



Shire of Northam
Heritage, Commerce and Lifestyle

Shire of Northam

Agenda

Special Council Meeting

13 November 2024

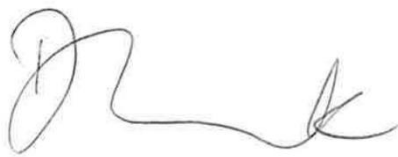


NOTICE PAPER
Special Council Meeting
13 November 2024

President and Councillors

I inform you that a Special Council Meeting will be held in the Council Chambers, located at 395 Fitzgerald Street, Northam on 13 November 2024 at 5:00 pm.

Yours faithfully



Debbie Terelinck
Chief Executive Officer

DISCLAIMER

This agenda has yet to be dealt with by the Council. The Recommendations shown at the foot of each item have yet to be considered by the Council and are not to be interpreted as being the position of the Council. The minutes of the meeting held to discuss this agenda should be read to ascertain the decision of the Council.

In certain circumstances members of the public are not entitled to inspect material, which in the opinion of the Chief Executive Officer is confidential, and relates to a meeting or a part of a meeting that is likely to be closed to members of the public.

No responsibility whatsoever is implied or accepted by the Shire of Northam for any act, omission, statement or intimation occurring during Council or Committee meetings.

The Shire of Northam disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement of intimation occurring during Council or Committee meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by any member or Officer of the Shire of Northam during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Northam.

The Shire of Northam advises that anyone who has any application lodged with the Shire of Northam must obtain and should only rely on WRITTEN CONFIRMATION of the outcome of the application and any conditions attaching to the decision made by the Shire of Northam in respect of the application.

The Shire of Northam advises that any plans or documents contained within this agenda may be subject to copyright law provisions (*Copyright Act 1968*, as amended) and that the express permission of the copyright owner(s) should be sought prior to their reproduction. It should be noted that copyright owners are entitled to take legal action against any persons who infringe their copyright. A reproduction of material that is protected by copyright may represent a copyright infringement.

Contents

1	DECLARATION OF OPENING.....	5
2	OPENING PROCEDURES	5
	2.1 ACKNOWLEDGEMENT OF COUNTRY	5
	2.2 RECORDING OF COUNCIL MEETINGS	5
3	ATTENDANCE.....	5
	3.1 ATTENDEES	5
	3.2 APOLOGIES	5
	3.3 APPROVED LEAVE OF ABSENCE.....	6
	3.4 ABSENT	6
4	DISCLOSURE OF INTERESTS.....	6
5	PUBLIC QUESTIONS.....	7
6	SPECIAL ITEMS.....	7
	6.1 REQUEST FOR QUOTE 5 OF 2024 - PROVISION OF PLANT AND LABOUR HIRE FOR FLOOD DAMAGE REPAIRS.....	7
	6.2 ELEVATE FESTIVAL 2025.....	13
7	MATTERS BEHIND CLOSED DOORS	19
	7.1 DISPOSAL OF A13092	19
8	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	19
9	URGENT BUSINESS APPROVED BY DECISION	19
10	DECLARATION OF CLOSURE	19

1 DECLARATION OF OPENING

2 OPENING PROCEDURES

2.1 ACKNOWLEDGEMENT OF COUNTRY

The Shire of Northam would like to acknowledge the Traditional Owners of the land on which we meet, the Ballardong and Whadjuk people of the Nyoongar nation and pay our respects to Elders, past present and emerging.

2.2 RECORDING OF COUNCIL MEETINGS

Members of Council and members of the gallery are advised that this meeting will be livestreamed and audio-recorded and made available on the Shire of Northam's YouTube channel. If members of the public want to access the recording of this meeting, they can do so via the Shire of Northam website.

3 ATTENDANCE

3.1 ATTENDEES

Council:

Shire President

Deputy Shire President

C R Antonio

A J Mencshelyi

M P Ryan

M I Girak

L C Biglin

D A Hughes

C M Poulton

H J Appleton

Staff:

Chief Executive Officer

Executive Manager Engineering Services

Executive Manager Development and Community Services

Executive Manager Corporate Services

Manager Governance and Risk

D Terelinck

P Devcic

C B Hunt

C J Young

A C McCall

3.2 APOLOGIES

Governance Officer

T P Van Beek

3.3 APPROVED LEAVE OF ABSENCE

Cr J E G Williams has been granted leave of absence from 26 October 2024 to 24 November 2024 (inclusive).

3.4 ABSENT

Nil.

4 DISCLOSURE OF INTERESTS

Members should fill in Disclosure of Interest forms for items in which they have a financial, proximity or impartiality interest and forward these to the Presiding Member before the meeting commences.

As defined in section 5.60A of the Local Government Act 1995, a **financial interest** occurs where a Councillor / Committee Member, or a person with whom the Councillor / Committee Member is closely associated, has a direct or indirect financial interest in the matter. That is, the person stands to make a financial gain or loss from the decision, either now or at some time in the future.

As defined in section 5.61 of the Local Government Act 1995, an **indirect financial interest** includes a reference to a financial relationship between that person and another person who requires a Local Government decision in relation to the matter.

As defined in section 5.60B of the Local Government Act 1995, a person has a **proximity interest** in a matter if the matter concerns a proposed change to a planning scheme affecting land that adjoins the person's land; or a proposed change to the zoning or use of land that adjoins the person's land; or a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land.

As defined in clause 22 of the Local Government (Model Code of Conduct) Regulations 2021, an **impartiality interest** means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

Item Name	Item No.	Name	Type of Interest	Nature of Interest

5 PUBLIC QUESTIONS

6 SPECIAL ITEMS

6.1 Request for Quote 5 of 2024 - Provision of Plant and Labour Hire for Flood Damage Repairs

File Reference:	8.2.9.2
Reporting Officer:	Kristy Hopkins (Procurement Coordinator), Paul Devcic (Executive Manager Engineering Services)
Responsible Officer:	Paul Devcic (Executive Manager Engineering Services)
Officer Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Press release to be issued:	No

BRIEF

For Council to consider submissions received in response to the Request for Quote 5 of 2024 – Provision of Plant and Labour Hire for Road Flood Damage Repairs.

ATTACHMENTS

1. CONFIDENTIAL REDACTED - AGRN 962 Northam EPAR Works Cost Estimate - GDR Contractors [6.1.1 - 2 pages]
2. CONFIDENTIAL REDACTED - RFQ 05 of 2024 - Evaluation Report [6.1.2 - 6 pages]

A. BACKGROUND / DETAILS

This report provides background on the approved AGRN 962 event and scope of works, and nominates a contractor to undertake civil reinstatement works on a wet-hire arrangement.

From 1 to 5 March 2021, a severe weather event hit Western Australia's Mid-West and South-West Land Division. The event was characterised by storms, heavy rain and flooding.

The event (AGRN962) was officially declared an eligible disaster under the Disaster Recovery Funding Arrangements WA (DRFAWA) criteria on 30 March

2021. Financial assistance was made available for the following measures (where appropriate):

Clean-up costs and the restoration or replacement (to pre-disaster function) of essential public assets including local road damage. Only costs incurred that are 'additional' costs, directly related to the event, will be eligible for reimbursement.

In April 2021, the Shire engaged Tallis Consultants Pty Ltd to undertake 'Project Management Consultancy Services for Reinstatement of Damaged Infrastructure – Storm Event 2-4 March 2021'. Services included:

- Asset pick up and evidence of damage.
- Develop a scope of work.
- Formulate documents and technical specifications.
- Oversee tender preparation.
- Liaise with the Shire's Procurement Team to ensure compliance with Local Government Act 1995 and associated policy.
- Project management, contract administration, and supervision.
- Financial expenditure reporting in-line with the Australian Accounting Standard and the Local Government Financial Regulation.
- Contract administration and supervision.
- Project closeout and report.

On two separate occasions during 2022, the Shire's claims were submitted and subsequently not supported by the Department of Fire & Emergency Services (DFES) due to a lack of supporting evidence. The claim did not progress any further at that time.

In November 2023, Officers met with representatives from DFES to discuss progressing the Shire's claim.

On 17 January 2024, the Shire appointed Greenfield Technical Services (GTS) to assist with the close-out of remaining issues on the AGRN962 Essential Public Asset Reconstruction Works (EPAR) cost estimate. The previous submission was reviewed and the scope of works amended to meet the DRFAWA and Main Roads WA Wheatbelt Region (MRWA) criteria for approved works.

In July 2024, Shire commenced the Request for Quote process, seeking the services of civil contractors under a wet-hire arrangement to undertake works associated with the AGRN962 approved scope.

Four submissions were received, with only one submission complying with the wet-hire requirements.

B. CONSIDERATIONS

B.1 Strategic Community / Corporate Business Plan

Performance Area: Place.

Outcome 9: Safe roads and greater use of sustainable transport options.

Objective 9.1: Maintain a safe, efficient road network and supporting infrastructure.

Priority Action: Nil.

Performance Area: Performance.

Outcome 12: Excellence in organisational performance and customer service.

Objective 12.1: Maintain a high standard of corporate governance and financial management.

Priority Action: Nil.

B.2 Financial / Resource Implications

Funding will cover 100% of the reinstatement works, material costs and project management. Failure to appoint contractors to undertake works per DRFAWA guidelines will preclude the Shire from accessing available funding and the remediation works would need to be completed in-house, supported by municipal funding.

The total project cost estimate is \$502,138.33. Due to this amount exceeding the procurement provisions under delegated authority, Council approval is required for awarding of the works.

B.3 Legislative Compliance

Local Government Act 1995

Local Government Financial Management Regulations 1996

Local Government Functions and General Regulations 1996

B.4 Policy Implications

CP.7 Risk Management

CP.24 Procurement

B.5 Stakeholder Engagement / Consultation

Talis and Greenfields Technical Services have assisted with data acquisition and scoping work. DFES provided ongoing assistance in preparing the application to meet DRFAWA criteria.

B.6 Risk Implications

Refer to Risk Matrix [here](#).

Risk Category	Description	Rating (likelihood x consequence)	Mitigation Action
Financial	Unable to access funding from DRFAWA.	Likely (4) x Major (5) = Extreme (20)	Comply with DRFAWA guidelines.
Health & Safety			
Reputation	Loss of potential funding.	Likely (4) x Medium (3) = High (12)	Comply with DRFAWA guidelines.
Service Interruption	Potential significant interruption to service >1 month.	Possible (3) x Extreme (5) = High (15)	Appoint a suitably qualified contractor to undertake works identified in AGRN962 scope.
Compliance			
Property			
Environment			

B.7 Natural Environment Considerations

Nil.

C. OFFICER'S COMMENT

The Shire received four submissions in response to RFQ 05 of 2024 – Provision of Plant and Labour Hire for Road Flood Damage Repairs, with submissions assessed in accordance with Part 4 of the *Local Government (Functions and General) Regulations 1996* and CP.24 Procurement.

The RFQ assessment team is recommending that the works be awarded to GDR Civil, who submitted a conforming submission that provides best value to the Shire, see the Evaluation Report in Attachment 6.1.2. The Schedule of Rates provided by GDR is included as Attachment 6.1.1.

GDR Civil has undertaken several similar projects for the Shire and has established a strong reputation for fairness and quality. GDR Civil can commence the work within two weeks of award, with an anticipated 60-day project delivery timeline.

This report seeks to appoint the civil contractor only. Supplementary funds are being sought through DRFAWA for contributions to the cost of services performed by Talis Consulting and Greenfield Technical Services, in addition to internal costs associated with project and contractor management.



RECOMMENDATION

That Council:

- 1. ACCEPTS the response to the Request for Quote 05 of 2024 – Provision of Plant and Labour Hire for Road Flood Damage Repairs from GDR Civil to be completed as per Schedule of Rates provided in Attachment 6.1.1;**
- 2. AUTHORISES the Chief Executive Officer to negotiate variations with the funding body, Department of Fire & Emergency Services in accordance with Disaster Recovery Funding Arrangements WA; and**
- 3. AUTHORISES the Chief Executive Officer to enter a contract for Request for Quote 05 of 2024 - Provision of Plant and Labour Hire for Road Flood Damage Repairs associated with storm event AGRN962 in accordance with specifications contained within the Request for Quote documentation.**

6.2 Elevate Festival 2025

File Reference:	1.3.2.15
Reporting Officer:	Candice Parkes (Events Coordinator), Victoria Williams (Manager Engagement and Communications), Colin Young (Executive Manager Corporate Services)
Responsible Officer:	Debbie Terelinck (Chief Executive Officer)
Officer Declaration of Interest:	Nil
Voting Requirement:	Absolute Majority
Press release to be issued:	No

BRIEF

For Council to consider a ticketing model for the proposed 2025 Elevate Festival and 2024/25 budget adjustments required to underwrite the event.

ATTACHMENTS

1. Revised Budget [**6.2.1** - 1 page]

A. BACKGROUND / DETAILS

Aligned with a priority action in the 2022-2032 Council Plan, it is proposed to hold an Elevate Festival on the WA Day long weekend in June 2025 to recognise and celebrate Northam's niche tourism attraction of hot-air ballooning.

In recent years, the Shire has facilitated 3 major balloon glow events to tie in with National and World Ballooning Championships that have been held locally. It is proposed that although Northam is not home to an upcoming Championship, a large-scale public balloon glow event be held in 2025 to encourage renewed interest in these types of events in the area, with the view to not only building on this in coming years, but to attract future championship events to Northam as a known 'balloon destination'.

In the 2024/25 budget, \$160,000 has been included for the proposed 2025 Elevate Festival, funded by a Shire contribution of \$100,000 and \$60,000 from the Northam Ballooning Association and grant funding organisations. To assist with funding the event and to add value to encourage attendance on the day, it is proposed to introduce paid ticketing for this festival.

B. CONSIDERATIONS

B.1 Strategic Community / Corporate Business Plan

Performance Area: Prosperity.

Outcome 10: An attractive destination for investors, business and visitors; helping to grow the economy and local jobs.

Objective 10.4: Identify develop and promote tourism experiences and supporting services.

Priority Action 10.4.1: Advocate for a national or international ballooning event in Northam every two years.

Priority Action 10.4.2: Facilitate national, state and regional recreational and sporting events.

B.2 Financial / Resource Implications

As arrangements for the event are still in the planning phase, a high-level budget for the proposed 2025 Elevate Festival is included as Attachment 6.2.1. The proposed expenditure for the event is \$228,000 excl. GST.

It is proposed that with the introduction of ticket sales and grant funding, the net cost to the Shire will remain at \$100,000 as presented below:

Adopted Budget	\$	Proposed Budget	\$
Total Expenditure		\$160,000	\$228,000
<i>Revenue</i>			
LotteryWest		\$40,000	\$40,000
Northam Ballooning Association		\$20,000	\$20,000
Ticket Sales		\$0	\$68,000
Total Revenue		\$60,000	\$128,000
Council Contribution		\$100,000	\$100,000

In taking a conservative approach to ticketing and projected income, it is estimated that approximately 5,000 adult tickets will be sold, providing a projected income of \$68,000 towards the event. The suggested ticket price is \$15 for adult tickets, and free for children under 16 years old. The income from ticket sales, added to the \$160,000 already budgeted, will give a total budget of \$228,000.

The projected ticket sales figure is based on the attendance of approximately 10,000 people at the last ticketed (at no cost) ballooning event. It is thought that having a major drawcard main stage act will ensure ticket sales.

B.3 Legislative Compliance

Local Government Act 1995, s6.8, s6.13, s6.16

B.4 Policy Implications

Nil.

B.5 Stakeholder Engagement / Consultation

Engagement has commenced with grant funding organisations such as Lotterywest and potential local sponsors.

B.6 Risk Implications

Refer to Risk Matrix [here](#).

Risk Category	Description	Rating (likelihood x consequence)	Mitigation Action
Financial	Potential financial implications should grant funding and ticket sales not be forthcoming. A natural disaster occurs and the event is cancelled, resulting in financial loss.	Unlikely (2) x Medium (3) = Moderate (6)	Begin the funding application and ticket sale process early to provide ample opportunity for income. Insure the Event.
Health & Safety	N/A		
Reputation	Reputational damage should event not go ahead.	Unlikely (2) x Insignificant (1) = Low (2)	Do not release specific details of event plan until all funding is secured. If no further funding can be secured, run the event with already committed funding.
Service Interruption	N/A		
Compliance	Non-compliance with <i>Local Government Act 1995</i> with regards to unbudgeted expenditure	Rare (1) x Extreme (5) = Moderate (5)	Adopt Officer's recommendation .
Property	N/A		
Environment	N/A		

B.7 Natural Environment Considerations

Nil

C. OFFICER'S COMMENT

The proposed Elevate Festival 2025 is to comprise an afternoon to evening lineup of attractions, rides, a VIP function, licensed bar area, balloon glow, and stage show featuring major drawcard artists for the main stage. This will include children's activities, and other activities that can be done as a family. Officers have been successful in negotiating with suppliers and performers to reduce their fees in order to minimise costs, whilst giving the maximum benefit to festival attendees. It has also been front of mind to include various community groups in the undertaking of this event, as well as providing market stalls for local businesses to participate.

It is proposed that this event be ticketed for the public to attend. Ticketing the event will enable the provision of a variety of activities, extra services and entertainment that will be free once inside the venue (with the exception of the licensed bar). These activities would normally involve a substantial fee, which from past feedback has precluded many local families from participating. As an example, carnival rides can cost up to \$15 per person, per ride, which becomes cost-prohibitive for many families, especially those with multiple children.

It is believed that ticketing the event will provide a guarantee that sales can be capped at 25,000, to ensure adherence to the health and safety regulations for venue capacity. As there will be a value attributed to the ticket, it is also likely that people who have purchased tickets will attend and event infrastructure such as security can be tailored to participant numbers.

The Elevate Festival 2025 program has been designed to provide entertainment and activities for everyone, to rival major Perth events, and subsequently bring tourism spend and attention to the region as a destination.

Providing this event as proposed creates a strong starting point to develop an international ballooning festival and a good indication of expected attendance as it grows.

In addition to the above, the Skywhale, a huge drawcard for the ballooning community in particular, is scheduled to attend Northam on Saturday 31 May 2025, providing a unique additional experience to enjoy over the weekend, thus creating a greater likelihood of visitors staying in the Avon Valley for an extended period. This is fully funded by the National Gallery of Australia.

To secure key performers it is essential that bookings commence in late November 2024. Given this, it is proposed that the Shire underwrite the additional expenditure in advance of income being received from ticket sales and grant funding. Tickets will be sold through Eventbrite in advance and if grant funding is not received, a review of the event scope will be undertaken as part of the mid-year review to ensure a net cost to the Shire. Any additional income generated from ticket sales will be retained by the Shire.

RECOMMENDATION

That Council by ABSOLUTE MAJORITY:

- 1. APPROVES the following fees to be added to the 2024/25 Schedule of Fees and Charges:**

ELEVATE FESTIVAL ENTRY

Adult Ticket \$15

Children under 16 years FREE

- 2. GIVES local public notice of these fees and charges in accordance with s.6.19 of the *Local Government Act 1995*.**

- 3. APPROVES the following amendments to the 2024/25 budget:**

G/L	IE	Account Name	Original Budget Ex GST	Proposed Budget Ex GST
EV11712	2101	Elevate Festival Expenditure	\$160,000	\$228,000
3110720	3100	Elevate Festival Fees & Charges	\$0	-\$68,000

ELEVATE FESTIVAL 2025 - N23962

COMPANY	DESCRIPTION	COST	GST
INFRASTRUCTURE		\$68,000	\$6,800
MARKETING		\$20,000	\$2,000
VIP EVENT		\$7,000	\$700
ACTIVITIES		\$34,000	\$3,400
STAGE PERFORMERS		\$67,000	\$6,700
CHILDRENS PERFORMERS		\$17,000	\$1,700
IN-HOUSE COSTS		\$15,000	\$1,500
TOTAL		\$228,000	\$22,800

7 MATTERS BEHIND CLOSED DOORS

RECOMMENDATION

That Council, in accordance with section 11.1(i) of the Shire of Northam Standing Orders Local Law 2018 and Section 5.23 (2) (c) of the *Local Government Act 1995*, meet behind closed doors to consider agenda item:

- 7.1 – Disposal of A13092 as the matter relates to a contract entered into, or which may be entered into, by the local government.

7.1 DISPOSAL OF A13092

RECOMMENDATION

That Council move out from behind closed doors.

8 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

9 URGENT BUSINESS APPROVED BY DECISION

Nil.

10 DECLARATION OF CLOSURE