	A/Director Strategic Projects & Infrastructure
	Miranda Geal	A/Manager Governance & Organisational Strategy
	Kate Jones	Minute Secretary
Apologies:	Cr Tony Simpson	
Absent:		
Leave of Absence:		
Members of Public:	3	
Members of Media:		

Declarations of Interest

As listed in Item 6 of the June Ordinary Council Meeting Agenda.

Public Question Time

There were no public questions.

Petitions/Deputations/Presentations

There were no Petitions/Deputations/Presentations.

Requests for Leave of Absence

There were no requests for leave of absence.

Agenda Items with Additional Information**9 CORPORATE & COMMERCIAL REPORTS****9.1 STATEMENTS FOR PERIOD ENDED 31 MAY 2024**

Questions Arising from Briefing Session

9.2 LIST OF ACCOUNTS – 1 MAY 2024 TO 31 MAY 2024

Questions Arising from Briefing Session

9.4 EXTRAORDINARY ELECTION – KARRATHA DISTRICT

Questions Arising from Briefing Session

10 COMMUNITY EXPERIENCE REPORTS**10.1 DISABILITY ACCESS AND INCLUSION PLAN 2024-2029**

Questions Arising from Briefing Session

10.2 ROEBOURNE LICENSED POST OFFICE

Questions Arising from Briefing Session

11 DEVELOPMENT SERVICES REPORTS**11.1 PROPOSED LOCAL PLANNING POLICIES DP24 ‘COMPLEX APPLICATIONS’ AND DP25 ‘DESIGN REVIEW’ – PREPARATION FOR PUBLIC CONSULTATION**

Questions Arising from Briefing Session

12 STRATEGIC PROJECTS & INFRASTRUCTURE REPORTS**12.1 RFT - PRE-CYCLONE GREEN WASTE VERGE COLLECTION – TENDER OUTCOME**

Questions Arising from Briefing Session

12.2 REQUEST TO CALL TENDERS FOR FENCING SERVICES

Questions Arising from Briefing Session

13 CHIEF EXECUTIVE OFFICER REPORTS**13.2 ELECTRONIC ATTENDANCE AT COUNCIL MEETINGS**

Questions Arising from Briefing Session

Closure

The meeting closed at 7.06pm.

13.2 ELECTRONIC ATTENDANCE AT COUNCIL MEETINGS

File No:

Responsible Executive Officer: Chief Executive Officer

Reporting Author: Chief Executive Officer

Date of Report: 12 July 2024

Applicant/Proponent: Nil

Disclosure of Interest: Nil

Attachment(s): DRAFT Electronic Attendance at Council Meetings (Policy CG20)

PURPOSE

For Council to consider the draft policy for Electronic Attendance at Council Meetings

OFFICER’S RECOMMENDATION / COUNCIL RESOLUTION

That Council APPROVE the new Council policy *CG20 Electronic Attendance at Council Meetings* as attached to this report.

Res No : **OCM240729-13**

MOVED : **Cr McNaught**

SECONDED : **Cr Simpson**

CARRIED 9/0

FOR : Cr Scott, Cr Gillam, Cr Furlong, Cr Johannsen, Cr McNaught, Cr Nunn, Cr Roots, Cr Simpson, Cr Waterstrom Muller

AGAINST : Nil

BACKGROUND

Establishing a policy for electronic attendance a meeting is recommended to provide consistency and transparency to involved parties. The policy outlines a clear set of guidelines on what constitutes suitable equipment, location, requests and frequency of electronic attendance.

DISCUSSION

Effective 9 November 2022 the State Government initiated a range of changes to the *Local Government (Administration) Regulations 1996* to enable local governments to continue to conduct council and committee meetings electronically outside of emergency situations.

The new provisions:

- Enable councils to hold up to half of all council meetings by electronic means in a 12-month period, and
- Provide for council members to attend by electronic means.

The City recognises that Council Members have a specific role within legislation to govern and make decisions. Occasionally Council Members and Committee Members may need to attend a meeting by electronic means. Flexibility may be a necessity where travel, family

responsibilities, and other personal events affect a Member’s ability to attend a meeting in-person.

The City of Karratha also benefits by ensuring continuity of good governance and decision making.

The Department of Local Government, Sport and Cultural Industries recommends that councils prepare a policy to govern how the regulations will be applied.

The policy applies to the following meetings where standing orders apply:

- (a) An ordinary meeting of the council; or
- (b) A special meeting of the council; or
- (c) A meeting of the Audit and Organisational Risk Committee of council; or
- (d) Any meeting of a committee of the council.

LEVEL OF SIGNIFICANCE

In accordance with Council policy CG-8 Significant Decision Making policy, this matter is considered to be of high significance in terms of Council’s ability to perform its role.

STATUTORY IMPLICATIONS

This policy complies with the requirements of the *Local Government Act 1995*, and the *Local Government (Administration) Regulations 1996*.

COUNCILLOR/OFFICER CONSULTATION

Consultation has taken place with Councillors at a workshop held in July 2024.

COMMUNITY CONSULTATION

No community consultation is required.

POLICY IMPLICATIONS

This resolution creates a new Council Policy. Councillors have expressed a desire to establish procedures for Council Member attendance at Council Workshops and Public Agenda Briefings.

FINANCIAL IMPLICATIONS

There are no financial implications.

STRATEGIC IMPLICATIONS

There are no strategic implications.

RISK MANAGEMENT CONSIDERATIONS

The level of risk to the City is considered to be as follows:

Category	Risk level	Comments
Compliance	Low	This policy will support Council to comply with the Local Government Act and associated Regulations.

IMPACT ON CAPACITY

There is no impact on capacity or resourcing to carry out the Officer’s recommendation.

RELEVANT PRECEDENTS

There are no relevant precedents related to this matter.

VOTING REQUIREMENTS

Simple Majority.

OPTIONS:

Option 1

As per Officer’s recommendation.

Option 2

That Council APPROVE the new Council policy *CG20 Electronic Attendance at Council Meetings* as attached to this report, with the following amendments:

a) _____

b) _____

Option 3

That Council DEFER the new Council policy *CG20 Electronic Attendance at Council Meetings* as attached to this report, and REQUESTS the Chief Executive Officer to:

a) _____

b) _____

CONCLUSION

This policy is considered good practice and will support Council to comply with the Local Government Act and associated Regulations.

COUNCILLOR QUESTION:

I noticed the request needs to be in writing to the CEO and Presiding Member, can it also be requested at a public briefing that is minuted?

CITY RESPONSE:

Yes, this would be suitable. The City seeks documentation of a request being made.

COUNCILLOR QUESTION:

Would it be necessary to detail restrictions around what sort of travel is considered appropriate? Is there a limitation on whether international, interstate or regional travel is appropriate?

CITY RESPONSE:

The policy details that you can dial in but does not negate the ability to request a leave of absence. Regulations outline a 50% cap on remote attendance, this is relevant to Ordinary Council Meetings, Special Council Meetings and Committee Meetings (e.g. AORC).

COUNCILLOR QUESTION:

Do we need to be so flexible with the camera component, given this technology is so widely available?

CITY RESPONSE:

While camera technology is widely available, a video may become unstable if the internet connection is not strong. In this case the Mayor or Presiding Member may revert to an audio connection.

COUNCILLOR QUESTION:

What happens if the person dialling in loses connection during the meeting?

CITY RESPONSE:

It will be recorded in the minutes that the person has left the meeting, and it will again be recorded when they rejoin the meeting.

COUNCILLOR QUESTION:

Should there be parameters around what constitutes a suitable reason to attend a meeting electronically?

CITY RESPONSE:

Administration intends for this policy to maximise Councillor attendance, rather than determine what constitutes a suitable reason. The relevant regulations do not set any parameters around a suitable reason.

Councillors have discussed a scenario where there is a potential conflict between the Councillor and the Mayor or CEO. It is the responsibility of the Mayor or Presiding Member to determine how the meeting will be conducted, and the policy follows the same principle.

COUNCILLOR QUESTION:

Is the 24-hour notice period necessary?

CITY RESPONSE:

Yes, this is the preferred notice period, designed to enable the City sufficient time to make necessary technology arrangements. The City will always try to accommodate if something were to come up at short notice.

COUNCILLOR QUESTION:

When making the request in writing, the policy does not outline a requirement to give reason, should this be included?

CITY RESPONSE:

The regulations do not set a why, only how. It is the Mayor's judgement as to whether the decision is reasonable, and he or she will provide permission.

COUNCILLOR QUESTION:

Could you please make item 4 clearer, whether the item refers to the *City* having technology available, or the *Councillor* will have technology available?

CITY RESPONSE:

Where the policy discusses the Mayor consulting with the CEO to ensure logistics and equipment are available and operational, it is assumed that the CEO has responsibility for providing the City's technology.

COUNCILLOR QUESTION:

Can there be an expectation set that it is necessary to be in a location with a steady enough internet connection to enable video streaming? What is the minimum bandwidth and internet requirement?

CITY RESPONSE:

The City has not been prescriptive as to the technical standards in the proposed policy, however Members are encouraged to use a video camera where possible and may revert to an audio connection when needed. This aligns with the expectations set within the regulations.

14 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

There were no motions of which previous notice was given.

15 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

There were no questions by members of which due notice was given.

16 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

There was no urgent business.

17 MATTERS BEHIND CLOSED DOORS

OFFICER'S RECOMMENDATION

In accordance with Section 5.23 (2) (e) (iii) of the *Local Government Act 1995*, that Council move in camera to discuss items:

ATTACHMENT TO ITEM 10.2 PROJECT BUDGET

ATTACHMENT TO ITEM 12.1 RFT0000011 PRE CYCLONE GREEN WASTE VERGE COLLECTION EVALUATION REPORT

These matters if disclosed would reveal information about the business, professional, commercial or financial affairs of a person.

18 CLOSURE & DATE OF NEXT MEETING

The meeting closed at 6.29pm.

The next Ordinary Council Meeting is to be held on 19 August 2024 at 6pm in Council Chambers - Welcome Road, Karratha.