



**File No:** 4.1.14

**NOTICE OF ORDINARY MEETING OF COUNCIL**

Dear Councillor,

The next Ordinary Meeting of the Northampton Shire Council will be held on Friday 19<sup>th</sup> October 2018 in the Meeting Room of the Allen Centre, Grey Street, Kalbarri, commencing at 1.00pm.

Lunch will be served from 12.00pm.

A handwritten signature in blue ink, appearing to read 'Garry L Keeffe', is placed above the name and title.

**GARRY L KEEFFE**  
**CHIEF EXECUTIVE OFFICER**

**12<sup>th</sup> October 2018**



# ~ Agenda ~

**19<sup>th</sup> October 2018**

## **NOTICE OF MEETING**

Dear Elected Member

The next ordinary meeting of the Northampton Shire

Council will be held on Friday 19<sup>th</sup> October 2018, at the

Allen Centre, Kalbarri commencing at 1.00pm.

**GARRY KEEFFE**  
**CHIEF EXECUTIVE OFFICER**

**12<sup>th</sup> October 2018**

## SHIRE OF NORTHAMPTON

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Signed  \_\_\_\_\_

Date 12<sup>th</sup> October 2018

**GARRY L KEEFFE**  
**CHIEF EXECUTIVE OFFICER**

**AGENDA  
ORDINARY MEETING OF COUNCIL  
19th October 2018**

**1. OPENING**

**2. PRESENT**

- 2.1 Leave of Absence
- 2.2 Apologies

**3. QUESTION TIME**

**4. DISCLOSURE OF INTEREST**

Councillors are to advise the Presiding Member or Chief Executive Officer prior to the meeting commencing of items they have a financial interest in or alternatively declare their interest immediately before the item that is to be discussed.

**5. CONFIRMATION OF MINUTES**

- 5.1 Ordinary Meeting of Council – 21<sup>st</sup> September 2018

**6. RECEIVAL OF MINUTES**

- 6.1 Horrocks Beach Coastal Hazard Risk Management and Adaptation Plan Steering Committee Meeting – 1<sup>st</sup> October 2018

**7. REPORTS**

- 7.1 Works & Technical Services
- 7.2 Health/Building
- 7.3 Town Planning
- 7.4 Finance
- 7.5 Administrative & Corporate

**8. COUNCILLORS & DELEGATES REPORTS**

- 8.1 Presidents Report
- 8.2 Deputy Presidents Report
- 8.3 Councillors' Reports

**9. NEW ITEMS OF BUSINESS FOR DECISION**

**10. NEXT MEETING**

**11. CLOSURE**

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**SHIRE OF NORTHAMPTON**

**Minutes of Ordinary Meeting of Council held at the Council Chambers, Northampton on  
21<sup>st</sup> September 2018**

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**SHIRE OF NORTHAMPTON**

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21<sup>st</sup> September 2018**

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**9.1 OPENING**

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

**9.2 PRESENT**

Cr C Simkin	President	Northampton Ward
Cr S Krakouer	Deputy President	Kalbarri Ward
Cr T Carson		Northampton Ward
Cr R Suckling		Northampton Ward
Cr T Hay		Northampton Ward
Cr D Pike		Kalbarri Ward
Cr S Smith		Kalbarri Ward
Cr P Stewart		Kalbarri Ward
Mr Garry Keeffe	Chief Executive Officer	
Mr Grant Middleton	Deputy Chief Executive Officer	
Mr Neil Broadhurst	Manager of Works and Technical Services	
Mrs Deb Carson	Planning Officer	

**9.2.1 LEAVE OF ABSENCE**

Nil

**9.2.2 APOLOGIES**

Cr S Stock-Standen

**9.3 QUESTION TIME**

Nil

**9.4 DISCLOSURE OF INTEREST**

Nil

**SHIRE OF NORTHAMPTON**  
**Minutes of Ordinary Meeting of Council held at the Council Chambers, Northampton on**  
**21<sup>st</sup> September 2018**

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**9.5 CONFIRMATION OF MINUTES**

**9.5.1 CONFIRMATION OF MINUTES – ORDINARY COUNCIL MEETING 17<sup>th</sup> AUGUST 2018**

Moved Cr SMITH, seconded Cr SUCKLING

That the minutes of the Ordinary Meeting of Council held on the 17<sup>th</sup> August 2018 be confirmed as a true and correct record.

CARRIED 8/0

**9.5.2 BUSINESS ARISING FROM MINUTES**

Nil

**9.6 RECEIVAL OF MINUTES**

Nil

**9.7 WORKS & ENGINEERING REPORT**

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

Noted

**9.7.2 REQUEST FOR QUOTE (RFQ) (02/2018) - SUPPLY OF FLEET VEHICLES – 2018/2019 - THREE (3) X UTILITIES (ITEM 7.1.2)**

Moved Cr CARSON, seconded Cr PIKE

That Council accepts the following 'Request for Quotes' (02/2019) for the supply of fleet vehicles as advertised;

Vehicle 1

Kalbarri Ranger – 4WD space/extra cab as per specifications.

That Council accepts the 'Request for Quote' from Geraldton Auto Wholesalers, for the supply of one Isuzu Dmax SX Manual space cab utility with trade vehicle (P216 – NR10076) to be released to Geraldton Auto Wholesalers. Total price to Council \$24,856.82 (exc. GST).



Vehicle 2

Northampton Gardener - 2WD dual cab as per specifications.

That Council accepts the 'Request for Quote' from Geraldton Auto Wholesalers for the supply of one Isuzu Dmax Hi ride Automatic space cab utility with trade vehicle (P222 – NR9880) to be released to Geraldton Auto Wholesalers. Total price to Council \$25,987.25 (exc. GST).

Vehicle 3

Kalbarri Gardener – 4WD space/extra cab as per specifications.

That Council accepts the 'Request for Quote' from Geraldton Auto Wholesalers for the supply of one Isuzu Dmax SX Manual space cab utility with trade vehicle (P235 – NR9891) to be released to Geraldton Auto Wholesalers. Total price to Council \$28,538.64 (exc. GST).

CARRIED 8/0

9.7.3 REQUEST FOR QUOTE – (RFQ – 03/2019) - SUPPLY OF FLEET VEHICLES – 2018/2019 - ONE (1) x MOTOR GRADER (ITEM 7.1.3)
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Moved Cr KRAKOUER, seconded Cr STEWART

That Council accept the tender submitted by WESTRAC Pty Ltd to supply a Caterpillar 12M Motor Grader fitted with a Broon free roller at \$ 395,943.32 (exc GST). Trade vehicle (Shire plant number P203 – NR8934) be released to WESTRAC Pty Ltd at the trade price of \$98,500.00

Total price to Council \$297,443.32 (exc. GST).

CARRIED 8/0

9.7.4 REPLACEMENT TRUCK WATER TANK - BUDGET APPROVAL – 2018/2019 ONE (1) x WATER TANK (NORTHAMPTON - CONSTRUCTION) (ITEM 7.1.4)
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Moved Cr CARSON, seconded Cr STEWART

That Council accept the offer to purchase the road construction water tank as offered by Maver Contracting at the price of \$30,000.00 (exc GST) and that the additional cost to purchase the tank be declared authorised expenditure.

CARRIED BY AN ABSOLUTE MAJORITY 8/0

**9.7.5 WHITE CLIFFS ROAD – ROAD CONSTRUCTION - GRAVEL ROYALTY/  
NEGOTIATED LOSS OF CROP PRODUCTION (ITEM 7.1.5)**

Mr Grant Middleton declared a financial interest in the Item, as a family member is married to a member of the proponent's family.

Moved Cr SMITH, seconded Cr SUCKLING

1. That Council approve the actions of management in securing the gravel resource for the White Cliffs Road project and that the payment rate as negotiated by Council management and Mr. Greg Teakle be based on a negotiated loss of crop production be paid at \$600.00/hectare (plus GST).
2. That the payment be acknowledged as a 'Negotiated loss of crop production' for the crop removal to source insitu gravel for the White Cliffs Road construction works.
3. That the payment amount to be managed within the White Cliffs Road project approved budget provision.

CARRIED 8/0

Mr Broadhurst departed the meeting at 1.23pm.

**9.8 HEALTH & BUILDING REPORT**

**9.8.1 BUILDING APPROVALS (ITEM 7.2.1)**

Noted

**9.9 TOWN PLANNING REPORT**

**9.9.1 UPDATE ON PROPOSED SUBDIVISION OF MULTIPLE GENERAL RURAL  
LOTS, PORT GREGORY ROAD, SANDY GULLY (ITEM 7.3.1)**

Noted.

**9.9.2 SUMMARY OF PLANNING INFORMATION ITEMS (ITEM 7.3.2)**

Noted.

**SHIRE OF NORTHAMPTON**  
**Minutes of Ordinary Meeting of Council held at the Council Chambers, Northampton on**  
**21<sup>st</sup> September 2018**

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**9.9.3 REQUEST FOR PURCHASE OF PORTION OF LOT 9501 NORTH COURT,  
HORROCKS (ITEM 7.3.3)**

Moved Cr STEWART, seconded Cr KRAKOUER

That Council accepts the offer from Mary Ash for the purchase of approximately 180m<sup>2</sup> of Lot 9501 North Court, Horrocks subject to the provision of Section 3.58 of the Local Government Act 1995 and associated Regulations and:

1. that the alignment of the southern boundary of the proposed subdivided/amalgamated area shall continue in line with the existing southern boundary of Lot 47 Mitchell Street, Horrocks; and
2. that all costs associated with the subdivision and amalgamation shall be met by the applicant.

CARRIED 8/0

**9.9.4 REVIEW OF SHIRE OF NORTHAMPTON LOCAL PLANNING SCHEME  
NO.10 HERITAGE LIST & UPDATE OF MUNICIPAL HERITAGE INVENTORY  
(ITEM 7.3.4)**

Moved Cr HAY, seconded Cr SUCKLING

That Council, in response to the new heritage information provided by the Heritage Council of WA, resolve to include the Pakington Whaling Station ruins site within:

1. The review of the Shire of Northampton Local Planning Scheme No. 10 Heritage List 2015 for the purposes of consultation and pursuant to Schedule 2 - Deemed Provisions, Part 3, cl 8 (3) of the *Planning and Development (Local Planning Schemes) Regulations*; and
2. The update of the Shire of Northampton Municipal Heritage Inventory, for the purposes of consultation.

CARRIED 8/0

**9.10 FINANCE REPORT**

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

Moved Cr SIMKIN, seconded Cr SMITH

That Municipal Fund Cheques 21503 to 21523 inclusive totalling \$90,085.35, Municipal EFT payments numbered EFT18280 to EFT18362 inclusive totalling \$371,584.25, Trust Fund Cheques 2346 to 2347, totalling \$400.00, Direct Debit payments numbered GJ0204 to GJ0209 inclusive totalling \$224,931.61 be passed for payment and the items therein be declared authorised expenditure.

CARRIED BY AN ABSOLUTE MAJORITY 8/0

**9.10.2 MONTHLY FINANCIAL STATEMENTS – AUGUST 2018 (ITEM 7.4.2)**

Moved Cr KRAKOUER, seconded Cr HAY

That Council adopts the Monthly Financial Report for the period ending 31 August 2018.

CARRIED 8/0

**9.11 ADMINISTRATION & CORPORATE REPORT**

**9.11.1 ASSIGNMENT OF LICENCE – PORTION OF RESERVE 25307 KALBARRI BOAT HIRE (ITEM 7.5.1)**

Moved Cr SUCKLING, seconded Cr PIKE

That Council approve an assignment of licence for 2,800m<sup>2</sup> of Crown Reserve 25307, being the portion where the Kalbarri Boat Hire operates, to transfer the licence from John Morgan to Kathleen and Jason Deadman.

CARRIED 8/0

**9.11.2 FINANCIAL ASSISTANCE & UNIFIED ROAD GRANT (ITEM 7.5.2)**

Moved Cr SMITH, seconded Cr PIKE

That Council amend the adopted 2018/19 Budget to account for the shortfall in the financial assistance grants of \$48,425, by removing the provision for the creation of a road reserve to Little Bay of \$54,000.

CARRIED BY AN ABSOLUTE MAJORITY 8/0

**9.11.3 FREE CAMPING AREA – NORTHAMPTON GOLF CLUB (ITEM 7.5.3)**

Cr Hay declared an impartiality interest in the Item as he owns a business of a similar nature in Port Gregory.

Moved Cr PIKE, seconded Cr SUCKLING

That Council:

1. Continue with the provision of free camping at the Northampton Golf Club and this be reviewed only if concerns with its operation are being experienced or if the Northampton Golf Club consider that the use is an impediment on their operations.
2. Reiterate the response by the Shire CEO to the Rural Financial Counsellor and advise that the free camping site is to remain open.

CARRIED 8/0

**9.11.4 GEORGE GREY DRIVE RE-SEAL (ITEM 7.5.4)**

Moved Cr CARSON, seconded Cr SMITH

That Council amend the 2018/19 adopted Budget by undertaking the reseal of George Grey Drive at a cost of \$121,000 utilising Regional Road Group funding of \$80,666 and defer the following projects to 2019/20:

Walker Street re-seal	\$30,650
Porter Street – defer a portion of the reseal	\$10,400

CARRIED BY AN ABSOLUTE MAJORITY 8/0

**9.11.5 PROPOSED “DRIVE ON LEFT” SIGNAGE (ITEM 7.5.5)**

Moved Cr PIKE, seconded Cr HAY

That Council purchase five “Drive on Left” road signs as per draft presented and install the signs on the Ajana, Port Gregory, Horrocks and Northampton-Nabawa Roads.

CARRIED 8/0

**9.11.6 CROWN LOT 11734 (ITEM 7.5.6)**

Moved Cr SMITH, seconded Cr SUCKLING

That Council advises the Department of Planning, Lands and Heritage that it does not wish to accept a Management Order for crown reserve Lot 11734 and recommends that the Department of Water and Environment Regulation should be the appropriate body to manage the lot as it forms part of the Bowes River.

CARRIED 8/0

**9.11.7 CSRFF GRANT APPLICATION – KALBARRI BOWLING CLUB INC (ITEM 7.5.7)**

Moved Cr KRAKOUER, seconded Cr STEWART

That Council:

1. Approve of the installation of playing lights at the Kalbarri Bowling Club synthetic green and the submitting of a Community Sports and Facilities Fund application for the project by the club.
2. Advise the Department of Sport and Recreation that the Council contribution towards the project is \$32,870
3. Due to no other projects for CSRFF consideration being received that this project be priority number one.

CARRIED 8/0

**9.12 SHIRE PRESIDENT'S REPORT**

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

24/8/2018 Met with representatives of WA Surfing League re potential surfing competition  
27/8/2018 Northern Zone Meeting in Mingenew  
7/9/2018 State Council Meeting in Dongara

**9.13 DEPUTY SHIRE PRESIDENT'S REPORT**

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

- 24/8/2018 Met with representatives of WA Surfing League re potential surfing competition
- 27/8/2018 Northern Zone Meeting in Mingenew
- 7/9/2018 State Council Meeting in Dongara

**9.14 COUNCILLORS' REPORTS**

**9.14.1 CR PIKE**

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

- 24/8/2018 Met with representatives of WA Surfing League re potential surfing competition
- 14/9/2018 Kalbarri Arts and Craft exhibition
- 19/9/2018 Kalbarri Roadwise Committee Meeting

**9.14.2 CR SMITH**

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

- 24/8/2018 Met with representatives of WA Surfing League re potential surfing competition
- 11/9/2018 Kalbarri Visitor Centre Meeting

**9.14.3 CR STEWART**

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

- 24/8/2018 Met with representatives of WA Surfing League re potential surfing competition

**9.14.4 CR HAY**

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

- 24/8/2018 Met with representatives of WA Surfing League re potential surfing competition

**9.15 NEW ITEMS OF BUSINESS**

Cr Pike, on behalf of the Kalbarri Roadwise Committee, has requested that Council write a letter of support for the installation of lighting at the T-junction of George Grey Drive and the Northampton - Port Gregory Road, as the project is currently listed on the State Holder Register for future improvements.

Moved Cr PIKE, seconded Cr SMITH

That Council write a letter of support to Main Roads WA for the installation of lighting at the junction of George Grey Drive and the Northampton - Port Gregory Road.

CARRIED 8/0

**9.16 NEXT MEETING OF COUNCIL**

The next Ordinary Meeting of Council will be held on Friday the 19<sup>th</sup> October 2018 commencing at 1.00pm at the Allen Centre, Kalbarri.

**9.17 CLOSURE**

There being no further business, the President thanked everyone for their attendance and declared the meeting closed at 2.21pm.

THESE MINUTES CONSISTING OF PAGES 1 TO 12 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON FRIDAY 19<sup>TH</sup> OCTOBER 2018

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

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





**SHIRE OF NORTHAMPON  
HORROCKS BEACH COASTAL HAZARD RISK MANAGEMENT AND ADAPTATION PLAN  
STEERING COMMITTEE MEETING**

**VENUE:** Teleconference between DPLH and Shire of Northampton Office  
**DATE:** Monday, 1 October 2018  
**TIME:** 10.00am  
**STEERING COMMITTEE:** Sandy Stock-Standen (Shire of Northampton Councillor)  
Garry Keeffe (Shire of Northampton Chief Executive Officer)  
Michelle Allen (Horrocks Community Centre Inc. Representative)  
Brian Donegan (Horrocks Community Representative)  
Sam Bishopp (Department of Planning, Lands and Heritage)  
Sarah Chan (Department of Planning, Lands and Heritage)  
Ellena Bromwell (Department of Transport)  
Lei Tian (Department of Transport)  
Hayley Williams (Shire of Northampton Consultant Planner)  
**ATTACHMENTS:** Project Brief

## MINUTES

### Order of Business

**1. Welcome and introductions (Hayley Williams)**

1.1 Nominate Chairperson

Cr Sandy Stock-Standen was asked to take the position of Chairperson as only member of Council on Steering Committee. Discussion regarding the Terms of Reference and amendment to allow Mr Brian Donegan to take the position of Chairperson. All Steering Committee Members agreed.

Mr Brian Donegan nominated as Chairperson and accepted.

1.2 Apologies

Garry Keeffe – Debbie Carson standing in for Garry Keeffe who was on leave.

Michelle Allen - email received post meeting

### 1.3 Steering Committee Terms of Reference

Ms Williams provided an overview of the Terms of Reference.

Terms of Reference accepted overall. Amendments and confirmation from Council for the role of Chairperson being held by a member other than an Elected Member.

## 2. Items for discussion

### 2.1 Review Project Brief

An overview of the Project Brief was provided. Indicated that this is an internal document to guide the project.

Cr Stock-Standen requested clarification on the extent of study area. Ms Williams confirmed that it would examine land specifically within the townsite and adjacent landholdings in Shire ownership.

Cr Stock-Standen asked for an overview of previous coastal planning work and where the CHRMAP fits in. Ms Williams explained the last studies undertaken by the Shire were the Coastal Management Plans (2015 Horrocks and 2017 Northampton Coast) and a key recommendation from these documents is to undertake hazard assessments and examine the implementation of CHRMAP.

### 2.2 Review of Project Milestones (indicative)

No discussion other than to confirm these are still indicative at this stage, with the exception of the completion of the Coastal Hazard Assessment which is required to be finalised by April 2019.

### 2.2 Scope of Works

- Discussion regarding inclusion of two assessments? 1) with existing controls/seawall 2) without existing controls.

Cr Stock-Standen expressed concerns with including the second option, without existing controls.

Ms Bromwell explained in detail the preference of DoT to include both options as a means of supporting the continued implementation of the structure/seawall and gain support from the community. The inclusion of two options provides the full picture of the coastal hazard and this can be readily communicated to the community so that they can see impact of not having the structure in place. Ms Bromwell also explained that the reality of

funding these types of structures is extremely difficult, costly and often a contentious topic when examining their replacement, therefore the benefit of including both scenarios/options is that a community mandate can be achieved for the continued implementation and funding of this type of infrastructure.

Cr Stock-Standen explained that the Shire has put in a lot of money into the foreshore area, to maintain and retrieve beach. Therefore an option that examines the removal of the wall would not be supported by Council.

Ms Bromwell also stated that the inclusion of both options allows the Shire to demonstrate that an investment now and in future is necessary to protect infrastructure and illustrate to the community if we don't invest in this infrastructure this could be what happens.

Mr Donegan confirmed that the sandbagging has been working well. Prior to its implementation he thought that there was a loss of a metre every year. For example a beach volleyball court had once been in place between kitchen and beach.

Ms Carson reviewed the issues Ms Bromwell had raised including that the two options would help to substantiate why the sandbags are in place. It was also suggested that this would help with future funding of maintaining infrastructure.

Ms Williams asked about the cost of including both options.

Ms Bromwell explained that the main cost component of undertaking a hazard assessment is setting up the model. Once the model is set up it can be applied to various scenarios. It was recommended that the two options be put in Scope of Works and examine what costs come back. If it is over budget, then this matter can be revisited.

Ms Williams and Cr Stock-Standen discussed what community input had occurred before installation of the sandbag wall. Community engagement had been undertaken and there was a high level of community support for the existing infrastructure.

Final consensus to include both options and review if submitted tenders/EOI's are over budget.

- Community and stakeholders, review of list and possible inclusion of others.

No additional groups were added, although Steering Committee Members were asked to liaise with Ms Williams if there was another group that they became aware of.

- Organisation staff and Councillors;
- Department of Planning, Lands & Heritage;

- Department of Transport;
- YamatjiMarlpa Aboriginal Corporation;
- Water Corporation;
- Northern Agricultural Catchments Council;
- Horrocks Community Centre Inc, Horrocks Cottages (three separate strata groups), commercial crayfishing operators;
- Landowners shown in the coastal hazard areas predicted to be affected over the planning timeframe;
- The broader community.

- Best methods for collation and collection of community and stakeholder values/aspirations attributed to coastal assets. Survey / Additional engagement measures?

A discussion was undertaken that supported the inclusion of both surveys and workshops in the initial stages of the project.

Further workshops will also be held later in the process to examine the adaptation to hazards.

Mr Bishopp confirmed that a Community and Stakeholder Engagement Strategy would be produced by the Consultant and there would be an opportunity to review this.

Cr Stock-Standen raised the boat ramp issue and its continual erosion with some parts of the community seeing this as a key issue that will likely be raised during engagement.

Mr Donegan will confirm with Michelle to see how the Horrocks Community Centre Inc. can be utilised for meetings.

Ms Carson supported the use of a combination of surveys and workshops and asked about the format for surveys, whether they would be paper/online. It was discussed that utilising both would be helpful. Discussion was also raised regarding peak times being Christmas/NY, Easter period and that these could be used to gather data from community/stakeholders residing outside of Horrocks.

### 2.3 Shire of Northampton process for tenders/expression of interest

- Public advertising and letter to WALGA preferred suppliers

It was confirmed that advertising would be undertaken via the Shire of Northampton's website, the West Australian and targeted letters to consultants recommended by DoT and from WALGA's preferred supplier list.

- Advertising timeframe– 28 days

**3. Other items**

No other items raised.

**4. Next meeting**

Next meeting to be confirmed, possibly November 5-9th November to confirm selection of consultant for recommendation to Council.

**5. Close 11.15am**

## **WORKS & ENGINEERING REPORT CONTENTS**

7.1.1	INFORMATION ITEMS MAINTENANCE /CONSTRUCTION WORKS PROGRAM	2
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**7.1.1 INFORMATION ITEMS – MAINTENANCE/CONSTRUCTION WORKS PROGRAM**

<b>REPORTING OFFICER:</b>	<b>Neil Broadhurst - MWTS</b>
<b>DATE OF REPORT:</b>	<b>10th October 2018</b>

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

**Specific Road Works**

- Maintenance grading carried out on Swamps, Baddeara, Elliot, Bandy, Wundi, Johnson, Rob, Cripps, Blue Well, James, Harvey, Walsh, Teakle, Isachar Back and Suckling Road/s.
- Gravel Patching/Sheeting/Verge works carried out on Rob, Swamps, Teakle, Binu East and Nolba Stock Route Road/s.

**Maintenance Items**

- Northampton, Kalbarri and Rural – Roadside and verge chemical spraying.
- Kalbarri – Vegetation removal and tidy up of various roadsides and foreshore area/s.
- Kalbarri – Foreshore maintenance and assistance in regard to the dual use pathway installation works.
- Port Gregory – Pothole run prior to school holidays.

**Other Items (Budget)**

- Rural – Chilimony Road (stage 3) shoulder reconditioning works continuing. Works have been tidied and halted until a return can be made due to weather.
- White Cliffs Road – Works are continuing for stage 2 construction and sealing works for the southern 5.7 kilometres. Gravel basecourse all in by 29<sup>th</sup> October, culverts completed.
- Kalbarri – Assistance with and undertaking of reticulation repairs etc. associated with the Kalbarri foreshore Dual Use Pathway installation.

**Plant Items**

- P287 – John Deere mower – Dust entering cab on new mowing. Continuing efforts by AFGRI to correct the problem.

**Staff/Personnel Items**

- Nil.

**For Council information.**

# SHIRE OF NORTHAMPTON

## WORKS CREW 12 MONTHLY PROGRAM AND PROGRESS REPORT (2018/2019)

(October 2018)

2018/2019 Budget Works	Job No	Status	Comments
<b><u>Regional Road Group Projects</u></b>			
<b>Kalbarri Road (Shared funding - RTR)</b> Shoulder Reconditioning works 13.00 - 23.00 slk	RR10	COMPLETE	
<b><u>Roads to Recovery</u></b>			
<b>Chilimony Road (C/over from 2017/2018)</b> Shoulder Reconstruction - Stage 3 (North of North Road)	RT17	Commenced	Commenced works. Wet weather delays experienced to extent that construction crew has relocated to commence White Cliffs Road.
<b>Chilimony Road</b> Reseal Stage 3	RT26		
<b>Kalbarri Road (Shared funding - RRG)</b> Shoulder Reconditioning works 13.00 - 23.00 slk	RT29	COMPLETE	Works commenced Contractor RDH undertaking works
<b>Binnu West Road</b> Realign Chilimony Road intersection	RT25		Surveys undertaking initial survey and design works
<b>Hatch Road</b> Construct new floodway crossing	RT27		
<b>Porter Street (Shared funding - Muni)</b> Reseal (0.74 to 1.81 slk)	RT28		
<b><u>Royalties for Regions Funding</u></b>			
<b>White Cliffs Road</b> Construct and seal - Stage 2	R4R7	Commenced	Commenced works, design and pegging undertaken, Preliminary works commenced, Final gravel source and locations to be finalised.
<b>White Cliffs Road</b> Reseal - Stage 1 and 2 (Total 12.8kms)	R4R7		
Cont.			
<b>2018/2019 Budget Works</b>	<b>Job No</b>	<b>Status</b>	<b>Comments</b>



<b><u>MUNICIPAL FUND CONSTRUCTION</u></b>			
<b><u>Northampton</u></b>			
<b>Northampton - Bateman Street</b> Construct and Seal 210m	R971		
<b>Northampton - Thornton/Erwood Street</b> Construct and Seal	R983		
<b>Northampton - Stephen Street</b> Reseal (1.385 - 2.100)	R974		
<b>Northampton - Onslow Street</b> Reseal (0.000 - 1.320)	R975		
<b>Northampton - NCC Car park area</b> Reseal and new lines etc	F016		
<b>Northampton - Lions Park</b> Construct and seal car park			
<b>Northampton - Lions Park</b> Extend culvert	5022		
<b><u>Kalbarri</u></b>			
<b>Kalbarri - Atkinson Crescent</b> Reseal	R972		
<b>Kalbarri - Stiles Road</b> Reseal	R973		
<b>Kalbarri - Porter Street (Shared funding - RTR)</b> Reseal (0.740 - 1.810)	R976		
<b>Kalbarri - Sutherland Street</b> Reseal (0.000 - 0.330)	R977		
<b>Kalbarri - Walker Street</b> Reseal (0.107 - 0.820)	R979		
Cont.			
<b>2018/2019 Budget Works</b>	<b>Job No</b>	<b>Status</b>	<b>Comments</b>

<b><u>Kalbarri (cont)</u></b>			
<b>Kalbarri - Karina Mews Street</b> Kerb replacement and Reseal	R982		
<b>Kalbarri - Grey Street</b> Construct and seal car park south of IGA	R968		
<b>Kalbarri - Blue Holes access road</b> Construct access road and car park.	R969		Preliminary inspection undertaken for combined works with toilet installation
<b><u>Rural</u></b>			
<b>Von Bibra Road</b> Gravel sheet selected sections	R980		
<b><u>MUNICIPAL FOOTPATHS</u></b>			
<b>Northampton - Stephen Street</b> Replace DUP from NWCH to West Street	F702		Telstra infrastructure corrections required to lid heights
<b>Northampton - Hampton Road</b> Replace DUP from Stephen Street to Railway Tavern	F703		
<b>Kalbarri - Chinamens toilet area</b> Replace DUP to ablutions	F704		
<b>Kalbarri - Nanda Drive</b> Install access to Mlaluca Pathway	F705		
<b>Kalbarri - Malaluca Pathway</b> Undertake identified reinstatement works	T379		
Cont.			
<b>MUNICIPAL FUND CONSTRUCTION</b>	<b>Job No</b>	<b>Status</b>	<b>Comments</b>
<b><u>OTHER WORKS - Depots/Yards/Ovals/Parks/ Gardens etc</u></b>			

<b>Northampton Depot</b> Modifications to Dog pound		COMPLETE	
<b>Northampton - Street Bin replacements/new</b> Victoria style 55 litre street bins			Bins have been ordered
<b>Northampton - Kings Park</b> Install new table and seat arrangement			Table and chair unit has arrived
<b>Northampton - Oval renovation</b> Undertake Verti draining			
<b>Northampton - Oval renovation</b> Undertake Verti mowing			
<b>Kalbarri - Oval renovation</b> Undertake Verti draining			
<b>Kalbarri Depot</b> Install materials bins	5130		
<b>Kalbarri - Opposite Rainbow Jungle</b> Install stairway			
<b>Rural - RAV4 Surveys</b> Survey assessments for road gradient identification. Rob Road - survey detour area for adequacy Horry Road - survey current alignment for adequacy	T379		
Cont.			
<b>2018/2019 Budget Works</b>	<b>Job No</b>	<b>Status</b>	<b>Comments</b>
<b><u>PLANT ITEMS - Major</u></b>			
<b>Northampton - New Motor Grader</b>		Ordered	Approximate delivery end of October 2018

Purchase new - trade/sell P203 Motor Grader			
<b>Northampton - New Free Roller</b>		Ordered	Approximate delivery end of October 2018
Purchase new - trade/sell existing roller			
<b>Northampton - Utility - Gardener</b>		Ordered	Approximate delivery end of October 2018
Purchase New - trade/sell P237 - N/ton Gardener utility			
<b>Northampton - Construction water tank replacement</b>		COMPLETE	Second hand complete unit purchased
Replace tank part only			
<b>Kalbarri - Utility - Kalbarri Ranger</b>		Ordered	Approximate delivery end of October 2018
Purchase New - trade/sell P216 - Kalbarri Ranger utility			
<b>Kalbarri - Utility - Kalbarri Gardener/Cleaner</b>		Ordered	Approximate delivery middle of October 2018
Purchase New - trade/sell P235 - Kalbarri Gardener utility			
<b>Kalbarri - Truck water tank</b>			
New water tank and attachments			
<b><u>PLANT ITEMS - Minor/Other/Sundry tools</u></b>			
Northampton - Satellite phone for remote works			
Northampton - Set of hand held 2-way radios			
Northampton - Tip site generator			
Northampton Gardeners - Street sweep/broom		Complete	
Northampton Gardeners - Self propelled mower		Complete	
Northampton Gardeners - Small pressure cleaner			
Northampton Gardeners - Small fertiliser spreader		Complete	
Northampton Gardeners - Hedge pruners		Complete	
Northampton Gardeners - Backpack sprayer		Complete	
Kalbarri - Motorized broom		Complete	
Kalbarri - Concrete saw with trolley		Complete	
Horrocks - Backpack sprayer		Complete	

## HEALTH AND BUILDING REPORT CONTENTS

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**7.2.1 INFORMATION ITEM: BUILDING STATISTICS**

<b>DATE OF REPORT:</b>	<b>12<sup>th</sup> October 2018</b>
<b>RESPONSIBLE OFFICER:</b>	<b>Glenn Bangay – Principal EHO/Building Surveyor</b>

**1. BUILDING STATISTICS**

Attached for Councils' information are the Building Statistics for September 2018.

**OFFICER RECOMMENDATION – ITEM 7.2.1**

**For Council information.**

SHIRE OF NORTHAMPTON  
HEALTH AND BUILDING REPORT – 19<sup>th</sup> OCTOBER 2018

SHIRE OF NORTHAMPTON - BUILDING APPROVALS - SEPTEMBER 2018									
Approval Date	App. No.	Owner	Builder	Property Address	Type of Building	Materials	Area m2	Value	Fees
						1. Floor			1. App Fee
						2. Wall			2. BCITF
						3. Roof			3. BRB
									4. Other
06-09-18	1623	Sanpoint Ent Pty Ltd PO Box 39 KALBARRI WA 6536	J Gillard PO Box 590 KALBARRI WA 6536	60 (Lot 188) Grey St KALBARRI	Ext to verandah	1. Concrete	23	\$19,850	1. 97.70
						2. Brick			2. 0.00
						3. T/Deck			3. 61.65
									4. 0.00
06-09-18	1627	TS Hay Pty Ltd PO Box 142 NORTHAMPTON	Hallinan Refrigeration 106 Anderson St WEBBERTON	13 (Lot 213) Site 40 Sandford St PORT GREGORY	Annexe	1. Concrete	75	\$10,000	1. 97.70
						2. Panel			2. 0.00
						3. Panel			3. 61.65
									4. 0.00
06-09-18	1628	KA Perzamanos PO Box 284 DUNSBOROUGH	F Rystenberg 9 Patrick Cres KALBARRI	3 (Lot 274) Mallard St KALBARRI	Demolition Remove ACM Roof Cladding	1. n/a	108	\$10,000	1. 97.70
						2. n/a			2. 0.00
						3. n/a			3. 61.65
									4. 0.00
06-09-18	1629	KA Perzamanos PO Box 284 DUNSBOROUGH	F Rystenberg 9 Patrick Cres KALBARRI	3 (Lot 274) Mallard St KALBARRI	New Zinc Roof Cladding	1. n/a	108	\$10,000	1. 97.70
						2. n/a			2. 0.00
						3. Zinc			3. 61.65
									4. 0.00
10-09-18	1630	TS Hay Pty Ltd PO Box 142 NORTHAMPTON	M Barnden PO Box 184 NORTHAMPTON	13 (Lot 213) Site 13 Sandford St PORT GREGORY	Annexe Roof	1. Concrete	44	\$6,000	1. 97.70
						2. n/a			2. 0.00
						3. C/bond			3. 61.65
									4. 0.00
21-09-18	1620	G & N Brown PO Box 464 NORTHAMPTON	A Moore PO Box 190 KALBARRI	57 (Lot 79) Darwinia Dve KALBARRI	L/stone block Retaining Wall	1. n/a	n/a	\$18,500	1. 97.70
						2. n/a			2. 0.00
						3. n/a			3. 61.65
									4. 0.00
26-09-18	1631	AL Jupp PO Box 301 NORTHAMPTON	Warren Taylor Homes PO Box 2963 GERALDTON	65 (Lot 200) Glance St HORROCKS	Dwelling	1. Concrete	438	\$875,223	1. 2800.71
						2. Brick			2. 1199.06
						3. C/bond			3. 1750.45

## TOWN PLANNING CONTENTS

<b>7.3.1</b>	<b>APPLICATION FOR MOBILE FOOD VAN – RESERVE 50396 KALBARRI LAND-BACKED WHARF, KALBARRI AND HOME BUSINESS (PARKING OF COMMERCIAL VEHICLE) – LOT 103 (NO. 7) DARWINIA DRIVE, KALBARRI .....</b>	<b>2</b>
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**7.3.1 APPLICATION FOR MOBILE FOOD VAN – RESERVE 50396 KALBARRI LAND-BACKED WHARF, KALBARRI AND COMMERCIAL VEHICLE PARKING – LOT 103 (NO. 7) DARWINIA DRIVE, KALBARRI**

<b>LOCATION:</b>	Reserve 50396, Kalbarri Land-backed Wharf, Kalbarri Lot 103 (No. 7) Darwinia Drive, Kalbarri
<b>APPLICANT:</b>	M Groves
<b>OWNER:</b>	Department of Transport/State of Western Australia (Reserve 50396) and M Grove (Lot 103)
<b>FILE REFERENCE:</b>	10.6.1.3/ 10.6.1.4 / A4033
<b>DATE OF REPORT:</b>	10 October 2018
<b>REPORTING OFFICER:</b>	Debbie Carson – Planning Officer
<b>APPENDICES:</b>	1. Photographs of mobile food van

**AUTHORITY / DISCRETION:**

*Quasi-Judicial when Council determines an application within a clearly defined statutory framework, abiding by the principles of natural justice, acting only with discretion afforded it under law, and giving full consideration to Council policies and strategies relevant to the matter at hand. These decisions are reviewable by the State Administrative Tribunal.*

**SUMMARY:**

An Application for Development Approval has been received for a proposed mobile food van to operate from Reserve 50396, being the Kalbarri land-backed wharf. The Applicant intends to provide Indonesian Cuisine, seafood and coffee served from his van during daytime hours. The subject land where the Applicant proposes to operate from is managed by the Department of Transport and the Applicant is currently progressing through the Department's approval process. The Department of Transport grants Temporary Land Permits to mobile vans and trucks which are granted for a maximum of up to one year at a time.

The Application also includes the parking of a commercial vehicle (being the food van) upon the Applicant's residential lot, which will also require approval.

Advertising of the proposal has been undertaken with 14 days allowed for submissions to be made in respect of the application. Whilst public advertising has now closed, the advertising period to accept submissions from adjacent

property owners is still ongoing, and therefore an Addendum to this report will be provided to Council following the closing date, being 16 October 2018. The Addendum report will provide Council with a complete assessment which will address the application itself, summarise and address any submissions received during the advertising period, as well as provide a recommendation and any conditions of approval that might be required for the proposed development.

### LOCALITY PLANS:

**Figure 1. Location of Reserve 50396 Grey Street, Kalbarri**



**Figure 2. Site Plan of Reserve 50396 showing proposed location of van placement (in red)**



## **BACKGROUND:**

An Application for Development Approval was received on 30 August 2018 for a mobile food van to operate from Reserve 50396, being the location of the land-backed wharf in Kalbarri. The land is owned by the State of Western Australian with the Minister for Transport having management orders of the site for “Harbour Purposes”. The location is adjacent to a finger jetty and carpark as well as a reserve vested in the Shire of Northampton for Fishing and Tourism purposes.

The Applicant is currently working through the approval process with the Department of Transport (DoT) to obtain a Temporary Land Permit to use the Reserve, with these being issued by the DoT for a maximum of up to one year at a time, with reassessment of the use occurring upon expiration of the annual permit.

## **The Proposal:**

The Applicant proposes to operate the food van upon the area of land, as shown in Figure 2 above, upon one of the two sites proposed, which will ultimately be dependent upon Department of Transport instructions. The food van has been custom built to meet the standards for, and operate as, a commercial kitchen, and the van has now passed Environmental Health approvals with a Food Registration Certificate having been issued on 10 October 2018. The van has a 5.0m x 2.4m floor area and is 2.7m in height, with signage wrapped around its external façade, as shown in **Appendix 1**.

Whilst a 100L waste water tank was originally to be built into the undercarriage of the van, the axles of the van have been lowered so that the service counter is lower and more customer friendly. This has resulted in there being no room for an in-built under-carriage tank. The Applicant will instead use a 45L mobile tank (which has wheels and a handle) that will be positioned under the sink wastewater drain outlet. When full, the Applicant will empty the waste water into 20L containers and then dispose of the waste water as required.

The Applicant proposes to serve Indonesian Cuisine, seafood and coffee, four to five days per week and up to 7 days during peak season, during daytime hours. All food preparation is proposed to be undertaken within the van, both on-site at the reserve, and also at the Applicant’s home residence within the van. Power will be sourced by the food van from the DoT site, however in instances where a generator is required, the noise level is estimated at 70dB at 7m, and will have silencing covers.

The Applicant proposes to use free-standing signage immediately adjacent to the van and also upon the corner adjacent to the main entry from Grey Street into the wharf area.

Outside of trading hours, the food van will be stored at the Applicant's residence, being Lot 103 (No. 7) Darwinia Drive, Kalbarri.

In consideration of the application the following information is also provided:

Lot Size	2,900m <sup>2</sup>
Existing Development	Land-backed wharf, mobile food van (fish van)
Access & Frontage	Access via Grey Street and adjacent carpark
Services	Water and Power
Surrounding Land Uses	Reserves (Fishing & Tourist Industries- immediately adjacent, and Recreation & Parklands further south and north), Special Control Area 3 – Anchorage Mixed Use Precinct Tourism, and Murchison River activities and uses

#### **COMMUNITY & GOVERNMENT CONSULTATION:**

The application for the operation of the proposed mobile food van was advertised in accordance with clause 64, Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, as per the following:

- Public advertising - notice of the development placed in the Geraldton Guardian (advertising period 14 - 28 September 2018);
- Letters to adjacent land and business owners in Anchorage Precinct (main advertising period from 25 Sept – 9 Oct). The advertising period for property owners within the Kalbarri Beach Report has been extended to 16 October 2018, due to there being computer data issues causing some property owners to be omitted from the initial round of advertising, and the proposal therefore requiring re-advertising;
- Letters to adjacent property owners to the Applicant's residential lot (in relation to the proposed parking and storage of a commercial vehicle) from 25 Sept - 9 Oct;
- Letter to Department of Transport;
- A Notice of the development was also advertised at each of the Shire's administration buildings; and

- A Notice of the development was also advertised upon the Shire's website.

Due to the advertising period for the Kalbarri Beach Resort unit owners requiring a submission deadline extension, a schedule of submissions cannot be presented at this time. However, for Council information, to date three (3) submissions have been received from adjacent business owners objecting to the proposal. Additionally, five (5) submissions have so far been received from Kalbarri Beach Resort unit owners with four (4) of those supporting the proposal and one (1) objecting to the proposal. Furthermore, one (1) submission has been received from an adjacent landowner of the proposed home business that supports the proposal, one (1) submission has also been received from the Department of Transport that supports the proposal, and one (1) submission has been received from a stakeholder (fisherman's co-op) detailing their use of the wharf and jetty and identifying their preferred locations for the siting of the proposed food van.

A submission schedule will be provided as an Addendum to this report to Council, upon closure of the submission deadline period, being the 16 October 2018.

#### **FINANCIAL & BUDGET IMPLICATIONS:**

Nil, however should Council refuse this application and the applicant proceed to exercise their right of appeal, costs are likely to be imposed on the Shire through its involvement in the appeal process.

#### **STATUTORY IMPLICATIONS:**

*State: Planning and Development Act 2005*

*Planning and Development (Local Planning Scheme) Regulations 2015*

*Marine & Harbours Act 1981*

*Local: Shire of Northampton Local Planning Scheme No. 11*

#### **Shire of Northampton Local Planning Scheme No. 11**

The land is zoned 'Reserve – Public Open Space' under Local Planning Scheme No. 11 with the objectives of the Reserve being:

- *"To set aside areas for public open space, particularly those established under the Planning and Development Act 2005 s. 152.*

- *To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.”*

The operation of a food van is considered to be a ‘Use Not Listed’ under the Scheme and therefore does not fall within a defined use class under the Scheme Zoning Table. Section 3.3.4 of the Scheme is applied in this instance:

*“The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table -*

- (a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government;*
- (b) determine that the use may be consistent with the objectives of a particular zone and give notice under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or*
- (c) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.”*

Therefore, for a ‘Use Not Listed’, it must be determined whether the proposal is considered to be consistent with the objectives of the ‘Public Open Space’ and ‘Harbour Purposes’ reserves.

As the Application also requires the approval of the Applicant’s residential lot (Lot 103 Darwinia Drive) for use for Commercial Vehicle Parking, the following provisions of the *Local Planning Scheme No. 11* also apply.

Lot 103 Darwinia Drive is zoned “Residential R20” under *Local Planning Scheme No. 11 – Kalbarri* with the Scheme stating the following purposes and intent for the ‘Residential’ zone:

- *To provide for a range of housing and a choice of residential densities to meet the needs of the community.*
- *To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.*

- *To provide for a range of non-residential uses, which are compatible with and complementary to residential development.*

The proposed use of the residential land falls under the definition of 'Commercial Vehicle Parking' which is defined under the Scheme as being:

*"premises used for parking of one or 2 commercial vehicles but does not include -*

- (a) any part of a public road used for parking or for a taxi rank; or*
- (b) parking of commercial vehicles incidental to the predominant use of the land"*

The use 'Commercial Vehicle Parking' is listed as an "A" use under the *Local Planning Scheme No. 11*, meaning that:

*"the use is not permitted unless the local government has exercised its discretion by granting development approval after giving special notice in accordance with clause 64 of the deemed provisions."*

As a 'Commercial Vehicle Parking' application, the length of any Development Approval for the commercial vehicle parking upon a residential lot (i.e. private residence) is limited to a twelve month period with an annual review, as per Clause 4.8.11 of the Scheme:

*"4.8.11 Parking of Boats and Commercial Vehicles*

- (a) The local government may permit the parking of only one commercial vehicle on a lot in the "Residential", Rural Residential" or "Environmental Conservation" zone provided -*
  - (i) the amenity of the neighbourhood in the opinion of the local government is not adversely affected;*
  - (ii) the vehicle forms an essential part of the occupation of an occupant of the dwelling;*
  - (iii) the vehicle does not exceed either 3 metres in height or 12 metres in length;*
  - (iv) any vehicle exceeding 8 metres in length is screened from public view; and*
  - (v) no major repairs to the vehicle is undertaken and any minor repairs, maintenance, service or cleaning of any commercial vehicle or truck is undertaken in an area screened from public view.*

- (b) *Approval shall be issued on an annual basis only and if, in the opinion of the local government, the commercial vehicle is causing a nuisance or annoyance to owners or occupiers of land in the locality, the local government may not re-issue an approval.*
- (c) *A vehicle shall be considered to be parked on a lot for the purposes of these provisions if it remains on that lot for more than one hour in aggregate over any period of twenty four hours, unless the vehicle is being used bona fide in connection with ongoing construction work legally being carried out on the lot.*
- (d) *Commercial vehicles which are parked temporarily on a property for the purpose of delivering or loading goods associated with domestic residential use are exempt from clause 4.8.10.*
- (e) *No person shall on any lot within the Residential Zone keep, park, repair or store any boat, trailer, caravan or any associated material not specifically for the immediate use by the occupant in front of the building setback line.”*

The Applicant would therefore be required to re-apply for Development Approval (for the commercial vehicle parking) annually, should an approval be granted by Council.

#### Marine and Harbours Act 1981

The land-backed wharf is a public reserve (Reserve 50396) that is vested with the Minister for Transport for ‘Harbour Purposes’ under the *Marine & Harbours Act 1981*. Information provided by the Department of Transport cites the purpose of the Reserve as the following:

*“the Land Backed Wharf’s main purpose is for the loading and unloading of catch and supplies for the professional fishing fleet. The wharf structure is to aid in the direct transfer of fish product from vessels to waiting trucks.”*

#### Planning and Development (Local Planning Scheme) Regulations 2015

Clause 67 of Schedule 2 of the Regulations outlines a number of other matters that should be considered by local government when determining an application. The most relevant provisions are outlined below:



*“In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application -*

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (c) any approved State planning policy;*
- (g) any local planning policy for the Scheme area;*
- (i) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;*
- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) the amenity of the locality including the following -
  - (i) environmental impacts of the development;*
  - (ii) the character of the locality;*
  - (iii) social impacts of the development;**
- (o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*
- (q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;*
- (r) the suitability of the land for the development taking into account the possible risk to human health or safety;*
- (s) the adequacy of -
  - (i) the proposed means of access to and egress from the site; and*
  - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;**
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) the availability and adequacy for the development of the following -
  - (i) public transport services;**

- (ii) *public utility services;*
- (iii) *storage, management and collection of waste;*
- (iv) *access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
- (v) *access by older people and people with disability;*
- (v) *the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;*
- (w) *the history of the site where the development is to be located;*
- (x) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) *any submissions received on the application;*
- (za) *the comments or submissions received from any authority consulted under clause 66;*
- (zb) *any other planning consideration the local government considers appropriate.*

**POLICY IMPLICATIONS:**

*Local: Shire of Northampton Kalbarri Townsite Strategy  
Commercial, Recreation Tourism Local Planning Policy*

The strategic vision of the Kalbarri Townsite Local Planning Strategy is:

*“To develop a long term Strategy for the future development and enhancement of Kalbarri that recognises, builds upon and promotes the tourism and residential values of the location in an environmentally and economically sustainable manner.”*

The strategic objectives of the Strategy are:

- *“To enhance Kalbarri’s position as a premier family holiday destination within Western Australia while recognising the continuing value and importance of non-family Intrastate, Interstate and International visitors.*
- *To broaden Kalbarri’s economic and employment base by furthering Kalbarri’s position as a desirable alternative residential and employment location within the Mid-West.*
- *To protect and enhance Kalbarri’s unique urban values and particularly its connectivity to the surrounding natural environment together with its compactness and high level of walkability.”*

The subject site falls within the ‘A1 – Fisherman’s Wharf’ planning area of the Anchorage Precinct under the *Shire of Northampton Kalbarri Townsite Strategy*. The *Strategy* identifies the following use and development provisions for the A1 – Fisherman’s Wharf site, as per the table below:

<b>Planning Area</b>	<b>Use &amp; Development Provisions</b>
<b>A1</b>	<p><b>Fisherman’s Wharf :</b></p> <p>Land-backed Wharf with Restaurant / Kiosk / Fish &amp; Chips / Outdoor Seating &amp; AI Fresco Dining.</p> <p>Consider also inclusion of a Marine Interpretive Centre (Physical, European &amp; Aboriginal use, Marine Flora &amp; Fauna, Sea Horse Centre) as part of the Fisherman’s Wharf development. Alternatively, include in larger single Interpretive Centre with Visitor Centre incorporating the equivalent Terrestrial aspects.</p> <p>Require cash-in-lieu contributions to construction / upgrading of public carparks in vicinity and particularly POS area and Boat Trailer carparks in lieu of provision of on-site parking.</p> <p>Identify site boundaries in association with Department of Planning (DP) and State Land Services (SLS) and reserve appropriately with power to lease.</p> <p>Following completion of site definition prepare Detailed Local Structure Plan of site as basis for future subdivision, land and seabed leases and development approvals. Advertise Detailed Local Structure Plan for public comment for a minimum 28 days. Assess comments received and finalise for adoption by Council and WA Planning Commission.</p>
	<p>Rezone site under new Kalbarri Planning Scheme to Special Use Zone - Tourist Commercial and related provisions including an Interpretation of Tourist Commercial – minimum 42 day public advertising during rezoning period.</p> <p>Development to be subject to :</p> <ul style="list-style-type: none"> <li>▫ Approval by Council and WA Planning Commission of a Detailed Local Structure Plan of site and minimum 28 day public advertising period; and</li> <li>▫ Approval to Commence Development including condition requiring payment of cash-in-lieu for parking prior to issue of a Building Licence.</li> </ul>

**STRATEGIC IMPLICATIONS:**

*Local: Shire of Northampton Planning for the Future 2016-2026*

- Strategy/s:
1. Promotion of industrial and commercial activities that add value to the existing industries and activities within the shire.
  2. Functionality of Marine facilities

Key Actions: 3.3.2 Protect existing marine/boating facilities

**VOTING REQUIREMENT:**

*Simple Majority Required.*

**COMMENT/CONCLUSION:**

Whilst the public advertising period has now closed, and much of the private submission deadlines have also closed, the deadline for submissions from the Kalbarri Beach Resort (KBR) unit owners remains open until 16 October 2018. The proposal was re-advertised to these owners when it was identified by a KBR owner that not all owners had received the correspondence sent out in relation to the proposal. It was thereafter identified that the Shire's landowner database (that is used to generate landowner details for correspondence) had not listed a large number of owners, and therefore it was decided to re-advertise to capture those additional adjacent landowners.

Therefore, an Addendum to this report will be provided to Council following the 16<sup>th</sup> October, so as to provide Council with a complete assessment which will detail and address all submissions received, the application's synergy with planning provisions, as well as provide a recommendation and any conditions of approval that might be required for the proposed development.

**OFFICER RECOMMENDATION – ITEM 7.3.1**

**To be provided as Addendum to Council**

**APPENDIX 1. PHOTOGRAPHS OF FOOD VAN**



**7.3.2 REQUEST FOR BOND FEE REDUCTION – SINGLE DWELLING AND ANCILLARY DWELLING - LOT 65 (NO. 7) BORONIA CIRCUIT, KALBARRI**

<b>LOCATION:</b>	<b>Lot 65 (No. 7) Boronia Circuit, Kalbarri</b>
<b>APPLICANT:</b>	<b>P Downes</b>
<b>OWNER:</b>	<b>P Downes</b>
<b>FILE REFERENCE:</b>	<b>10.6.1.1/ 7BOR/ A4192 / D/A 2017-072</b>
<b>DATE OF REPORT:</b>	<b>10 October 2018</b>
<b>REPORTING OFFICER:</b>	<b>Debbie Carson – Planning Officer</b>
<b>APPENDICES:</b>	
1.	<b>Building plans (original)</b>
2.	<b>Correspondence received from the Applicant</b>
3.	<b>Quotes and information provided in relation to estimate of cost of development</b>

**AUTHORITY / DISCRETION:**

**Quasi-Judicial**      *when Council determines an application within a clearly defined statutory framework, abiding by the principles of natural justice, acting only with discretion afforded it under law, and giving full consideration to Council policies and strategies relevant to the matter at hand. These decisions are reviewable by the State Administrative Tribunal.*

**SUMMARY:**

An Application for Development Approval was approved on 14 November 2017 for the construction of both an ancillary dwelling and a single dwelling upon Lot 65 (No. 7) Boronia Circuit, Kalbarri. Due to the Applicant wanting to construct the ancillary dwelling prior to the main residence, a bond was required to be paid by the Applicant, to ensure that the main residence would be constructed and completed in accordance with the plans provided and to the satisfaction of the local government. The Applicant has requested that the bond amount payable be reduced from \$10,000 to \$5,000, as he has advised his estimated the cost of development of the main dwelling has reduced from \$200,000 to \$100,000 (and the bond is calculated as a percentage of the estimated cost of development).

This report requires that Council considers the Applicant's request (and the additional information that has been provided), and determines whether to reduce the bond amount payable from \$10,000 to \$5,000 or another bond amount.

## **BACKGROUND:**

An Application for Development Approval was received from the Applicant on the 3rd October 2017 for the construction of a single dwelling, as well as a small ancillary dwelling located towards the rear of the property and behind the main residence. A copy of the building plans have been included as **Appendix 1** of this report.

The Applicant originally advised that the approximate cost of development for the main residence would be \$200,000. At the time of application, the Applicant's estimated cost for both the single dwelling and ancillary dwelling was \$300,000. The total estimated building value (as provided with the Applicant's building application) was \$400,000.

The Applicant advised that it was his intention to construct the ancillary dwelling prior to the commencement of the construction of the main dwelling, so that he could practice as an owner builder on the ancillary dwelling first, and then reside in the rear dwelling whilst building the main residence, immediately following completion of the ancillary dwelling.

The Application for Development Approval was approved on 14 November 2018, subject to the following conditions:

1. *Development shall be in accordance with the attached approved plan(s) dated 14 November 2017 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government;*
2. *Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and development approval for that use/addition;*
3. *A colour schedule for the single and ancillary dwelling shall be submitted prior to construction of the dwelling, to the approval of the local government;*
4. *The maneuvering/parking area and driveway shall be retained where fill exceeds 0.5 metres from natural ground level OR where fill (above natural ground level) is located within 1 metre of any lot boundary, AND where existing and*

*appropriate retaining is not in-situ, to the approval of the local government (refer to Advice Note 3). These areas are highlighted in YELLOW on the attached approved plan(s) dated 14 November 2017;*

5. *The maneuvering area, carparking areas and driveway shall be paved/sealed and drained, and thereafter maintained, to the approval of the local government;*
6. *A building permit shall be issued by the local government prior to the commencement of any work on site;*
7. *The construction of the single (primary) dwelling shall be commenced within twelve (12) months of the date of commencement of the construction of the ancillary dwelling, and shall be completed no later than two (2) years from the date of commencement of the ancillary dwelling;*
8. *The Applicant shall advise the local government's planning department the date of commencement of the construction of the ancillary dwelling within fourteen (14) days of commencement;*
9. *A bond of 5% of the total estimated cost of development (being \$10,000) shall be lodged with the Shire of Northampton prior to the issue of a Building Permit, with the bond money to be repaid to the Applicant when the construction of the single (primary) dwelling reaches lock-up stage, and appears externally complete (refer to Advice Note 4);*
10. *The Applicant shall lodge a Statutory Declaration with the Shire of Northampton prior to a Building Permit being issued, providing a written and signed commitment to complete the single dwelling, to the approval of the local government and in accordance with, and acceptance of, Conditions 7, 8 and 9 and Advice Note 4 of this Development Approval D/A 2017-072;*
11. *The outdoor living area, located behind the single dwelling and forward of the ancillary dwelling, shall be retained for the purpose of outdoor living only, and shall not be*



*approved for further built development that might limit its capability for active or passive use;*

12. *The outdoor storage of building materials must be screened from public view by either locating it to the rear of the ancillary dwelling or affixing temporary timber screening/panelling to a section of the carport area, to the approval of the local government, until such time that the single dwelling is externally complete;*
13. *The Applicant shall provide a stormwater management plan for the proposed development (to be approved by the local government) prior to a Building Permit being issued;*
14. *All stormwater shall be disposed of on-site to the specifications and approval of the local government and in accordance with the approved stormwater management plan, as per Condition No. 13;*
15. *Any soils disturbed or deposited on site shall be stabilised to the approval of the local government;*
16. *Permanent, fixed screening (as marked in RED on the attached approved plan(s) dated 14 November 2017) to a height of 1.65 metres and with a maximum of 25% visual permeability (75% obscurity), shall be installed and maintained to the approval of the local government in the following locations:*
  - (a) *along the eastern facade of the triple carport, located upon the eastern side lot boundary; and*
  - (b) *along the western facade of the alfresco area that faces the western side lot boundary;*
17. *With regard to Condition 16(a), the external face of the screening shall have a smooth, sealed surface finish and be to the approval of the local government;*
18. *Bin storage and clothes drying areas shall be provided to the rear of the ancillary and single dwellings, and be appropriately screened if visible from the view from the street, to the approval of the local government;*

19. *Installation of crossing place (crossover) shall be to the standards and specifications of the local government;*
20. *Boundary fencing shall be constructed and thereafter maintained to the approval of the local government (refer to Advice Note 6); and*
21. *The section of north-western fence that shall be located within the six (6) metre primary street setback area of the property, as marked in BLUE on the attached approved plan(s) dated 14 November 2017, shall be no higher than (or visually permeable above) 1.2 metres from natural ground level.*

**Advice Notes:**

- Note 1. If the development/use the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.*
- Note 2. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.*
- Note 3. It is advised that Condition No. 4 relates specifically to the retaining of the ancillary dwelling and carport, the retaining of the driveway and manoeuvring area, and the retaining of the single dwelling. Retaining walls should be designed by a suitably qualified structural engineer, and be lodged together with the Applicant's Building Application.*
- Note 4. Should the Applicant fail to commence or complete the single (primary) dwelling within the timeframes specified in Condition No. 7, the Applicant will have been deemed by the local government to have forfeited their bond. The Shire of Northampton may thereafter commence enforcement proceedings. These may include fines, prosecution and/or removal orders for the ancillary dwelling. The Applicant is advised that, should delays to the construction of the single dwelling become likely, the Applicant should liaise immediately with the local government in order to seek a minor extension of approval*

*and so as to avoid compliance measures being initiated by the local government.*

*Note 5. With regard to Condition No's 16 and 17, the design of screening shall be provided to, and approved by, the local government prior to the commencement of any works on-site.*

*Note 6. The design and final height of the boundary fences (that are to be constructed in accordance with Condition No's 20 and 21, as well as any other local, state and federal government regulations), are to be negotiated and agreed upon, with adjoining landowner/s.*

*Note 7. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of determination.*

On 11 September 2018, a letter of compliance was sent to the Applicant, as it was identified that he was in breach of Conditions 3, 8, 9, 10 and 13 of D/A 2017-072, as he had applied for and was issued a Building Permit, and had commenced and almost completed the construction of his ancillary dwelling, but had not addressed those conditions of approval. The breached conditions are as per below:

- 3. A colour schedule for the single and ancillary dwelling shall be submitted prior to construction of the dwelling, to the approval of the local government;*
- 8. The Applicant shall advise the local government's planning department the date of commencement of the construction of the ancillary dwelling within fourteen (14) days of commencement;*
- 9. A bond of 5% of the total estimated cost of development (being \$10,000) shall be lodged with the Shire of Northampton prior to the issue of a Building Permit, with the bond money to be repaid to the Applicant when the construction of the single (primary) dwelling reaches lock-up stage, and appears externally complete;*

10. *The Applicant shall lodge a Statutory Declaration with the Shire of Northampton prior to a Building Permit being issued, providing a written and signed commitment to complete the single dwelling, to the approval of the local government and in accordance with, and acceptance of, Conditions 7, 8 and 9 and Advice Note 4 of this Development Approval D/A 2017-072;*
  
13. *The Applicant shall provide a stormwater management plan for the proposed development (to be approved by the local government) prior to a Building Permit being issued.*

In response to this correspondence, the Applicant provided the necessary information required to satisfy Conditions 3, 8 and 13. The Applicant also provided a revised estimated cost of development, being \$90,000 (reduced from the original estimate of \$200,000) and requested an invoice for a bond amount of \$4,500, which is 5% of \$90,000 (as per his letter dated 19 September 2018- refer to **Appendix 2**).

An invoice for \$10,000 was subsequently issued to the Applicant, with the Applicant being advised that a bond fee reduction would need to be approved by Council. The Applicant was therefore requested to provide additional detail and justification in relation to the reduced estimated cost of development, for Council's consideration.

Further correspondence was thereafter received on the 3rd October 2018 from the Applicant, with the following information provided (refer to **Appendix 2** for full correspondence):

*“As I am the owner/builder involved with every aspect of construction and having almost completed the Ancillary dwelling and commenced construction of the main dwelling, I now estimate cost of construction to be more like \$100,000. Since this now needs to go before Council, I have paid \$5,000 bond and will await Council's outcome...”*

*Please be advised that Bathroom 2 will become a study with dimensions unchanged and a 2.4m sliding door on the south wall”*

This information was not considered sufficient, and therefore further information regarding a breakdown of costs was requested, and the Applicant has now provided the requested cost information as summarised below and attached in full as **Appendix 3**:

• Wall panels and solar span roofing	\$48,300 inc GST (Aug17 quote)
• Windows and doors	\$22,280 inc GST (Oct17 quote)
• House slab	\$10,000
• Plumbing and electrical costs	\$7,000
• Retaining walls and earthworks	\$10,000
<hr/>	
<b>Total of above</b>	<b>\$97,580</b>

### **COMMUNITY & GOVERNMENT CONSULTATION:**

Adjoining landowners were consulted as part of the original Application for Development Approval, however no consultation has been undertaken with regard to the Applicant's current request, or amendments to his building plans.

### **FINANCIAL & BUDGET IMPLICATIONS:**

A bond payment of \$5,000 has been received, with an outstanding amount of \$5,000 yet to be paid by the Applicant (and which is subject to Council's determination). The bond payment will be refunded upon satisfaction of Condition No. 9, and has no impact upon Council Budget or the Municipal Account, as the bond money is held in trust until such time that conditions are met, and then the money is refunded.

The Applicant will be required to pay an additional planning amendment fee of \$211 for the changes to his building plans, as a further planning assessment will be required in light of the proposed building changes (unless Council determines to waive these fees). There may also be building amendment fees subject to this application.

### **COMMENT:**

The Applicant has provided information relating to his new estimated cost of development (as above) with the revised estimate being calculated utilising quotes received (as attached) and costs already incurred for the retaining and earthworks.

Notwithstanding the \$97,580 of anticipated expenses as above, it is considered that the Applicant has not included other essential costs that typically form part of the "estimated cost of development". These additional essential expenses are proposed below:

- Kitchen fitout (cabinetry, tiling, fixtures eg sink, oven, cooktop, tapwear)

- Bathroom, laundry, toilet fitout (tiles, cabinetry, and fixtures. eg shower recess, toilet, sinks, trough, tapwear)
- Painting internal and external
- Gutters and downpipes
- Landscaping
- Structural steel/steel wall columns
- Transportation of wall panels and roofing materials
- Flashings/trims
- Floor coverings
- Window coverings
- Internal doors
- Paving of alfresco area
- Screening of alfresco area
- Brick paved driveway
- Brick paving or concrete crossover

Given the above omissions in calculating the “estimated cost of development”, it is considered that the estimated cost is likely to be substantially more than the \$100,000 that the Applicant has proposed.

The reason that the estimated cost of development is important is that this figure is used to calculate both the planning fee and the bond payable. The bond payable for this application was calculated as 5% of the estimated cost of development, being a \$10,000 bond for a \$200,000 estimated cost of development.

The bond was required in this instance to encourage the Applicant to comply with the Conditions of Development Approval, including that the single dwelling (main residence) is constructed. The design of the ancillary dwelling is not considered appropriate as a single dwelling in its own right, as the ancillary dwelling is only 19m<sup>2</sup> (5.72m x 3.32m) and has a triple carport, and therefore does not meet the provisions of the Residential Design Codes for a single (primary) dwelling. Therefore, it was considered essential to apply the bond to encourage the Applicant to complete the construction of the single dwelling (main residence) in a timely manner. Once the construction of the single dwelling reaches lock-up stage and appears externally complete, then Condition No. 9 of D/A 2017-072 will be considered to be satisfied, and the bond money will be repaid in full to the Applicant. Should the single dwelling not be completed by the 13<sup>th</sup> April 2020 in satisfaction of Condition No. 9, Council may reserve its right to utilise the bond money paid to remove any buildings that exist on-site.

It is noted for Council information that the Applicant has advised that the ancillary dwelling is almost complete and that he has commenced laying the foundations of the single dwelling.

It is further noted that The Applicant will also be required to pay a further \$211 planning fee to amend his building plans, given the changes to the bathroom and the inclusion of a sliding door on the southern façade. Council may determine to waive this planning feeshould they wish to do so.

The Applicant has also completed a Statutory Declaration as required by Condition No. 10, however he has amended the detail such that it states a bond amount of \$5,000, rather than a \$10,000 bond. Should Council determine not to approve the Applicant's request, the Applicant will need to complete a new Statutory Declaration form.

**VOTING REQUIREMENT:**

*Single Majority Required*

**CONCLUSION:**

Should Council determine that the estimated cost of development for the single dwelling is \$100,000, then the bond payable will be \$5,000 (which Council has already received from the Applicant). However, should Council determine that the estimated cost of development is likely to be greater than \$100,000, then Council will need to determine whether the \$10,000 bond still applies, or whether an alternative bond amount would be a reasonable bond payable, given the additional information provided by the Applicant.

**OFFICER RECOMMENDATION – ITEM 7.3.2**

**For Council consideration.**

**The following has been provided as a guide for Council when determining the request:**

**That Council:**

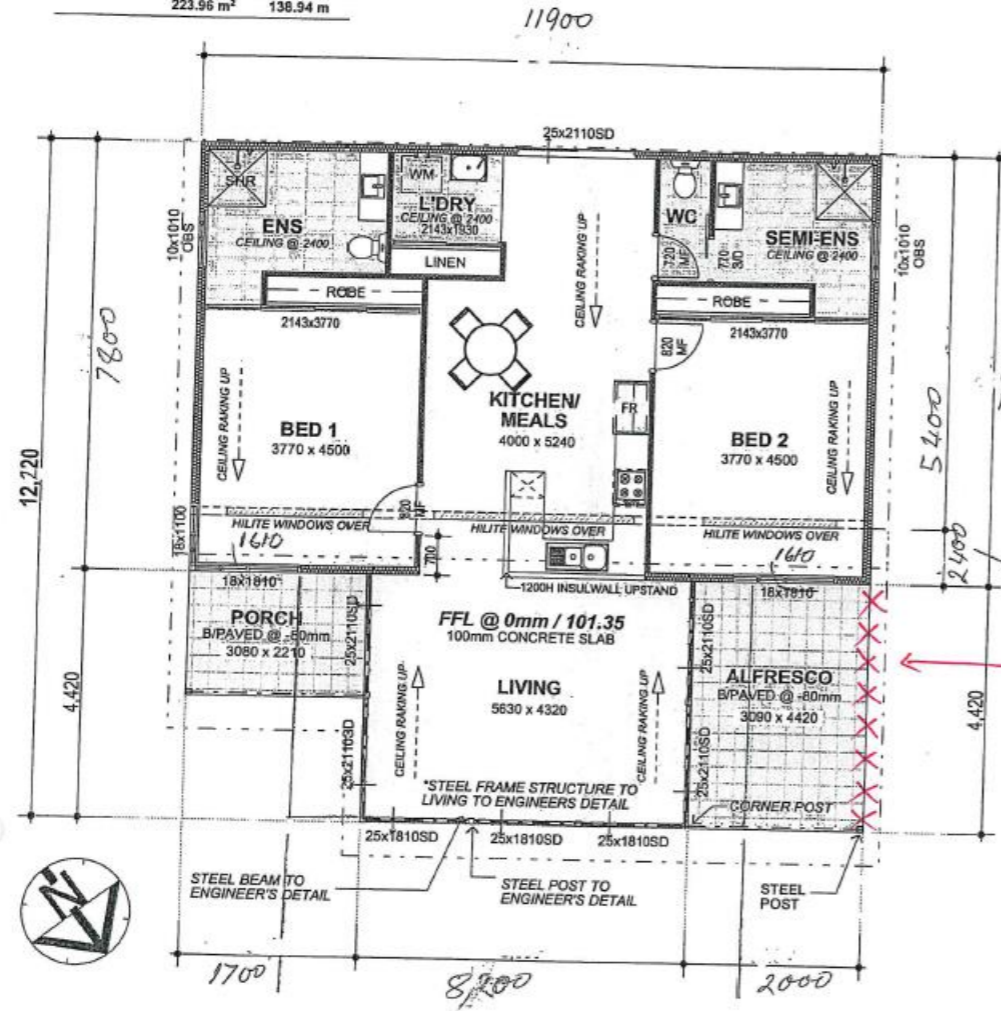
1. **Approve/refuse** the Applicant's request to reduce the bond payable from \$10,000 to \$5,000 (**stating reasons if refused**);

2. **(If refused, and/or an alternative bond amount is determined)** Advise the Applicant that a bond to the amount of \$... is required, with any unpaid and outstanding amount to be received by the Shire of Northampton by the 31<sup>st</sup> October 2018;
- 3.. **(If refused, or an alternative bond amount is determined)** Require the Applicant to complete and sign a new Statutory Declaration form on the template provided, that states the above bond amount; and
4. Waive the additional planning fee of \$211 to amend D/A 2017-072 so as to include the proposed changes to the bathroom and sliding door. **(not required if fee is not waived)**



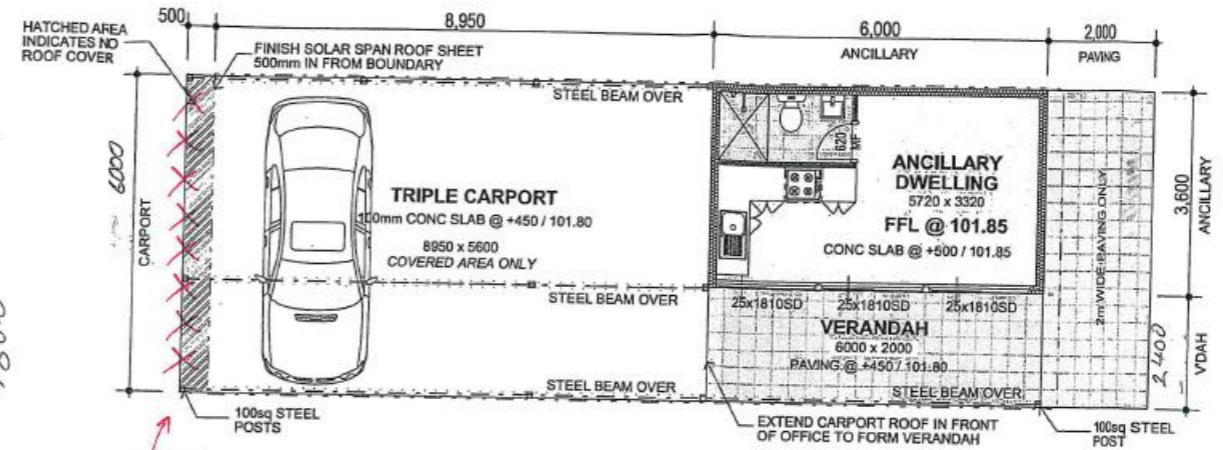
FLOOR AREAS		
Location	Area	Perimeter
RESIDENCE	116.97	48.04
CARPORT	52.92	30.10
ANCILLARY	21.80	19.20
ALFRESCO	13.06	15.02
VERANDAH	12.00	16.00
PORCH	6.81	10.56
<b>TOTAL</b>	<b>223.96 m<sup>2</sup></b>	<b>138.94 m</b>

Roof Area Calculation			
Home Story	Pitch	Area (flat)	Area (pitched)
Ground floor	5.00°	155.43	156.02
	12.00°	92.43	94.49
		<b>247.86 m<sup>2</sup></b>	<b>250.51 m<sup>2</sup></b>



FLOOR PLAN  
1:100

NOTE: THESE DRAWINGS ARE SUBJECT TO DESIGN DEVELOPMENT AND NOT FOR CONSTRUCTION. DIMENSIONS, SIZES & SETBACKS SHOWN ARE SUBJECT TO CHANGE FOLLOWING ENGINEERING, SITE INSPECTION REPORT, ENERGY RATING AND LOCAL COUNCIL ASSESSMENTS.



CARPORT / ANCILLARY PLAN  
1:100

See Engineer's  
Refer to Condition 16  
of D/A 2017-072

- NOTES:**
- ALL DRAWINGS TO BE READ IN CONJUNCTION WITH ENGINEER'S DETAILS.
  - ALL EXTERNAL WALLS TO BE BONDOR 140mm INSULWALL TO MANUFACTURER'S SPECIFICATIONS.
  - EXTERNAL WALLS TO BE ACYRLIC RENDERED TO BONDOR INSULWALL SPECIFICATIONS.
  - ALL INTERNAL WALLS TO BE BONDOR 90mm INSULWALL TO MANUFACTURER'S SPECIFICATIONS UNLESS NOTED OTHERWISE.
  - INTERNAL WALLS TO BE PAINTED TO BONDOR INSULWALL SPECIFICATIONS.
  - WET AREAS TO BE WATERPROOFED AND TILED AS PER BONDOR INSULWALL SPECIFICATIONS.
  - 100mm CONCRETE SLAB TO ENGINEER'S DETAILS.
  - WINDOW SIZES, SPECIFICATIONS AND LOCATIONS ARE SUBJECT TO 6-STAR ENERGY RATING ASSESSMENT AND ARE SUBJECT TO CHANGE.

P/A: 2017-072	1 OF 5
SHIRE OF NORTHAMPTON	
<b>PLANNING APPROVAL:</b> APPROVED <input checked="" type="checkbox"/> REFUSED <input type="checkbox"/>	
NOTES: - REFERS TO ATTACHED PLANNING APPROVAL FORM FOR CONDITIONS OF APPROVAL - THIS IS NOT A BUILDING PERMIT	
<i>Ducos</i> for PRINCIPAL PLANNER	14/11/17 DATE
REF: 10-6-1-1/7802/A4192	



23D DESIGN  
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PROJECT NAME:  
**PAUL DOWNES  
NEW RESIDENCE**

SITE ADDRESS:  
**LOT 65 BORONIA CIRCUIT  
KALBARRI WA 6536**

PROJECT NUMBER:  
**170004-D**

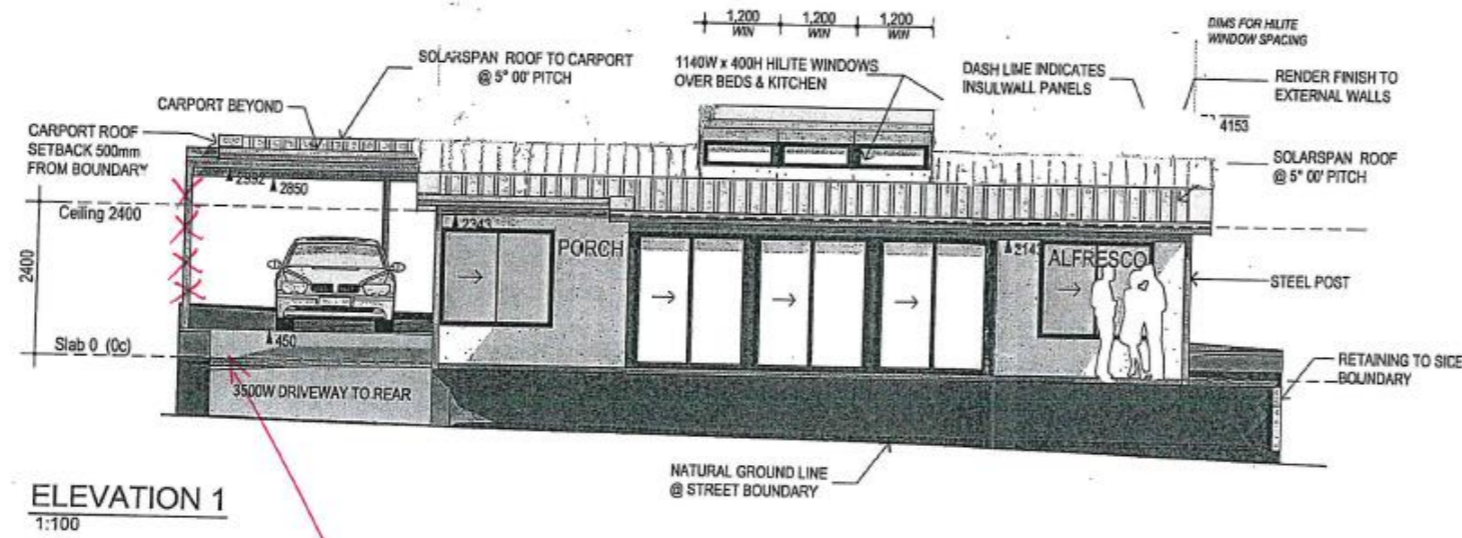
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DRAWING NUMBER:  
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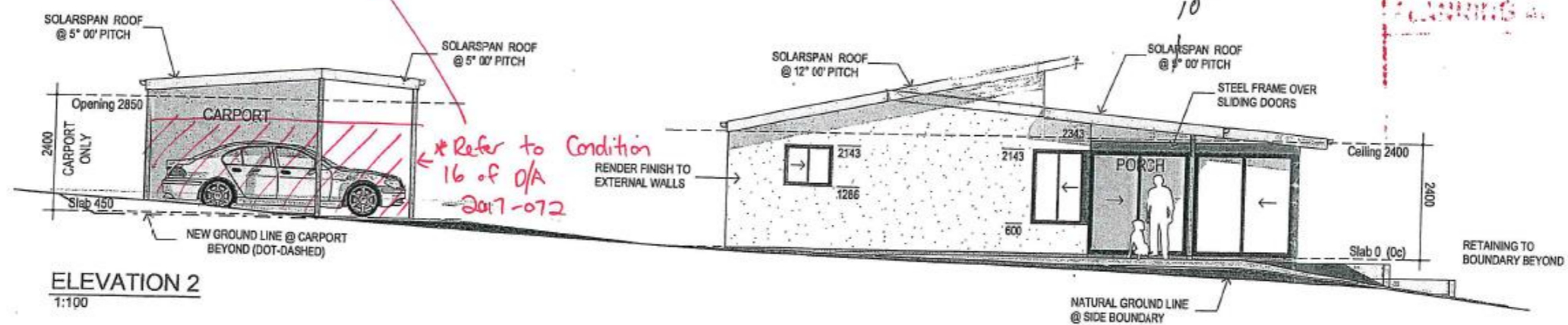
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**Floor Plan**

DATE:  
**12/07/2017**

REVISION:  
**01**



P.A. 2017-072	2 OF 5
SHIRE OF NORTHAMPTON	
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NOTES: - REFERS TO ATTACHED PLANNING APPROVAL FORM FOR CONDITIONS OF APPROVAL - THIS IS NOT A BUILDING PERMIT	
DuCesa PRINCIPAL PLANNER	14/11/17 DATE
REF: 10.6.1.1/7BOR/A492	



\* Refer to Condition 16 of O/A 2017-072



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PROJECT NAME:  
PAUL DOWNES  
NEW RESIDENCE

SITE ADDRESS:  
LOT 65 BORONIA CIRCUIT  
KALBARRI WA 6536

PROJECT NUMBER:  
170004-D

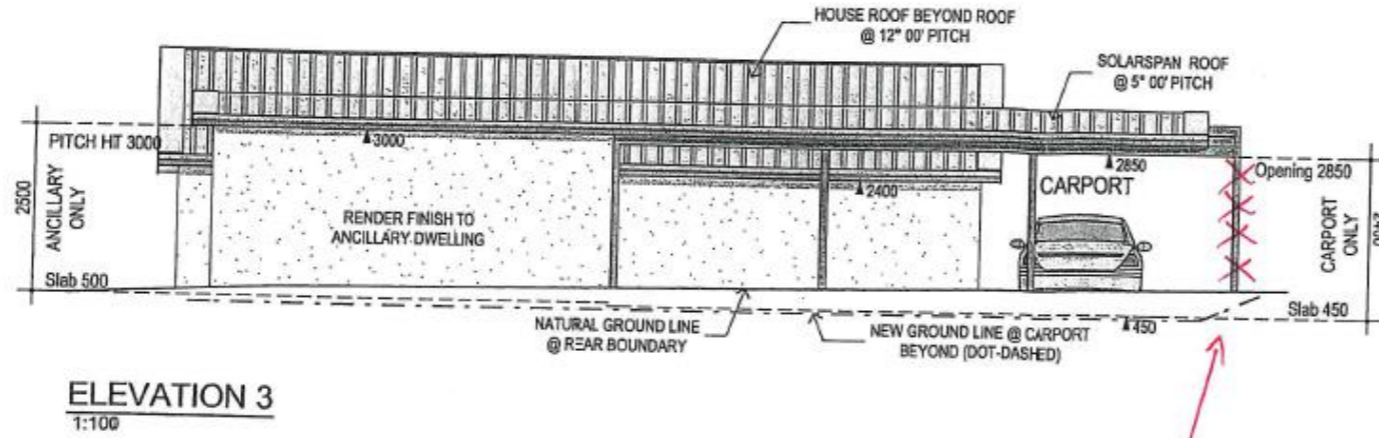
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02

DRAWING TITLE:  
Elevations (1-2)

DATE:  
12/07/2017

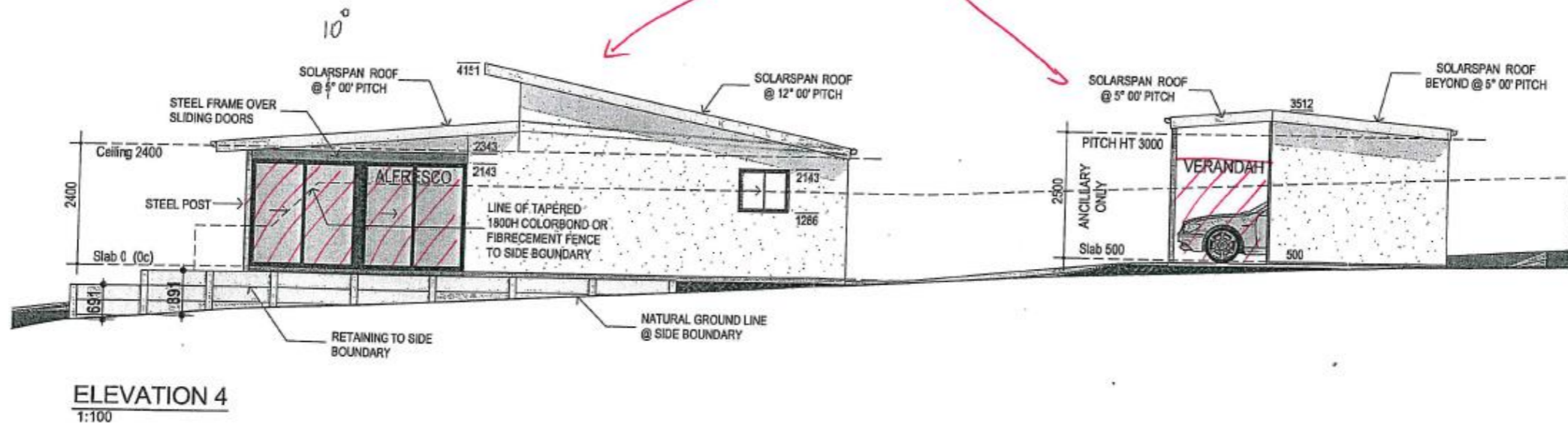
REVISION:  
01



**ELEVATION 3**  
1:100

P A	2017-072	3 OF 5
SHIRE OF NORTHAMPTON		
<b>PLANNING APPROVAL:</b>		APPROVED <input checked="" type="checkbox"/> REFUSED <input type="checkbox"/>
NOTES: - REFERS TO ATTACHED PLANNING APPROVAL FORM FOR CONDITIONS OF APPROVAL - THIS IS NOT A BUILDING PERMIT		
<i>Ducas</i> PRINCIPAL PLANNER		14/11/17 DATE
REF: 10.6.1.1 / 7B-R / A4192		

Refer to Condition 16  
of D/A 2017-072



**ELEVATION 4**  
1:100



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PROJECT NAME:  
**PAUL DOWNES  
NEW RESIDENCE**

SITE ADDRESS:  
**LOT 65 BORONIA CIRCUIT  
KALBARRI WA 6536**

PROJECT NUMBER:  
**170004-D**

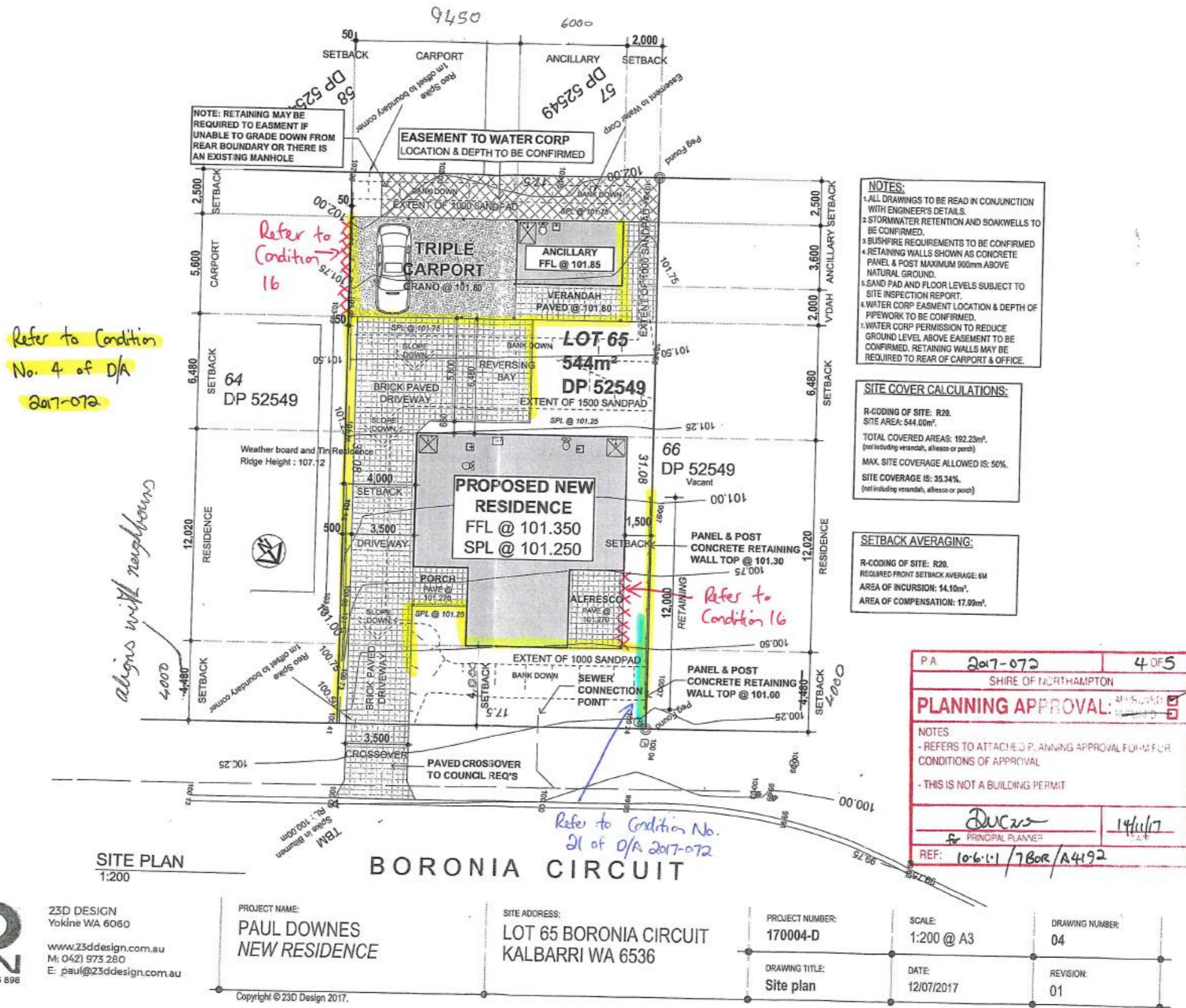
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DRAWING NUMBER:  
**03**

DRAWING TITLE:  
**Elevations (3-4)**

DATE:  
**12/07/2017**

REVISION:  
**01**



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PROJECT NAME:  
**PAUL DOWNES  
NEW RESIDENCE**

SITE ADDRESS:  
**LOT 65 BORONIA CIRCUIT  
KALBARRI WA 6536**

PROJECT NUMBER:  
**170004-D**

SCALE:  
**1:200 @ A3**

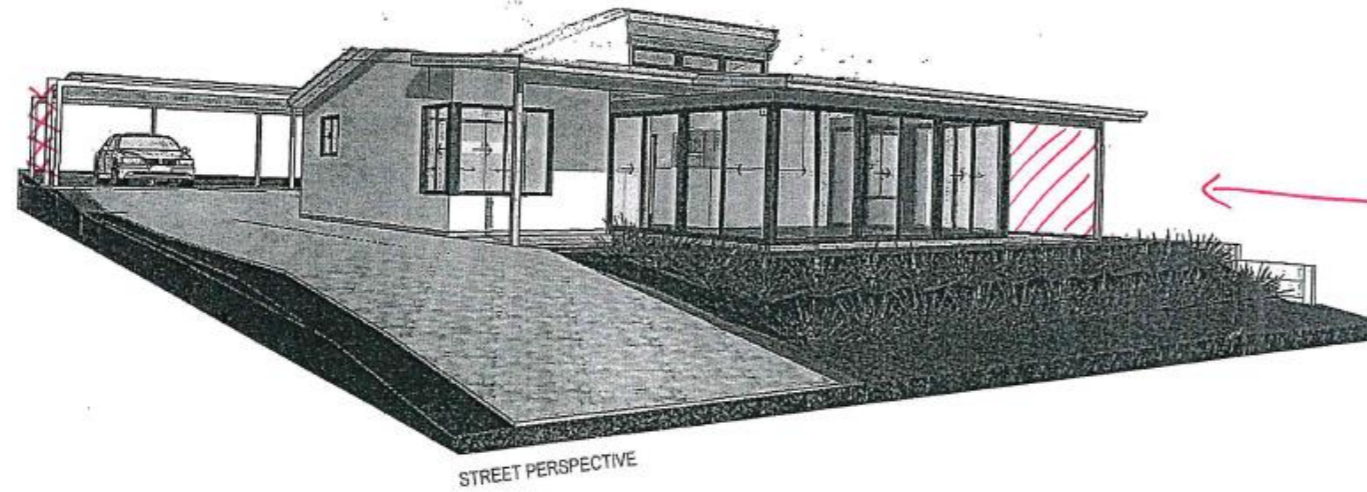
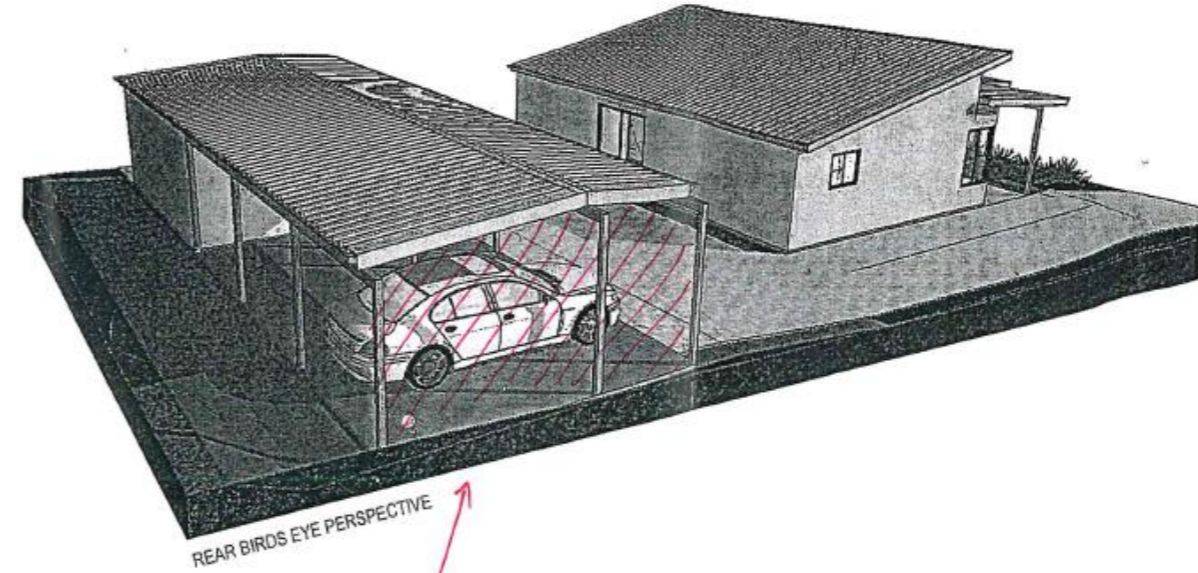
DRAWING NUMBER:  
**04**

DRAWING TITLE:  
**Site plan**

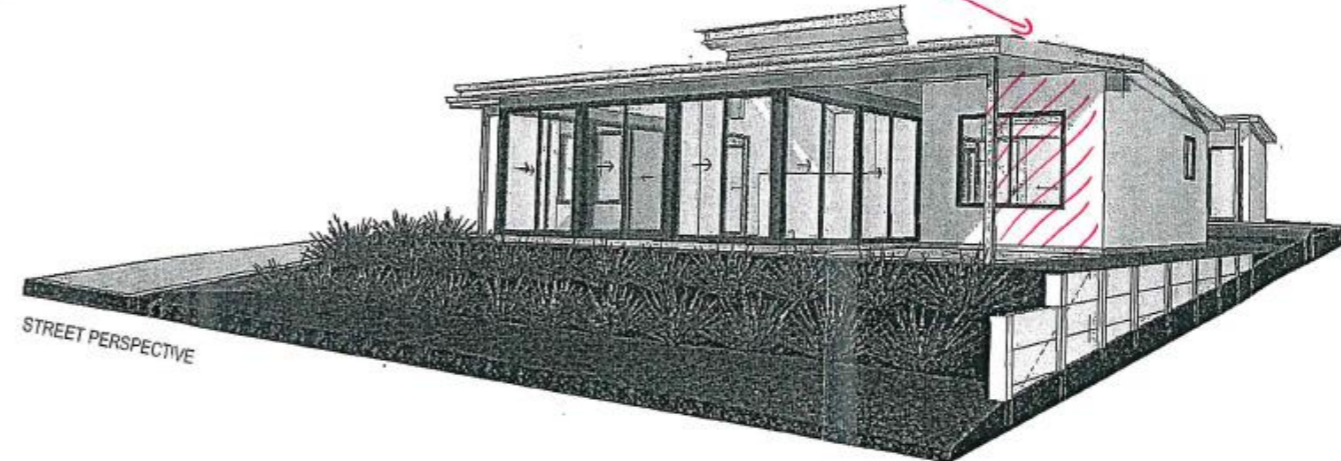
DATE:  
**12/07/2017**

REVISION:  
**01**

P.A.:	2017-072	5 OF 5
SHIRE OF NORTHAMPTON		
<b>PLANNING APPROVAL:</b>		APPROVED <input checked="" type="checkbox"/>
		REFUSED <input type="checkbox"/>
NOTES		
- REFERS TO ATTACHED PLANNING APPROVAL FORM FOR CONDITIONS OF APPROVAL		
- THIS IS NOT A BUILDING PERMIT		
for <i>DUC use</i>		14/11/17
PRINCIPAL PLANNER		DATE
REF: 10-6-1-1 / 7B02 / A4192		



Refer to Condition No 16  
of D/A 2017-072



PERSPECTIVE ARE NOT DRAWN TO SCALE.  
COLOURS AND MATERIAL FINISHES & LANDSCAPING ARE SHOWN FOR ARTISTIC PURPOSES ONLY.



23D DESIGN  
Yokine WA 6060  
www.23ddesign.com.au  
M: 0421 973 280  
E: paul@23ddesign.com.au

PROJECT NAME:  
PAUL DOWNES  
NEW RESIDENCE

SITE ADDRESS:  
LOT 65 BORONIA CIRCUIT  
KALBARRI WA 6536

PROJECT NUMBER:  
170004-D

SCALE:  
@ A3

DRAWING NUMBER:  
05

DRAWING TITLE:  
3D Perspectives

DATE:  
12/07/2017

REVISION:  
01

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**APPENDIX 2. CORRESPONDENCE RECEIVED FROM APPLICANT (2 LETTERS)**

Shire of Northampton  
POB 61  
Northampton  
WA 6535

Your REF: 10.6.1.1-7 BOR/D/A 2017-072/A4192/OCR30546

19 September, 2018

Dear Garry

In response to your notification of Breach of Contract, Please note the following:

3. Letter attached.
  
8. I was unaware of a requirement to notify you of commencement of construction. Surely with a Permit issued, construction would start thereafter?
  
9. I was aware of this requirement and have been expecting a formal invoice? Please note that as the ancillary dwelling is now complete I am in a much better position to anticipate costs for the main dwelling. This is now expected to be in the vicinity of \$90,000. I look forward to receiving an invoice for \$4,500.
  
10. I do not recall any requirement to provide a Stat Dec, why was the Permit issued then? However, I recall one of your officers asking when the main construction would start, I declared within 12 months and that was accepted. As you should be aware, the foundations for the main dwelling are almost completed, well within the time estimate.
  
13. This was submitted along with all other requirements but attached again for your records.

N.B. Bathroom 2 will become a study with dimensions unchanged and a 2.4m sliding door on the south wall.

Regards, Paul Downes

Shire of Northampton  
POB 61  
Northampton  
WA 6535

Your REF: 10.6.1.1-7 BOR/D/A 2017-072/A4192/OCR30546

3 October, 2018

Dear Deb

Thank you for your prompt response to my recent letter.

1. I commenced construction of the Ancillary dwelling on 13 April 2018.
2. As I am an owner/builder involved with every aspect of construction and having almost completed the Ancillary dwelling and commenced construction of the main dwelling, I now estimate cost of construction to be more like \$100,000. Since this now needs to go before Council, I have paid \$5,000 bond and will await Council's outcome.
3. Stat Dec faxed to you today.
4. Please be advised that Bathroom 2 will become a study with dimensions unchanged and a 2.4m sliding door on the south wall?

Regards, Paul Downes

### APPENDIX 3. QUOTES AND ESTIMATED COST OF DEVELOPMENT DETAIL

**From:** Paul Downes <pauldownes0@gmail.com>  
**Sent:** Sunday, October 7, 2018 8:32 AM  
**To:** Debbie Carson <cdo@northampton.wa.gov.au>  
**Subject:** Re: All documents supplied?

G'day Deb

I have attached the quote for the main residence materials and glass. I have had a verbal quote from Ron Neumann of \$10,000 for the house slab, the major plumbing and power costs have come to \$7,000 and I've spent about \$10,000 on retainer walls and earthworks. Please note I will continue to do the bulk of the work except for services.

Regards, Paul

On Thu, 4 Oct 2018 at 13:37, Debbie Carson <[cdo@northampton.wa.gov.au](mailto:cdo@northampton.wa.gov.au)> wrote:

Hi Paul

Could you please provide more information in relation to the estimated cost of your proposed single dwelling? E.g. a breakdown relating to type and cost of materials, contracted works, site works costs, landscaping, connection fees etc?

Unfortunately your previous information does not provide a sufficient amount of detail for Council consideration.

Also, do you have any amended building plans in relation to the proposed changes to the main residence? I will need you to lodge these, as well as complete the application form attached and pay the plan amendment application fee of \$211.

Kind Regards,  
Deb Carson



**Deb Carson**

**Planning Officer**

A: PO Box 61 Northampton WA 6535

P: (08) 9934 1202 F: (08) 9934 1072

E: [cdo@northampton.wa.gov.au](mailto:cdo@northampton.wa.gov.au)





**Quote #:** W38359  
**To:** Paul Downes  
**Date:** 4<sup>th</sup> August 2017  
**From:** Joe Roque  
**# Pages:** 3 incl.  
**Ref:** New Residence - Kalbarri

---

Dear Paul,

We have pleasure in submitting our quotation below for the supply only of InsulLiving products for the above project.

### InsulLiving Wall Panels & SolarSpan Roofing

#### **Walls and accessories Inclusions:**

140mm External  
90mm Internal Wall Panel  
Base Channel & Washers  
Top Plate (various gauge) and Joiners  
90mm Wall Capping  
Flat Head Screws  
Polymeric Sealing Tape  
(see breakdown)

#### **Roofing and Flashings Inclusions:**

150mm Solarspan  
Fasteners  
Standard Flashings  
(see breakdown)

#### **Significant Project Exclusions**

- Setting, topping and sanding of all joints internally and externally
- Dulux Acrytex rendering and painting of external walls
- Painting of internal surfaces with a sealer and 2 low sheen acrylic coats
- Windows, doors, frames and all services
- Gutters, downpipes & eaves overhang
- Structural Steel
- **No allowance has been made for steel wall columns**
- No allowance has been made for base channel fixing chemical anchors and/or trubolts
- No allowance had been made for nonstandard InsulLiving structural items as this will depend on engineer's specifications and recommendations
- Transport to site
- Installation Labour and trimming of Panel
- All electrical including wiring and lights
- All flashings other than those previously specified
- All structural items including, but not limited to concrete, steelwork & ramps
- Penetrations for other trades
- Powder coating or anodising of components



- Sales tax
- Shop drawings / As constructed drawings / Drawings for Shire approval
- Any work or materials other than those stated on our quotation

## General Construction:

### Insul Living Wall Panels

Walls and ceilings are to be constructed from frameless stressed skin panels, have internal and external skins of pre-primed 0.6mm steel, laminated to a core of 140mm/90mm thick fire retardant, termite treated 'SL' grade CFC free polystyrene insulation. The panels are joined internally and externally using our special profiled 'slip-joint' system, incorporating a male & female joint

### SolarSpan Insulated Roof/Ceiling Panels

Constructed from frameless stressed skin panels, having an external profiled skin of high tensile 0.42mm steel which is laminated to a core of 'SL grade' CFC free polystyrene insulation and incorporating an external lap joint.

The panels are jointed internally using our special profiled 'slip-joint' system incorporating a male & female joint.

Panel thickness is 150mm. Panel effective cover of 1000mm.

Available top skin colours are Surfmist, Classic Cream, Paperbark, Dune, Pale Eucalypt, Shale Grey, Jasper, Basalt, Woodland Grey and Hedland. Bottom skin colour is Surfmist.

## Contract Terms:

Payment terms are to be as per Bondor standard credit terms or;

Full payment is required at time of order

Payment by Credit card incurs a 2% surcharge

Pricing has been based on verbal discussion/dimensions taken off drawings supplied. Price may be subject to change on confirmation of actual site dimensions

Liquidated damages are capped at 5% of Bondor's contract sum

Our quotation is to form part of the contract

Cash retentions are excluded. Bank guarantee will be supplied if required.

**GST:** Payments to be made under this Agreement, unless otherwise expressly indicated, are calculated exclusive of the Goods and Services Tax. Bondor may vary the price or any other obligation under this Agreement to recover all Goods & Services Tax which is imposed or payable at the election of any person in respect of or as a result of the supply of anything under or pursuant to this Agreement. To the extent that there is a provision of this Agreement inconsistent with this provision, then this provision will prevail.



**Lead Time:**

The lead time for supply only is **20 working days** following receipt of order, payment or account approval

**Total: \$43,913.54 + GST**

**Note:**

- *Due to significant movement in the cost of materials, this quotation is valid for 30 days. Please contact the undersigned for further clarification.*
- *Quoting purposes only. Full site dimensions to be supplied at time of order.*

We thank you for the opportunity to submit this quotation and assure you of our best attention at all times.

Yours faithfully,



**Joe Roque**  
Sales Consultant

---

**Ref: W38359 – New Residence - Kalbarri**

---

I hereby accept the contract terms and authorize BONDOR to proceed with the above mentioned quotation

Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_



☎ 08 9920 9500  
✉ info@glasscowa.com.au  
@ www.glasscowa.com.au

## CUSTOMER QUOTATION NO. 14035

Mr Paul Downes  
Lot 65 Boronia Circuit  
Kalbarri WA

**Site:** Lot 65 Boronia Circuit Kalbarri  
**Created Date:** 19/09/2017  
**Valid Until:** 19/10/2017  
**Salesperson:** Jasmin Young

**Re: Lot 65 Boronia Circuit Kalbarri**

Dear Paul,

Please find below our quote.

### Windows & Doors

Aluminium Windows and Doors as per plans and attached schedule  
Powdercoat - Monument  
Glass - Standard clear (obscure to wet areas)  
Std Flyscreens and Flydoors

Carinya 50mm window frames  
Carinya 92mm sliding door frames  
Multistack door sill profile attached

2 x highlite windows either side of elevation 2 have not been allowed for, elevations show these windows as being erased. Middle highlite has been quoted only.

We recommend the use of a Ultriva Powdercoat for locations within 500mm of Salt Water (additional cost).

NO Flashings/trims have been allowed for  
Installation of window FRAMES by builder.

Part #	Item	Quantity	Unit Price	Total
	Windows & Doors	1.00	\$15,159.45	\$15,159.45

<b>Section Sub-Total ex GST</b>	\$15,159.45
<b>GST</b>	\$1,515.95
<b>Section Total inc GST</b>	\$16,675.40

### Glass Upgrades

Part #	Item	Quantity	Unit Price	Total
	Upgrade glass in living front facing windows (x3), highlite window (x1), Ancillary sliding doors (x3)	1.00	\$4,949.53	\$4,949.53
	Upgrade glass in ensuite, semi-ensuite, WC & Ancillary bathroom to seadrift obscure glass	1.00	\$145.65	\$145.65

<b>Section Sub-Total ex GST</b>	\$5,095.18
<b>GST</b>	\$509.52
<b>Section Total inc GST</b>	\$5,604.70



† 08 9920 9500  
✉ info@glasscowa.com.au  
@ www.glasscowa.com.au

**ACCEPTANCE OF QUOTATION NO. 14035**

Mr Paul Downes  
Lot 65 Boronia Circuit  
Kalbarri WA

**Site:** Lot 65 Boronia Circuit Kalbarri  
**Created Date:** 19/09/2017  
**Valid Until:** 19/10/2017  
**Salesperson:** Jasmin Young

<b>Summary</b>	
<b>Windows &amp; Doors</b>	
	<b>\$16,675.40</b>
<b>Glass Upgrades</b>	
	<b>\$5,604.70</b>
<b>Total</b>	<b>\$22,280.10</b>
<b>Incl. GST of</b>	<b>\$2,025.47</b>

Thanks again for choosing Glassco WA. We look forward to hearing from you shortly.

Jasmin Young  
Residential Estimator  
jasmin.young@glasscowa.com.au



☎ 08 9920 9500

✉ info@glasscowa.com.au

@ www.glasscowa.com.au

## CUSTOMER QUOTATION NO. 14035

Mr Paul Downes  
Lot 65 Boronia Circuit  
Kalbarri WA

**Site:** Lot 65 Boronia Circuit Kalbarri  
**Created Date:** 19/09/2017  
**Valid Until:** 19/10/2017  
**Salesperson:** Jasmin Young

### PROJECT BUILDER NOTES

Glass Co products are manufactured in accordance with Australian Standards and the standards set out in the Builders Code of Australia (BCA). Each product is designed to perform within a particular range of environmental conditions.

These windows and doors are manufactured in accordance to AS2047 Windows, AS1288 Glass in Buildings, AS4055 Wind Loads for Housing (AS1170.2 when building design falls outside AS4055)

All frames are supplied with Protective tape in place on all jambs, transoms and sills

Unless specified ALL door and window frames are to be secured/fixed to brickwork or lintels by BUILDER

Any crange, scaffold and/or lifting equipment to be supplied by others

Estimate is taken from plans and specifications supplied. Any sizes that differ from original quote will require new costings and will be provided immediately

In assessing the appropriate products for your project, we rely on the information provided by the Builder, in particular the "Wind Category Rating" and other information provided on the plans about building design.

Glass Co will not be liable in the event that the information regarding the Wind Category Rating or relevant aspects of the building design are incorrect, or if any material information about the location of the building that might influence exposure to unusual weather conditions is omitted.

Lead times for manufacturing to be confirmed upon order confirmation

If you have any doubts about the accuracy or the completeness of the information supplied to us, or have any reason to believe that the windows or doors will be subject to particular exposure to the elements, please consult your engineer or contact us to discuss the performance of the available window and door product

Price is valid for 90 days

**7.3.3 PROPOSED AMENDMENT TO DEVELOPMENT APPROVAL - TRADE SUPPLIES (PRIMARY PRODUCTION) - LOT 118 (NO. 214) HAMPTON ROAD, NORTHAMPTON**

<b>LOCATION:</b>	Lot 118 (No. 214) Hampton Rd, Northampton
<b>FILE REFERENCE:</b>	10.8.1.3 / 214 HAM (A1397) / D/A 2017-101
<b>APPLICANT:</b>	Teakle & Lalor
<b>OWNER:</b>	CT & L Woodcock
<b>DATE OF REPORT:</b>	10 October 2018
<b>REPORTING OFFICER:</b>	Debbie Carson – Planning Officer
<b>APPENDICES:</b>	
1.	Amended building plans showing Stage 1 and Stage 2

**AUTHORITY / DISCRETION:**

*Quasi-Judicial* when Council determines an application within a clearly defined statutory framework, abiding by the principles of natural justice, acting only with discretion afforded it under law, and giving full consideration to Council policies and strategies relevant to the matter at hand. These decisions are reviewable by the State Administrative Tribunal.

**SUMMARY:**

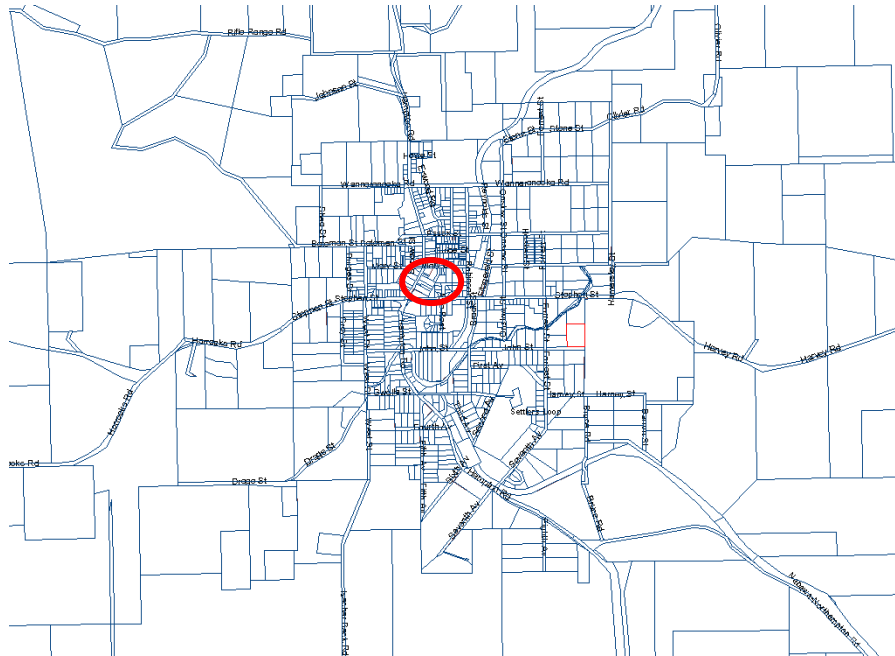
Council is in receipt of a request to amend Development Approval D/A 2017-101 so that a staged approach can be applied to the construction of the front shop area and the rear outbuilding. D/A 2017-101 was issued with the intent of the owners at that time to build both the outbuilding and shop front concurrently. However, due to financial constraints, the Applicant has requested that the plans and Development Approval be amended to reflect a staged build, with the outbuilding to be constructed first and then (when funds become available) for the shop front to be constructed.

It is recommended that Council approve the request for an amendment, subject to conditions, including a condition to screen the outbuilding's front façade, in the instance that the shop front is not constructed within a two year period from the date of construction of the outbuilding.

Council is also requested to consider the application fee payable for the amended plan and application.

**LOCALITY PLANS:**

**Figure 1. Location of Lot 118 (No. 214) Hampton Road, Northampton**



**BACKGROUND:**

An Application for Development Approval was received from the Applicant on 14 May 2017, for the construction of a commercial shop front, outbuilding and open-sided undercover bay upon Lot 118 (No. 214) Hampton Road, Northampton. Following a period of public consultation and delays caused as a result of post-fire regulatory requirements, the Application for Development Approval was approved on 18 December 2017, subject to the following conditions:

1. *Development shall be in accordance with the attached approved plan(s) dated 18 December 2017 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plan(s) shall not be modified or altered without the prior written approval of the local government;*
2. *Any additions to or change of use of any part of the building or land (not the subject of this approval) requires further application and development approval for that use/addition;*
3. *Approval is granted on the basis the proposed development/use is not considered a sensitive land use and the proposed*



*development/use complies with the recommendations made by the Environmental Assessment Report (LK138.1) for Lot 118 Hampton Road Northampton, prepared by Land Kwaliti dated 27 November 2017;*

- 4. The applicant is to prepare, submit and implement a Risk Assessment that meets the requirements of the Dangerous Goods Safety (Storage and Handling of Non- Explosives) Regulations 2007 to the approval of the Department of Mines, Industry Regulation and Safety and the Local Government;*
- 5. The existing below ground fuel tanks are to be removed in accordance with the requirements of the Department of Mines, Industry Regulation and Safety;*
- 6. Prior to commencement of development works, investigation for soil and groundwater contamination is to be carried out to determine if remediation is required;*
- 7. If required, remediation, including validation of remediation, of any contamination identified shall be completed prior to the completion of construction works to the satisfaction of the Local Government on advice from the Department of Water and Environment Regulation, to ensure that the site is suitable for the proposed use;*
- 8. Investigations and remediation are to be carried out in compliance with the Contaminated Sites Act 2003 and current Department of Water and Environment Regulation's contaminated sites guidelines;*
- 9. A building permit shall be issued by the local government prior to the commencement of any work on the site;*
- 10. A detailed schedule of external materials and colours to be used in the construction of the development shall be submitted prior to lodgement of an application for a building permit to the approval of the local government;*
- 11. A traditional profile of roof guttering shall be used for the Shop front building for the collection of stormwater and modern profiles are not permitted;*
- 12. The proposed outbuildings are to be constructed of coated metal sheeting (Colorbond), and the use of Zincolume is not permitted;*
- 13. All stormwater is to be disposed of on-site to the specifications and approval of the local government;*

14. *Any soils disturbed or deposited on site shall be stabilised to the approval of the local government;*
15. *No equipment, machinery, tools of trade goods or materials connected with the business are to be stored (either temporarily or permanently) on any part of the lot other than within the buildings or its service yard;*
16. *Prior to occupation or use of the development, vehicle parking, manoeuvring and circulation areas shall be designed, constructed, sealed, drained line marked and kerbed in accordance with the attached approved plan dated 18 December 2017. The areas must be sealed in bitumen or concrete in accordance with the Shire of Northampton specifications, unless otherwise approved by the Manager for Works and Engineering;*
17. *The loading and/or unloading of vehicles is to occur on-site and in a manner that does not interfere with the parking of vehicles in the car park. All car parking bays in the car park are to be made available at all times for the parking of vehicles by visitors and employees;*
18. *The redundant crossover shall be removed as marked in RED on the attached approved plan(s) dated 18 December 2017, and the kerbing, verge and footpath reinstated at the Applicant's cost;*
19. *One driveway shall be permitted onto Hampton Road. This shall be sealed including the carparking area, 9m in width, at right angles to the road and be situated at the location marked in RED on the attached approved plan(s) dated 18 December 2017;*
20. *Installation of crossing places to the standards and specifications for commercial use to the approval of the local government; and*
21. *The Applicant shall maintain bunding on Lot 118 Hampton Road, Northampton in accordance with the recommendations made by the Environmental Assessment Report (LK138.1) for Lot 118 Hampton Road Northampton, prepared by Land Kwaliti dated 27 November 2017.*

**Advice Notes:**

*Note 1: If the development/use the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect;*

*Note 2. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.*

*Note 3: If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of determination.*

*Note 4: Compliance is required with the Dangerous Goods Safety (Storage and Handling of Non- Explosives) Regulations 2007.*

*Note 5: In regard to Condition No. 4 the Applicant/Owner is advised that all chemical storage and handling on the property is to comply with the requirements of the Department of Mines, Industry Regulation and Safety, Department of Health, Department of Water and Environment Regulation and Agsafe.*

*Note 6: In regard to Conditions No. 5, 6 & 7 the Applicant/Owner is advised that these conditions were required by the Department of Water and Environment Regulation (DWER) prior to the submission of the finalised Environmental Assessment Report to their Department for their review and approval. Once notification has been received from DWER that they support the findings of the Environmental Assessment Report, these conditions will be considered to have been met.*

*Note 7: The development will require the approval of Water Corporation's Building Services section prior to commencement of works and infrastructure contributions and fees may apply.*

*Note 8. The Applicant must obtain approval from Main Roads before any crossover construction and redundant works are undertaken within the NWCH road reserve. The applicant seeking to undertake works within the Main Roads' road reserve is required to submit an Application as outlined in the Application Kit and Guidelines for Low Complexity Work. Application Kits can be found on the Main Roads website >Our Roads> Conducting Works on Roads > Application Kit and Guidelines for Organisations Seeking to Undertake Works Within Road Reserve — Low Complexity Works.*

*Note 9. A crossover layout plan will need to be prepared by the application in consultation with the Shire of Northampton and Main Roads to consider the attached markups on the site plan to adequately separate traffic turning in and out, and ensure the line of sight is kept of obstructions greater than 0.2m in height as specified in section 5.1.4 and Figure 5 of the Main Roads Driveways Policy.*

However, the Applicant has now requested that changes be made such that the development proceeds in two stages, in order to allow some additional time for the Applicant to be able to raise the finances necessary to complete all building structures.

**The Proposal:**

The development is proposed to be completed in two stages as per the following:

**Stage 1**

Stage 1 development will comprise the construction of a 498m<sup>2</sup> outbuilding (set back and downhill from the future shopfront), with an open-sided 210m<sup>2</sup> undercover bay located adjacent to the southern side of the outbuilding. The outbuilding is proposed to comprise Colorbond wall and roof cladding, with a 120mm high bund around the perimeter of the outbuilding. The outbuilding's dimensions are 33.2m long x 15m wide x 5m wall height. Two roller doors and two external doors will allow access to the outbuilding from the southern side and undercover area. The undercover bay will also be constructed of Colorbond roof cladding and have steel columns, with dimensions of 14m long x 15m wide x 5m height.

**Stage 2**

Stage 2 development comprises a 295m<sup>2</sup> shop front (showroom) with internal rooms to provide a kitchen area, two offices and ablutions. The shopfront will have a 2.5 metre front bullnose verandah that wraps around the western and southern sides, as well as a brick veneer firewall and fire door on the eastern façade of the building. The fire door will link the shopfront with the outbuilding once construction is completed. The shopfront will comprise pre-fabricated rammed earth walls and the building and verandah rooves will feature Colorbond custom orb sheeting and timber posts. The front and southern façade of the building will include five windows and automatic glass entry doors.

The outbuilding and undercover bay (Stage 1) and the shopfront (Stage 2) will have the following setbacks:

	<b>Stage 1</b>	<b>Stage 2</b>
<b>Side (N)</b>	3.0m	3.0m
<b>Side (S)</b>	10.5m	3.3m
<b>Front (W)</b>	20m	1.6m
<b>Rear (E)</b>	63m	30m

In consideration of the application the following information is provided:

Lot Size	4,006m <sup>2</sup>
Existing Development	Commercial use (shop and storage yard), Town Centre zoning
Access & Frontage	Access via Hampton Road and egress via Rosser Street
Services	Water, Telephone and Power
Topography	Varied levels, 5.8m downslope from west to east across site
Vegetation	Cleared (nil)
Surrounding Land Uses	Town Centre (commercial), Community Park and playground

Copies of the applicant's amended site, floor and elevation plans to show the two proposed stages, have been included as **Appendix 1** to this report.

#### **COMMUNITY CONSULTATION:**

The original application was advertised to eight (8) adjacent landowners, two (2) service agencies, five (5) state governmental departments and the Shire's Heritage Advisor.

During that period six (6) submissions were received from governmental and service agencies and advice was received from the Shire's Heritage Advisor, and conditions of approval were imposed upon the original application addressing the issues raised by these stakeholders.

No further consultation has been undertaken in relation to the proposed staging of the development.

### **FINANCIAL & BUDGET IMPLICATIONS:**

An Application for Development Approval fee of \$1,957 was received in relation to the original planning application in May 2017.

Council can, should they wish to do so, require a planning fee for the amended plans at 66% the cost of the original planning fee, which is equal to \$1,292. Council may determine to waive or reduce this planning fee, given that the amendment does not create structural or positional changes to the original building plans (but rather proposes that the existing approved development is undertaken as a staged process, which is considered a minor alteration).

Should Council refuse this application and the applicant proceed to exercise their right of appeal, costs are likely to be imposed on the Shire through its involvement in the appeal process.

### **STATUTORY IMPLICATIONS:**

*State: Planning and Development Act 2005*

*Local: Shire of Northampton Local Planning Scheme No. 10*

#### Shire of Northampton Local Planning Scheme No. 10

The land is zoned 'Town Centre' under Local Planning Scheme No. 10 with the objectives of the zone being:

*"To accommodate a range of mixed uses in order to foster a sense of community and strong local identity."*

The proposed development is considered to fall within the use class definition of 'Trade Display' under the Scheme, which is defined as being:

*"any land and/or buildings used for the display of trade goods and equipment for the purpose of advertising."*

The use 'Trade Display' is listed as an "A" use within the 'Town Centre' zone under the *Local Planning Scheme No. 10*, meaning that:

*"the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4."*

The Scheme also outlines provisions relating to the outdoor storage of materials:

*“All outdoor areas used for the storage of motor vehicle bodies, timber, steel products or any other materials in connection with a commercial or industrial use, with the exception of those subject to Clause 5.13.3.1, shall be screened from view from any public place by such means as determined by, and to the satisfaction of, the local government.”*

5.12.3.1 of the Scheme also applies in relation to this development, regarding access and loading, and proposes a rear egress for trucks unloading and loading:

*“5.12.3 Rear Access and Loading*

*5.12.3.1 In considering any application for planning approval the local government may require the provision of loading docks and/or rear access and may impose conditions concerning:*

- (a) the size of loading docks; and*
- (b) the means of providing rear access of adequate width and design so as to ensure that transport vehicles shall be able to exit the lot in forward gear.*

With regard to setbacks, the *Local Planning Scheme No. 10* defines the following setbacks for lots within the Town Centre zone:

Front/Street – Nil

Rear – 2.8m

A minimum of 10% open space is also required under the Scheme.

Carparking is required at a ratio of carpark for every 200m<sup>2</sup> of gross leasable area and outdoor storage area.

The lot also falls within the Special Control Area (SCA4) – Town Centre Conservation, and therefore the following provisions of the Scheme also apply:

*“6.5.1 Purpose and Intent*

- (a) To ensure all development is in accordance with either established heritage principles or with their context; and*
- (b) To ensure all development will accord with objectives and guidelines established for the Special Control Area.*

*6.5.2 Application Requirements for Development*

*Planning approval is required to construct or extend a dwelling or other building, or to carry out any other form of development.*

### *6.5.3 Relevant Considerations*

*In considering any subdivision or development application, the local government is to have regard to the objectives and guidelines set out in Schedule 14 of the Scheme.*

### *9.3 Additional Material For Heritage Matters*

*Where an application relates to a place entered on the Heritage List or within a heritage area, the local government may require an applicant to provide one or more of the following to assist the local government in its determination of the application:*

- (a) street elevations drawn to a scale not smaller than 1:100 showing the proposed development and the whole of the existing development on each lot immediately adjoining the land the subject of the application, and drawn as one continuous elevation;*
- (b) a detailed schedule of all finishes, including materials and colours of the proposed development and, unless the local government exempts the applicant from the requirement or any part of it, the finishes of the existing developments on the subject lot and on each lot immediately adjoining the subject lot.”*

Importantly, Schedule 14 of the Local Planning Scheme No. 10 also applies, and relates to the design of buildings and streetscape policy guidelines for the Special Control Area – Town Centre Conservation:

#### *Schedule 14 Detailed Design and Streetscape Policy Guidelines for the Town Centre Conservation Special Control Area*

##### *Objectives*

*These Guidelines apply to the Town Centre Conservation Special Control Area indicated on the Scheme Map. The Guidelines are illustrated to give clear understanding of the intended controls.*

*The general objectives of the Guidelines are:*

- To seek to retain and conserve buildings, places things and resources of heritage value. The places will include those on the Register of the Heritage Council of Western Australia, the Municipal Heritage Inventory and/or places on the “Heritage List” under Part 7 of the Scheme.*



- *To ensure where new development or alteration work is proposed for significant places, as defined above, it is in accordance with a conservation plan where one exists or in the absence of a plan, development will have a minimum impact on the value of the place and be in sympathy with it.*
- *To guide new development on sites that impact on heritage sites to ensure that development will not diminish the heritage value of the adjacent site and be of sympathetic kind.*
- *To ensure any new development within the Special Control Area takes cognizance of Northampton's Historic Town Status and Townscape objectives.*
- *To identify from time to time, further valuable resources and to add them to the Municipal Heritage Inventory, to afford them protection and to guide development related to them.*
- *To ensure that providers of public utilities are aware of these objectives and comply with the guidelines that flow from them.*

## *1 Design of New Buildings and Additions*

### *1.1 Objectives*

*The Objectives for these Guidelines are:-*

- *To seek to retain and conserve the significance of places of heritage value by establishing guidelines for new development on sites or places of heritage or some other value to the community.*
- *To ensure that new developments on sites adjacent to places of significance do not diminish the significance of places so adjoined.*
- *To ensure that new development is sympathetic to adjacent places of value and the overall objectives of Townscape.*
- *To maintain the particular character of Northampton Town Centre and ensure future development is in harmony with the character.*
- *To encourage development that is generally sympathetic to its context.*
- *To ensure that transportable, prefabricated or relocated buildings achieve an acceptable standard.*

### *1.2 Application of the Guidelines*

*It is important that in applying the Guidelines, some weighting be given to the relative importance of the location under consideration,*

*the likely impact, and whether or not the applicant would be disadvantaged by complying and whether or not a discernable townscape or heritage benefit was to be derived in any case.*

*Further, there is a case for controlling siting of buildings where a significant landscape feature or historic precinct may be impacted upon. The Scheme envisages building envelopes which will be developed at the subdivision stage for each intended site. It is especially important that envelopes be determined for larger and more prominent sites.*

### *1.3 Guidelines for the Design of New Buildings and Additions*

*The illustrations in this Schedule are included to give a clear understanding of the intended controls.*

- *Set backs in town centre developments will generally be nil for the front/street and side boundaries. Rear setbacks are required to provide the on site car parking requirements for the development within the rear setback area. Some discretion may be considered on an individual basis to ensure that any proposal relates properly to its neighbour and context.*
- *Set backs elsewhere may be varied from those prescribed in the Scheme or Residential Design Codes where-*
  - *The context suggests different front/street and /or side set backs would better serve townscape objectives.*
  - *The context suggests a set back so as not to adversely impinge on significant adjacent places or landscape elements. The local government may prescribe building set back envelopes for particular sites.*
- *Wall heights, materials and construction, shall be drawn from their context. Heights shall be similar to those adjacent. Materials shall be sympathetic and preferably drawn from the existing palette and include –*
  - *Face brickwork; generally soft red with pin tuck or cut & stuck joints;*
  - *Stone: generally random rubble;*
  - *Limewash finished masonry;*
  - *Weatherboard;*
  - *Rammed earth may be appropriate; and*
  - *Render finished masonry.*
- *Window proportions shall be similar to those in context where compatible with the intended use and, in residential*

*development in the Town Centre, windows shall have vertical proportions. Timber framed windows are preferred to metal. Window and door proportions elsewhere should preferably be vertical.*

- *Roof forms shall be pitched and have appropriate rainwater goods. Materials shall be sympathetic and preferably be drawn from the existing palette and include –*
  - o *Corrugated steel sheeting, zincalume, colorbond or paint finished; and*
  - o *Shingles.*

*Tiled roofs are not acceptable.*

*Roof pitches shall be sympathetic to neighbouring existing buildings and generally range between 25 degrees and 35 degrees.*

- *Roof design configurations should generally be simple, rectangular shapes with hipped and gabled roofs.*
- *New buildings shall have verandahs, where appropriate, either within the road reserve or within their allotment, according to the context.*
- *All new buildings will be considered within context and measured by the contribution they make towards townscape improvement.*
- *The local government may make non-financial incentives or relax controls in special circumstances in the interests of achieving worthwhile townscape objectives or some other objective in conformity with the overall objectives of the Scheme.*
- *Transportable, prefabricated or relocated buildings are not encouraged, but may be allowed where a design is satisfactory to the local government. Transportable, prefabricated or relocated buildings shall be treated as new buildings and shall be completed in accordance with the conditions of approval. If not completed in accordance with the approval, the local government may order completion to its satisfaction or removal of the premises. The transportable, prefabricated or relocated shall be of a type that is suitable for the area where it is intended to be located. Normal building licence application conditions, together with certificates of structural adequacy, termite treatments and photographs, shall be provided with the application. Works shall be completed in*

*accordance with the plans and to the approval of the local government.*

**POLICY IMPLICATIONS:**

*State: State Planning Policy 3.5 Historic Heritage Conservation*

*Local: Heritage Conservation and Development Local Planning Policy*

The Shire of Northampton's Heritage Conservation and Development Local Planning Policy provides guidelines to assist the local government in making heritage-related decisions under the Local Planning Scheme. Furthermore, the Policy provides guidance in relation to the development of heritage places as well as detailing procedures for making applications for heritage-related development.

The Policy sets out the development control provisions that apply for the SCA4 (Special Control Area):

*4.1 Development Control Principles*

*In considering any applications in relation to a place on the local government's Heritage Inventory (commonly known as the Municipal Heritage Inventory) or land within a designated heritage area under the Scheme, the local government will apply and have regard to:*

- a. The development control principles set out in the State Planning Policy 3.5 Historic Heritage Conservation;*
- b. The structural condition of a place, and whether a place is reasonably capable of conservation;*
- c. The level of heritage significance of a place; and*
- d. The advice received from the Shire's Heritage Advisor.*

A Local Planning Policy shall not bind Council in respect of any application for Planning Consent but Council shall take into account the provisions of the policy and objectives which the policy was designed to achieve before making its decision.

**STRATEGIC IMPLICATIONS:**

*Local: Shire of Northampton Planning for the Future 2016-2026*

Strategy: Improve employment opportunities for youth across the shire

Promotion of industrial and commercial activities that add value to the existing industries and activities within the shire

**COMMENT:**

The Application for Development Approval for Trade Supplies (Primary Production) was originally granted on 18 December 2017. A comprehensive assessment was undertaken at that time, and advertising was undertaken to ensure a number of stakeholders were consulted. However, this approval and consultation was undertaken when it was the Applicant's intention to construct all of the proposed buildings concurrently.

Due to financial constraints, the Applicant has advised that they would like to commence the building program in two stages, and hopes that the second stage will commence within a two year period, but cannot give a guarantee to that effect.

There is always the possibility that the second stage of building works will not be completed, which would ultimately leave an outbuilding upon the lot with no shop frontage. The shop frontage has been specifically designed to meet the heritage guidelines as outlined above, with bull-nosed verandahs, rammed earth walls and pitched roof, however the absence of such a shop front would result in the development not meeting the Shire's Local Planning Scheme Heritage Guidelines. Therefore, additional conditions of approval need to address this issue, in such an instance whereby the shop front area that is proposed does not proceed within a satisfactory timeframe, or at all.

It is therefore recommended that, in addition to the conditions of approval of D/A 2017-101, further conditions be applied that require the Applicant to provide screening and softening to the front façade if stage 2 of the building proposal does not proceed within a period of two years, and that structural and aesthetic alterations be required to the front of the outbuilding (such as windows, entry doors, verandah, cladding and landscaping, or an alternative smaller shop front, in accordance with the heritage guidelines) if in five years' time development associated with stage 2 plans has not commenced, and is unlikely to commence within the immediate future.

With regard to other elements of the application previously approved, a brief summary is provided below:

- As the building is located adjacent to buildings of State Heritage significance (i.e. Catholic Church and Old Convent) the State Heritage Office was consulted, who advised that the proposed (original) development would not detrimentally impact upon the heritage values of the buildings.

- As the site has been subject to contamination as a result of the fire, and also possibly lead tailings, any contamination is required to be removed, to the satisfaction of relevant state authorities.
- In consultation with the Department of Mines, Industry Regulation and Safety, a dangerous good risk assessment of the proposed development requires the review and approval of the Department, and underground fuel tanks are to be removed from the site.
- One crossover shall be removed with only one driveway permitted onto Hampton Road, in accordance with Main Roads requirements.
- Bunding shall be maintained upon the Lot, in accordance with the recommendations of the site's post-fire Environmental Assessment Report.

It is considered that the construction of Stage 1 (Outbuilding) will allow the Applicant to remove a large quantity of stock and materials that are currently stored outside, and which are highly visible from the street, within the newly constructed outbuilding. Thus, whilst the outbuilding as presented as Stage 1 does not address the heritage values of the Heritage Precinct (the Special Control Area), the removal of materials currently stored in a visible location from Hampton Road within the outbuilding will offset this issue to some extent. A further condition is recommended in this respect that the outdoor storage of trade supplies and materials is not permitted from the view from the street except for the purposes of display.

It is also noted to Council that a planning fee for the amendment of a planning approval may also be applied, calculated as up to 66% of the original application planning fee, which was \$1,957, received in May 2017. An amendment fee for these changes at 66% of the original fee would be equal to \$1,292. Council is requested to consider whether they intend to apply this fee, given that the amendment is predominantly of a staging nature, rather than an amendment to the design or siting of the development itself.

**VOTING REQUIREMENT:**

*Simple Majority Required*

**CONCLUSION:**

It is recommended that Council approve the application for an amendment to D/A 2017-101 subject to the following conditions, including those relating to screening and front façade changes if Stage 2 does not proceed, and also the screening or outdoor storage materials.

It is also requested that Council consider whether to apply the planning amendment fee of \$1,292 if full or in part, with respect to this application.

**OFFICER RECOMMENDATION – ITEM 7.3.3**

**APPROVAL**

**That Council:**

1. **Waive/Charge** the planning fee of \$1,292 (**or other amount**) associated with the application to amend Development Approval D/A 2017-101;
2. **Approve the Amendment to Development Approval D/A 2017-101 subject to the following conditions:**
  - a. **Development shall be in accordance with the attached approved plan(s) dated 19 October 2018 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plan(s) shall not be modified or altered without the prior written approval of the local government;**
  - b. **Any additions to or change of use of any part of the building or land (not the subject of this approval) requires further application and development approval for that use/addition;**
  - c. **Approval is granted on the basis the proposed development/use is not considered a sensitive land use and the proposed development/use complies with the recommendations made by the Environmental Assessment Report (LK138.1) for Lot 118 Hampton Road Northampton, prepared by Land Kwalita dated 27 November 2017;**
  - d. **The applicant is to prepare, submit and implement a Risk Assessment that meets the requirements of the Dangerous Goods Safety (Storage and Handling of Non- Explosives) Regulations 2007 to the approval of the Department of Mines, Industry Regulation and Safety and the Local Government;**
  - e. **The existing below ground fuel tanks are to be removed in accordance with the requirements of the Department of Mines, Industry Regulation and Safety;**
  - f. **Prior to commencement of development works, investigation for soil and groundwater contamination is to be carried out to determine if remediation is required;**
  - g. **If required, remediation, including validation of remediation, of any contamination identified shall be completed prior to the completion of construction works to the satisfaction of the Local Government on advice from the Department of Water and Environment Regulation, to ensure that the site is suitable for the proposed use;**

- h. Investigations and remediation are to be carried out in compliance with the Contaminated Sites Act 2003 and current Department of Water and Environment Regulation's contaminated sites guidelines;**
- i. A building permit shall be issued by the local government prior to the commencement of any work on the site;**
- j. A detailed schedule of external materials and colours to be used in the construction of the development shall be submitted prior to lodgement of an application for a building permit to the approval of the local government;**
- k. A traditional profile of roof guttering shall be used for the Shop front building for the collection of stormwater and modern profiles are not permitted;**
- l. The proposed outbuildings are to be constructed of coated metal sheeting (Colorbond), and the use of Zinalume is not permitted;**
- m. All stormwater is to be disposed of on-site to the specifications and approval of the local government;**
- n. Any soils disturbed or deposited on site shall be stabilised to the approval of the local government;**
- o. No equipment, machinery, tools of trade goods or materials connected with the business are to be stored (either temporarily or permanently) on any part of the lot other than within the buildings or its service yard;**
- p. Prior to occupation or use of the development, vehicle parking, manoeuvring and circulation areas shall be designed, constructed, sealed, drained line marked and kerbed in accordance with the attached approved plan dated 19 October 2018. The areas must be sealed in bitumen or concrete in accordance with the Shire of Northampton specifications, unless otherwise approved by the Manager for Works and Engineering;**
- q. The loading and/or unloading of vehicles is to occur on-site and in a manner that does not interfere with the parking of vehicles in the car park. All car parking bays in the car park are to be made available at all times for the parking of vehicles by visitors and employees;**
- r. The redundant crossover shall be removed as marked in RED on the attached approved plan(s) dated 19 October 2018, and the kerbing, verge and footpath reinstated at the Applicant's cost;**
- s. One driveway shall be permitted onto Hampton Road. This shall be sealed including the carparking area, 9m in width, at right angles to the road and be situated at the location marked in RED on the**



**attached approved plan(s) dated 19 October 2018;**

- t. Installation of crossing places to the standards and specifications for commercial use to the approval of the local government; and**
- u. The Applicant shall maintain bunding on Lot 118 Hampton Road, Northampton in accordance with the recommendations made by the Environmental Assessment Report (LK138.1) for Lot 118 Hampton Road Northampton, prepared by Land Kwalita dated 27 November 2017.**
- v. Should the construction of Stage 2, as per the attached approved plans dated 19 October 2018, not have commenced or be about to commence within a two year period from the date of construction of the outbuilding, then the Applicant shall be required to, at a minimum, provide landscaping and/or screening to the front façade of the outbuilding to soften the western façade, to the approval of the local government;**
- w. Should the construction of Stage 2, as per the attached approved plans dated 19 October 2018, not have commenced or be about to commence within a five year period from the date of construction of the outbuilding, then the Applicant shall be required to submit and undertake structural and aesthetic alterations to the front of the outbuilding (for example, windows, entry doors, verandah, cladding and landscaping, or an alternative smaller shop front, in accordance with the heritage guidelines of the Shire's Local Planning Scheme) to the approval of the local government; and**
- x. The visible storage of outdoor trade supplies and materials towards the front of the lot is not permitted, and trade supplies and materials shall be stored wholly within the outbuilding or gravelled storage area as shown on the attached approved plans dated 19 October 2018, or screened from view from the street, unless they form part of a trade display for promotional purposes.**

**Advice Notes:**

**Note 1: If the development/use the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect;**

**Note 2. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.**

**Note 3: If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An**

**application must be made within 28 days of determination.**

**Note 4: Compliance is required with the Dangerous Goods Safety (Storage and Handling of Non- Explosives) Regulations 2007.**

**Note 5: In regard to Condition No. 4 the Applicant/Owner is advised that all chemical storage and handling on the property is to comply with the requirements of the Department of Mines, Industry Regulation and Safety, Department of Health, Department of Water and Environment Regulation and Agsafe.**

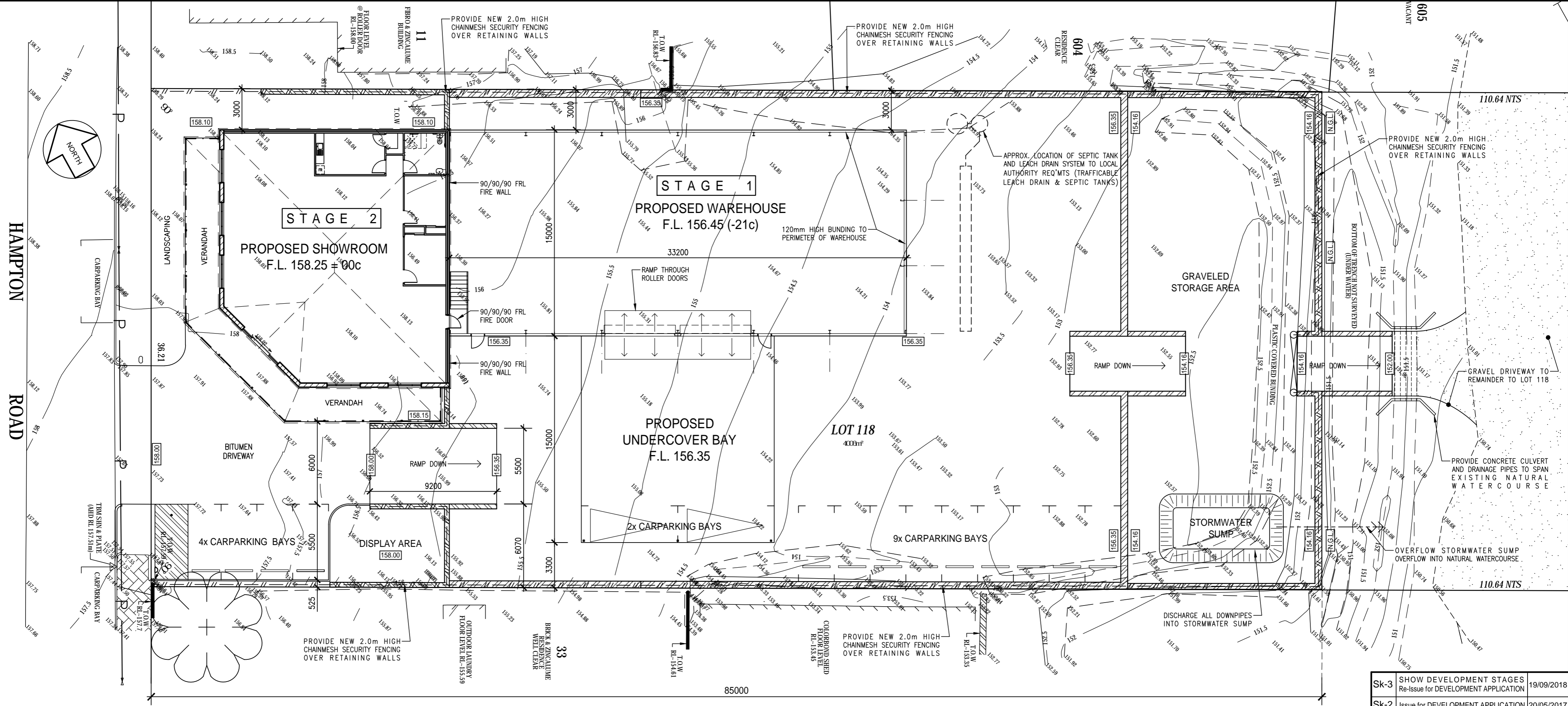
**Note 6: In regard to Conditions No. 5, 6 & 7 the Applicant/Owner is advised that these conditions were required by the Department of Water and Environment Regulation (DWER) prior to the submission of the finalised Environmental Assessment Report to their Department for their review and approval. Once notification has been received from DWER that they support the findings of the Environmental Assessment Report, these conditions will be considered to have been met.**

**Note 7: The development will require the approval of Water Corporation's Building Services section prior to commencement of works and infrastructure contributions and fees may apply.**

**Note 8. The Applicant must obtain approval from Main Roads before any crossover construction and redundant works are undertaken within the NWCH road reserve. The applicant seeking to undertake works within the Main Roads' road reserve is required to submit an Application as outlined in the Application Kit and Guidelines for Low Complexity Work. Application Kits can be found on the Main Roads website >Our Roads> Conducting Works on Roads > Application Kit and Guidelines for Organisations Seeking to Undertake Works Within Road Reserve – Low Complexity Works.**

**Note 9. A crossover layout plan will need to be prepared by the application in consultation with the Shire of Northampton and Main Roads to consider the attached markups on the site plan to adequately separate traffic turning in and out, and ensure the line of sight is kept of obstructions greater than 0.2m in height as specified in section 5.1.4 and Figure 5 of the Main Roads Driveways Policy.**

**APPENDIX 1. AMENDED BUILDING PLANS DETAILING STAGE 1 AND 2**

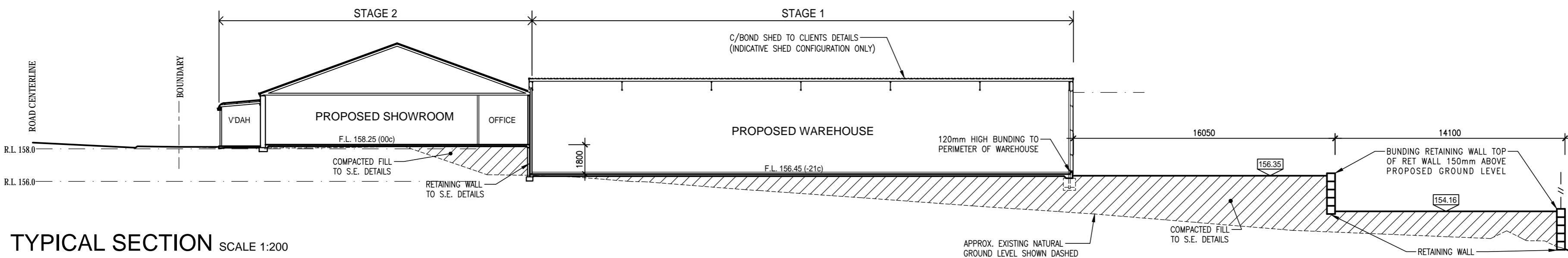


**SITE PLAN** SCALE 1:200

**PLANNING NOTES**

1. ZONE - TOWN CENTRE (SHIRE OF NORTHAMPTON LPS No.10)
2. EXISTING USE CLASSIFICATION - PRODUCE STORE
3. SITE AREA 4006m<sup>2</sup>
4. PERMITTED PLOT RATIO = 1.0  
THEREFORE MAX G.F.A. = 4006m<sup>2</sup>
5. ACTUAL G.F.A. = 1085.66m<sup>2</sup>  
THEREFORE ACTUAL PLOT RATIO = 0.27

6. CARPARKING  
SHOWROOM - REQUIRED 1 BAY/50m<sup>2</sup> OF G.L.A. (295m<sup>2</sup> ÷ 50 = 6 BAYS)  
PRODUCE STORE - REQUIRED 1/200m<sup>2</sup> OF G.L.A. AND OUTDOOR  
STORAGE AREAS (1800m<sup>2</sup> Approx. ÷ 200 = 9 BAYS)  
CARPARKING PROVIDED - 15 BAYS



**TYPICAL SECTION** SCALE 1:200

SK-3	SHOW DEVELOPMENT STAGES Re-Issue for DEVELOPMENT APPLICATION	19/09/2018
SK-2	Issue for DEVELOPMENT APPLICATION	20/05/2017
SK-1	Issue for CLIENT COMMENT	28/11/2016
REVISION		DATE

**TEAKLE & LALOR**  
building design and drafting consultants

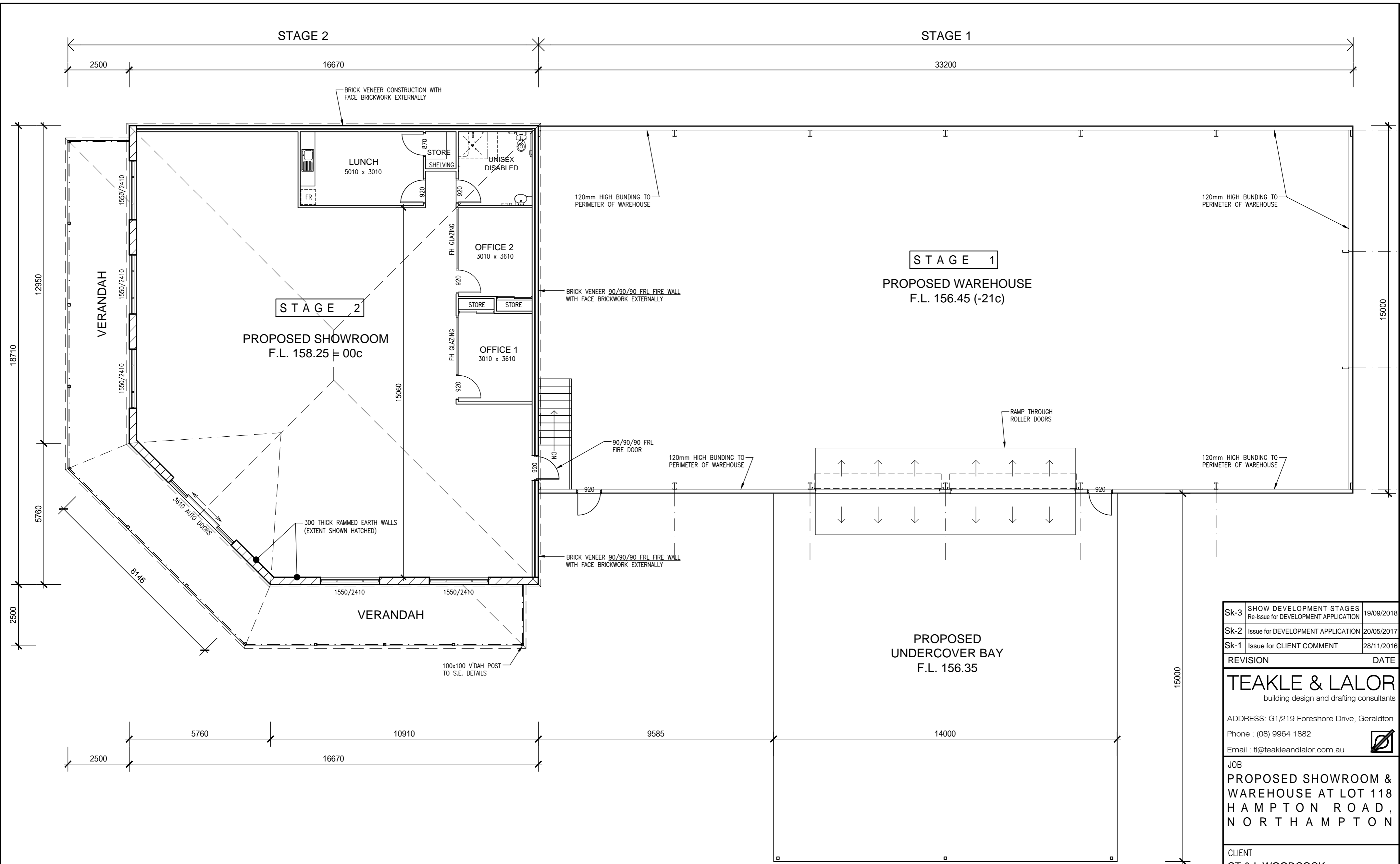
ADDRESS: G1/219 Foreshore Drive, Geraldton  
Phone : (08) 9964 1882  
Email : t@teakleandlador.com.au

JOB  
**PROPOSED SHOWROOM & WAREHOUSE AT LOT 118 HAMPTON ROAD, NORTHAMPTON**

CLIENT  
**CT & L WOODCOCK**

DRAWING TITLE  
**SITE PLAN & TYPICAL LONG SECTION**

SCALE	1:200 @ A2	DRAWN BY	KHF
DATE	28/11/2016	DRAWING No.	REV.
JOB No.	16120	1 OF 3	Sk-3



**AREAS:**

WAREHOUSE	498.00m <sup>2</sup>
UNDERCOVER BAY	210.00m <sup>2</sup>
SHOWROOM/OFFICE	295.47m <sup>2</sup>
VERANDAH	82.19m <sup>2</sup>
<b>TOTAL</b>	<b>1085.66m<sup>2</sup></b>

SK-3	SHOW DEVELOPMENT STAGES Re-Issue for DEVELOPMENT APPLICATION	19/09/2018
SK-2	Issue for DEVELOPMENT APPLICATION	20/05/2017
SK-1	Issue for CLIENT COMMENT	28/11/2016

REVISION	DATE
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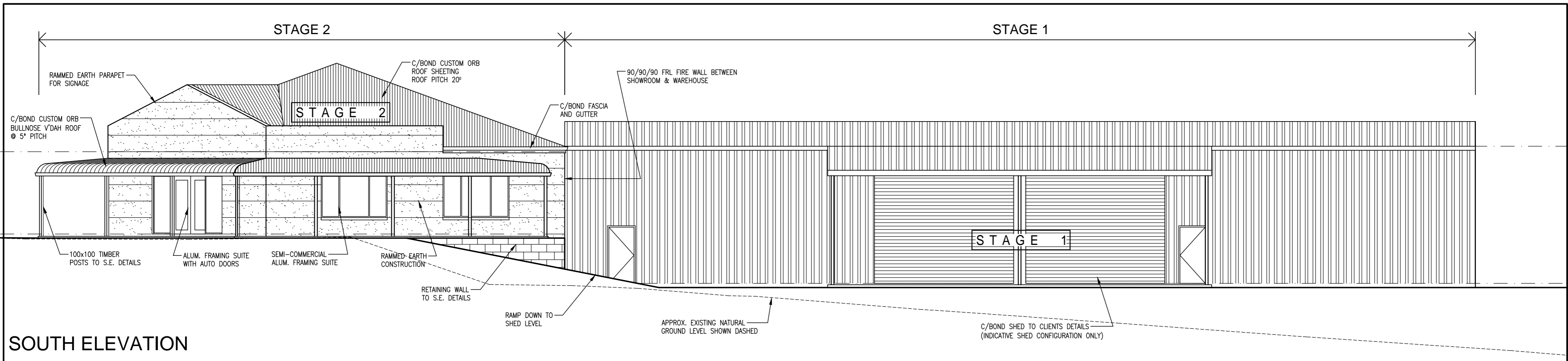
**TEAKLE & LALOR**  
 building design and drafting consultants  
 ADDRESS: G1/219 Foreshore Drive, Geraldton  
 Phone : (08) 9964 1882  
 Email : tl@teakleandlador.com.au

JOB  
**PROPOSED SHOWROOM &  
 WAREHOUSE AT LOT 118  
 HAMPTON ROAD,  
 NORTHAMPTON**

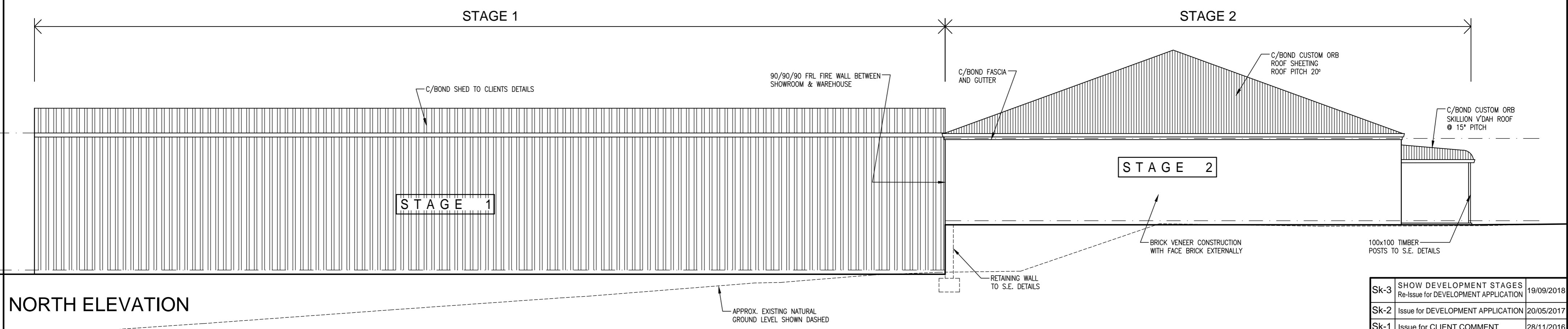
CLIENT  
**CT & L WOODCOCK**

DRAWING TITLE  
**FLOOR PLAN**

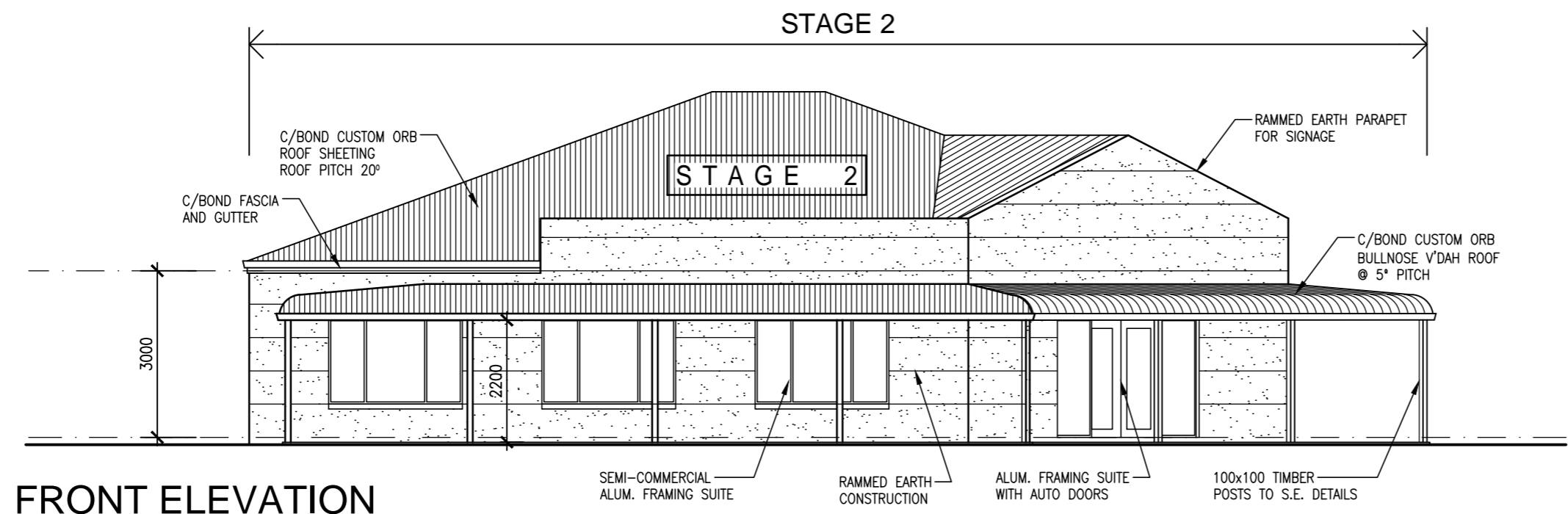
SCALE	1:100 @ A2	DRAWN BY	KHF
DATE	28/11/2016	DRAWING No.	REV.
JOB No.	16120	<b>2</b> OF 3	Sk-3



**SOUTH ELEVATION**



**NORTH ELEVATION**



**FRONT ELEVATION**

Sk-3	SHOW DEVELOPMENT STAGES Re-Issue for DEVELOPMENT APPLICATION	19/09/2018
Sk-2	Issue for DEVELOPMENT APPLICATION	20/05/2017
Sk-1	Issue for CLIENT COMMENT	28/11/2016

REVISION DATE

**TEAKLE & LALOR**  
building design and drafting consultants

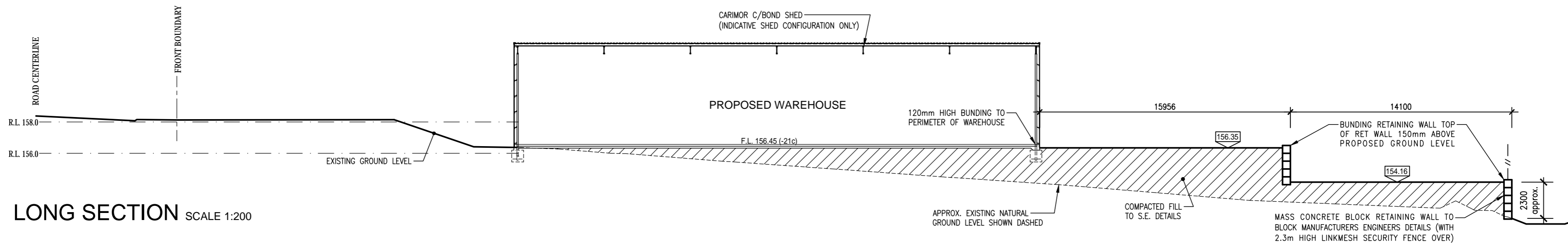
ADDRESS: G1/219 Foreshore Drive, Geraldton  
Phone : (08) 9964 1882  
Email : tl@teakleandlolor.com.au

JOB  
**PROPOSED SHOWROOM & WAREHOUSE AT LOT 118 HAMPTON ROAD, NORTH HAMPTON**

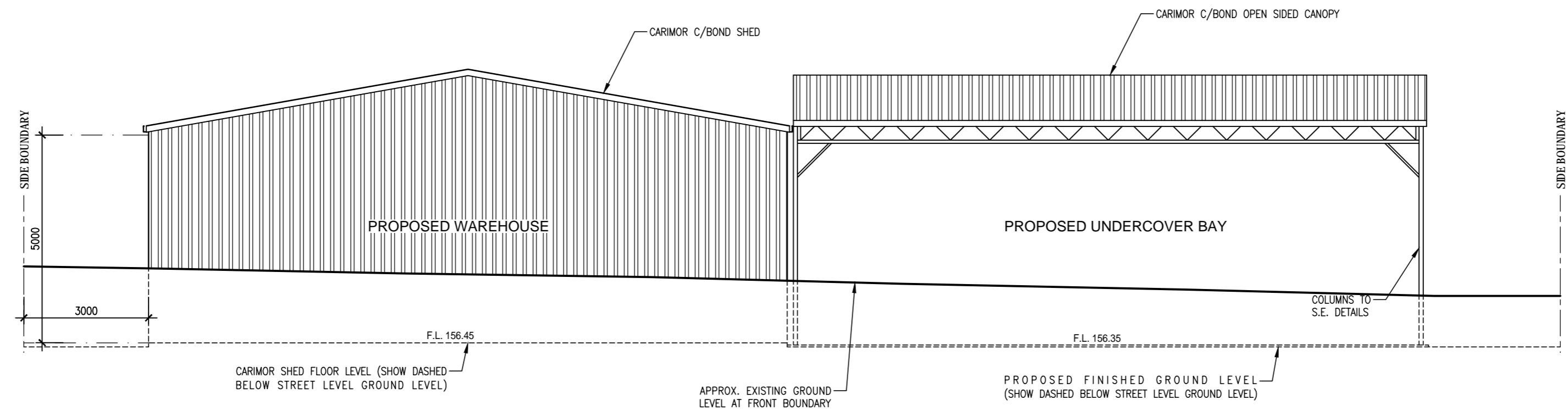
CLIENT  
**CT & L WOODCOCK**

DRAWING TITLE  
**ELEVATIONS**

SCALE	1:100 @ A2	DRAWN BY	KHF
DATE	28/11/2016	DRAWING No.	REV.
JOB No.	16120	<b>3</b> OF 3	Sk-3



LONG SECTION SCALE 1:200



HAMPTON ROAD STREET ELEVATION  
(ELEVATION FROM STREET LEVEL) SCALE 1:100

A	Issue for COUNCIL COMMENT	20/08/2018
REVISION		DATE
<b>TEAKLE &amp; LALOR</b> building design and drafting consultants		
ADDRESS: G1/219 Foreshore Drive, Geraldton		
Phone : (08) 9964 1882		
Email : tl@teakleandlador.com.au		
JOB <b>PROPOSED WAREHOUSE AT LOT 118 HAMPTON ROAD, N O R T H A M P T O N</b>		
CLIENT <b>CT &amp; L WOODCOCK</b>		
DRAWING TITLE <b>PROPOSED STREET ELEVATION &amp; LONG SECTION</b>		
SCALE 1:200 & 1:100 @ A2	DRAWN BY KHF	
DATE 28/11/2016	DRAWING No.	REV.
JOB No. 16120	<b>1</b> OF 1	A

**7.3.4 LOCAL PLANNING POLICY REVIEW - DRAFT EXTRACTIVE INDUSTRY LOCAL PLANNING POLICY**

<b>LOCATION:</b>	<b>Whole of Shire</b>
<b>FILE REFERENCE:</b>	<b>10.4.11</b>
<b>APPLICANT:</b>	<b>Shire of Northampton</b>
<b>DATE OF REPORT:</b>	<b>24 September 2018</b>
<b>REPORTING OFFICER:</b>	<b>Hayley Williams - Consultant Planner</b>
<b>RESPONSIBLE OFFICER:</b>	<b>Garry Keeffe - Chief Executive Officer</b>
<b>APPENDICES:</b>	
1.	<b>Submission Table</b>
2.	<b>Modified Local Planning Policy</b>
3.	<b>Moresby Ranges Management Strategy - Visually Sensitive Areas</b>

**AUTHORITY / DISCRETION:**

**Legislative** *when Council makes and reviews the legislation it requires performing its function as Local Government. For example, adopting local laws, town planning schemes & policies.*

**SUMMARY / BACKGROUND:**

Advertising of the Draft Extractive Industry Local Planning Policy (LPP) closed on Friday 17th August, 2018. At the close of advertising 12 submissions were received all objecting to the draft LPP. As a result of the submissions received the draft LPP has been modified to address a number of matters. It is recommended that Council adopt the modified draft *Extractive Industry Local Planning Policy* for final approval.

**COMMUNITY & GOVERNMENT CONSULTATION:**

Advertising of the draft LPP was undertaken in accordance with Schedule 2 - Deemed Provisions, Part 2, cl 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Advertising occurred for a period of 21 days, from the 27th of July until the 17th of August and included the following actions:

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

At the conclusion of the advertising period, twelve (12) submissions were received in total, all providing an objection to the draft LPP. A number



of submissions were in the same form and content, with only a landowner signature differentiating them.

A Schedule of Submissions has been prepared and provided to Councillors as **Appendix 1**. The Schedule identifies the respondents, summarises the matters raised and provides individual comment upon the matters raised and a recommendation in regard to each.

#### **FINANCIAL & BUDGET IMPLICATIONS:**

Nil.

#### **STATUTORY IMPLICATIONS:**

*State: Planning and Development Act 2005*

*Planning and Development (Local Planning Schemes) Regulations 2015*

*Local: Shire of Northampton Local Planning Scheme No. 10*

*Shire of Northampton Local Planning Scheme No. 11*

The *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) outlines the procedure for adopting Local Planning Policies. These provisions are 'Deemed Provisions' and replace existing clauses contained within the Shire of Northampton Planning Schemes.

#### **POLICY IMPLICATIONS:**

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

In most circumstances the Council will adhere to the standards prescribed in a Local Planning Policy, however, the Council is not bound by the Policy provisions and has the right to vary the standards and approve development where it is satisfied that sufficient justification warrants a concession and the variation granted will not set an undesirable precedent for future development.

The establishment of Local Planning Policies aid in guiding the type and standard of development the Council views as appropriate within particular areas of the Shire. Policies provide a consistent approach to approving land use and development, therefore, as a general rule it is important the Council not waiver from an adopted policy position without specific justification being provided and planning merit being identified.

### **STRATEGIC IMPLICATIONS:**

Local Planning Policies are formulated and aligned within a strategic planning direction as set by Council and guide the type and standard of development Council views as appropriate within particular areas of the Shire. Policies also provide a consistent approach to approving land use and development.

### **COMMENT:**

The submissions received during the advertising period raised a number of matters relating to the operation and impact of extractive industry proposals. As a result of receiving these submissions the draft LPP has been modified. A brief overview of these modifications is provided below:

- Inclusion of clauses and modification to wording that addresses matters relating to water related infrastructure, ground water and water supply;
- Inclusion of clauses and modification to wording that addresses matters relating to remnant vegetation/flora and fauna;
- Including a clause that provides Council with the opportunity to require additional information for baseline data (wind, noise, dust), vibration abatement and control measure details and timing, frequency and duration of blasting/crushing/excavation activities;
- Including a clause that provides Council with the opportunity to require additional information concerning the storage of chemicals or other potential contaminants;
- Including a clause that provides Council with the opportunity to require a visual impact assessment where there is a potential impact;
- Specifying where Council determines a potential impact on built form that heritage buildings within a 5,000m radius and dwellings (and their associated structures) within 1,000m radius be subject of a structural review before the commencement of the extractive industry, ongoing structural reviews where necessary and the requirement for cessation of works and the process of remediation to restore impacted buildings; and
- A general clause included to emphasise that there are a number of other Acts and Regulations that must be adhered to when undertaking certain types of Extractive Industry.

The Submission Table contained in **Appendix 1** provides a detailed examination of the matters raised. A copy of the modified Local Planning Policy is included as **Appendix 2**.

### **VOTING REQUIREMENT:**

*Absolute Majority Required:*      No

**CONCLUSION:**

That Council adopt the modified draft Extractive Industry Local Planning Policy for final approval.

**OFFICER RECOMMENDATION – ITEM 7.3.4**

**That Council pursuant to Schedule 2 - Deemed Provisions, Part 2, cl 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* resolve to:**

- 1. Adopt for final approval the modified Extractive Industry Local Planning Policy and proceed to publish a notice to this effect in the local newspaper.**

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**APPENDIX 1 - SUBMISSION TABLE**

No	Date Received	Submitter	Submission Detail	Comment/Recommendation
1.	14/08/2018	T Crudeli <b>OBJECTION</b>	<ul style="list-style-type: none"> <li>- No requirement to inform the surrounding landowners about a request for licence and period of response.</li> <li>- No policy regarding cancellation or transfer of Licence.</li> <li>- No policy regarding penalties for extractive industry not obeying bylaws.</li> <li>- Section 3.3, no requirement for the extractive industry to comply with the recommendations from relevant Government departments. It would be reassuring if approval was dependent on compliance with their recommendations.</li> <li>- Section 3.3, inadequate protection for heritage listed sites. Heritage properties within 5km radius to have baseline assessment and annual survey.</li> </ul>	<ul style="list-style-type: none"> <li>- Refer to cl. 3.5.1 which clearly states advertising of applications for a minimum period of 14 days pursuant to cl. 64, Part 8 of Schedule 2 - Deemed Provisions of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> and the <i>Shire of Northampton Consultation for Planning Proposals Local Planning Policy</i>. The period of public notice and community engagement occurs before Council considers the matter. <b>[DISMISSED]</b></li> <li>- A Local Planning Policy is not a Local Law. Issues concerning cancellation are typically dealt with through a condition of Development Approval and any breaches would have recourse for Council to take action (an Injunction) under the <i>Planning and Development Act 2005</i>. A Development Approval is typically connected to the land, however, Council can also condition a Development Approval to a specific owner / occupier. <b>[DISMISSED]</b></li> <li>- A Local Planning Policy is not a Local Law and does not have "by-laws". However, breaches of the conditions of Development Approval are enforceable and penalties can be issued under the <i>Planning and Development Act 2005</i>. The general penalty prescribed by the Act for an offence is \$200,000 and, in the case of a continuing offence, a further fine of \$25,000 for each day during which the offence continues. <b>[DISMISSED]</b></li> <li>- A new clause has been inserted which reads: 3.3.2 No extractive industry will be approved until such time as Council has received advice from the Department of Planning Lands and Heritage (Aboriginal Heritage), the Department of Water and Environment Regulation and the Department of Biodiversity, Conservation and Attractions in relation to heritage, flora/fauna and water issues respectively. An extractive industry will not be approved if there are substantiated objectives from any of these agencies. <b>[UPHELD]</b></li> <li>- Another clause has been included for "Additional information that may be required" that addresses this matter. Please refer to cl. 3.4.3 of the draft LPP. <b>[UPHELD]</b></li> </ul>

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No	Date Received	Submitter	Submission Detail	Comment/Recommendation
1.	Continued.		<ul style="list-style-type: none"> <li>- Section 3.4.1(g) should include troughs and windmills and have "within 1000m" radius added.</li> <li>- Section 3.4.1(h) should have "within 1000m" added.</li> <li>- Section 3.4.1(i) should read "location of all existing dams, watercourses, including, but not limited to drains, sumps on or adjacent to the land within a 1000m radius.</li> <li>- Section 3.4.1(j) should have "within a 1000m radius" added.</li> <li>- Section 3.4.1(k) should include the height and volume of material stockpiles.</li> <li>- Plan should also include all dwellings within a 1000m radius of the extraction site, details of existing and surrounding land uses, existing vegetation, wetlands, watercourses and distances to proposed area of extraction.</li> <li>- Section 3.4.2 a management plan should include baseline data of wind, noise, dust, climate and baseline assessment of all man made structures within a 1000m radius.</li> </ul>	<ul style="list-style-type: none"> <li>- This clause relates specifically to the development site (site plan). <b>[DISMISSED]</b></li> <li>- Clause has been amended. <b>[UPHELD]</b></li> <li>- Clause has been amended. <b>[UPHELD]</b></li> <li>- This clause relates specifically to the development site (site plan). <b>[DISMISSED]</b></li> <li>- Clause has been amended. <b>[UPHELD]</b></li> <li>- The policy does include this in cl 3.4.1(e). a dwelling is considered a 'sensitive land use'. This clause has been slightly modified to include dwellings and their associated outbuildings/structures. Clause 3.4.1(i) refers to watercourses. A new clause has been added requiring plan to show location of existing remnant vegetation. <b>[UPHELD IN PART]</b></li> <li>- Another clause has been included for "Additional information that may be required" that addresses this matter where it may be relevant. Please refer to cl. 3.4.3 of the draft LPP. It is also noted that the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> includes, a list of accompanying material for a development application, including reports or any specialist studies that the local government requires the applicant to undertake such as environmental or engineering studies. <b>[UPHELD IN PART]</b></li> </ul>

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No	Date Received	Submitter	Submission Detail	Comment/Recommendation
1.	Continued		<ul style="list-style-type: none"> <li>- The management plan should also include a plan for:               <ul style="list-style-type: none"> <li>- the storage of chemicals;</li> <li>- the type of equipment to be used including size of trucks and machine;</li> <li>- the process for maintenance and any refuelling of trucks on site</li> <li>- vibration abatement measures.</li> </ul> </li> <li>- Section 3.5, the local government should undertake consultation with surrounding landowners prior to determining an application.</li> <li>- It would be reassuring for the Shire to have a cancellation of licence policy. For example: the local government may cancel a licence where the licensee has been convicted of an offence against this local law or any other law relating to carrying on an extractive industry.</li> <li>- It would also be reassuring if there was a penalty for any blasting that occurs outside the local laws of the Northampton Shire and other laws that pertain to blasting, and there be a prescribed penalty for offences against the Extractive Industry LPP.</li> <li>- Responsibility for delegation fall to the Town Planner.</li> </ul>	<ul style="list-style-type: none"> <li>- The Local Planning Policy includes provisions for measures to minimise danger to the general public and address the type of equipment to be used (including trucks and machinery). However, amendments are proposed to the wording below to address vibration abatement:               <p style="margin-left: 20px;"><i>Description of the measures to be taken to minimise sand drift, dust nuisance, erosion, <u>vibration abatement</u>, watercourse siltation and dangers to the general public</i><b>[UPHELD IN PART]</b></p> </li> <li>- Refer to cl. 3.5.1 which clearly states advertising of applications for a minimum period of 14 days pursuant to cl. 64, Part 8 of Schedule 2 - Deemed Provisions of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> and the <i>Shire of Northampton Consultation for Planning Proposals Local Planning Policy</i>. The period of public notice and community engagement occurs before Council considers the matter. <b>[DISMISSED]</b></li> <li>- A Local Planning Policy is not a Local Law. Issues concerning cancellation are typically dealt with through a condition of Development Approval and any breaches would have recourse for Council to take action (an Injunction) under the <i>Planning and Development Act 2005</i>. <b>[DISMISSED]</b></li> <li>- A Local Planning Policy is not a Local Law and does not have "by-laws". However, breaches of the conditions of Development Approval are enforceable and penalties can be issued under the <i>Planning and Development Act 2005</i>. The general penalty prescribed by the Act for an offence is \$200,000 and, in the case of a continuing offence, a further fine of \$25,000 for each day during which the offence continues. <b>[DISMISSED]</b></li> <li>- The Local Planning Policy is amended to include delegation to both the CEO and Shire Planner. However, it is noted any development applications that are considered controversial in nature are not approved under delegation and instead brought to Council for consideration as per the Shire of Northampton's Delegation Register. <b>[UPHELD]</b></li> </ul>

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No	Date Received	Submitter	Submission Detail	Comment/Recommendation
2.	16/08/2018	N & D Hearman <b>OBJECTION</b>	<ul style="list-style-type: none"> <li>- Section 3.3 should include LPP Version 2, cl. 4.2.2 which enables Council to not approve the application if there are substantiated objections from a range of Government agencies.</li> <li>- Section 3.3 should also include a clause to protect existing dwellings and structures from potential adverse impacts of extractive industry operations. Such as:  <i>Baseline and annual structural reviews to be carried out, at the expense of the proponent of any man-made structures within a 2km radius of the extractive site and within 5km of a Heritage listed site. If substantiated damage has occurred, operations cease immediately and only be resumed once the damage has been rectified at the cost of the proponent.</i></li> <li>- Section 3.4 Application Requirements 3.4.1(g) to include any buildings or other improvements on adjacent properties up to 1000m.</li> <li>- 3.4.1(h) include the text: including adjacent land up to 1000m.</li> <li>- 3.4.1(i) include the text: wells, bores and geology associated with such water supply (eg, dolerite dykes).</li> <li>- 3.4.1(m) include a surveyed plan of the site showing areas of remnant vegetation.</li> </ul>	<ul style="list-style-type: none"> <li>- Previous clause has now been included as Cl. 3.3.2 <b>[UPHELD]</b></li> <li>- Another clause has been included for "Additional information that may be required" that addresses this matter. Please refer to cl. 3.4.3 of the draft LPP. <b>[UPHELD]</b></li> <li>- 3.4.1(g) relates to the development site. Refer to 3.4.1(e). <b>[DISMISSED]</b></li> <li>- 3.4.1(h) has been amended. <b>[UPHELD]</b></li> <li>- 3.4.1(i) has been amended to include wells and bores. Water supply is dealt with under the requirement for a Water Management Plan 3.4.2(m) <b>[UPHELD IN PART]</b></li> <li>- Include a requirement for excavation site plan to depict location of remnant vegetation. <b>[UPHELD]</b></li> </ul>

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No	Date Received	Submitter	Submission Detail	Comment/Recommendation
2.	Continued	N & D Hearman	<ul style="list-style-type: none"> <li>- 3.4.1(n) include a Flora and Fauna survey of the site.</li>   <li>- 3.4.1 should also include:               <ul style="list-style-type: none"> <li>- type of material to be extracted</li> <li>- details of methods</li> <li>- hours of operation</li> <li>- storage of chemicals</li> <li>- estimated completion date</li> <li>- type of equipment to be used</li> <li>- machinery</li> <li>- maintenance of machinery</li> <li>- number of truck movements day/week</li> <li>- details of staging</li> <li>- proposed haulage routes/destinations</li> <li>- proposed road warning signs</li> <li>- visual impact assessment</li> <li>- surface/ground water implications</li> <li>- proposed end use of site</li> </ul> </li>   <li>- Include the following: The extractive industry will generally be approved for a one year period from the date of issue. Operations that continue beyond one year's duration will be subject to a renewed application for planning consent on an annual basis.</li> </ul>	<ul style="list-style-type: none"> <li>- Cl 3.4.1 relates to the site plan of the excavation site and surrounds, it is not a management plan. The following requirements for a management plan are included under cl. 3.4.2:               <ul style="list-style-type: none"> <li>a) <i>Description of the existing site environment and a report on the anticipated effect that the proposed excavation will have on the environment, in the vicinity of the land, including ground water, flora and fauna and air quality;</i></li> <li>b) <i>Details of the nature of existing vegetation, shrubs and trees and a description of measures to be taken to minimise the clearing of existing vegetation and the management of the remaining vegetation;</i></li> </ul> </li>   <li>- The LPP is considered to address these components with the following clauses:               <ul style="list-style-type: none"> <li>- 3.4.2(a)</li> <li>- 3.4.2(c)</li> <li>- Inclusion of additional cl 3.4.3</li> <li>- 3.4.2(k) and 3.4.3(b)</li> <li>- 3.4.2(a)</li> <li>- 3.4.2(h)(i)</li> <li>- 3.4.2(h)</li> <li>- 3.4.2(h) modified to include reference to this</li> <li>- 3.4.2(h)</li> <li>- 3.4.2(b)</li> <li>- 3.4.2(g)(h)</li> <li>- 3.4.2(k)</li> <li>- 3.4.2(o) and 3.4.3(c)</li> <li>- 3.4.2(m)</li> <li>- Refer cl. 3.4.3</li> </ul> </li>   <li>- This is currently addressed by cl. 3.3.8</li> </ul>



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No	Date Received	Submitter	Submission Detail	Comment/Recommendation
2.	Continued	N & D Hearman	<ul style="list-style-type: none"> <li>- Taken from Chapman Valley Extractive Industry LPP: <i>Description of the existing site environment and a report on the anticipated effect that the proposed excavation will have on the environment in the vicinity of the land including baseline data on noise, dust, wind taken on site conditions and surrounding adjacent properties, specifically relating to houses within 1000m radius.</i></li> <li>- 3.4.2(n) to include wording: ...and the management of the remaining vegetation and its associated fauna.</li> <li>- 3.4.2(o) to include wording: ...management techniques to address potential conflict with surrounding landuses and protection of environmental attributes.</li> <li>- Responsibility for delegation fall to the Town Planner.</li> </ul>	<ul style="list-style-type: none"> <li>- This is not included in the Shire of Chapman Valley's LPP. However, cl. 3.4.2(m) has been modified to read:  <i>Description of the existing site environment and a report on the anticipated effect that the proposed excavation will have on the environment, in the vicinity of the land, including ground water, flora and fauna and air quality.</i> [UPHELD IN PART]</li> <li>- 3.4.2(n) relates specifically to the minimisation of clearing and the management of vegetation. Wording has been modified to reference management of remnant vegetation. The matter of fauna is included under cl. 3.4.2(m). [UPHELD IN PART]</li> <li>- A clause has been included to read:  o) <i>Management techniques to address potential conflict with surrounding landuses and protection of environment attributes, including reporting mechanisms for conflicts.</i> [UPHELD IN PART]</li> <li>- The Local Planning Policy is amended to include delegation to both the CEO and Shire Planner. However, it is noted any development applications that are considered controversial in nature are not approved under delegation and instead brought to Council for consideration as per the Shire of Northampton's Delegation Register. [UPHELD]</li> </ul>

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No	Date Received	Submitter	Submission Detail	Comment/Recommendation
3.	15/08/2018	CM Constantine <b>OBJECTION</b>	- Submission detail is in same form as submission from T. Crudeli above	- Refer to responses in Submission 1. above
4.	15/08/2018	C Constantine <b>OBJECTION</b>	- Submission detail is in same form as submission from T. Crudeli above	- Refer to responses in Submission 1. above
5.	17/08/2018	J Constantine <b>OBJECTION</b>	- Submission detail is in same form as submission from T. Crudeli above	- Refer to responses in Submission 1. above
6.	16/08/2018	M & M Hatch <b>OBJECTION</b>	- Submission detail is in same form as submission from N & D Hearman above	- Refer to responses in Submission 2. above
7.	17/08/2018	MH Flanigan <b>OBJECTION</b>	- Submission detail is in same form as submission from N & D Hearman above	- Refer to responses in Submission 2. above
8.	16/08/2018	RW Routledge <b>OBJECTION</b>	- Submission detail is in same form as submission from N & D Hearman above	- Refer to responses in Submission 2. above
9.	16/08/2018	W & E Routledge <b>OBJECTION</b>	- Submission detail is in same form as submission from N & D Hearman above	- Refer to responses in Submission 2. above
10.	11/08/2018	S Ray <b>OBJECTION</b>	<ul style="list-style-type: none"> <li>- Responsibility for delegation fall to the Town Planner.</li> <li>- Management plans should be required to include: <ul style="list-style-type: none"> <li>- Structures and water supplies on adjacent land.</li> <li>- Heritage buildings with provision of repair at proponent's expense should damage occur due to extractive industry.</li> <li>-Detail of planning blasting activities.</li> <li>-Consideration of Aboriginal Heritage.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>- The Local Planning Policy is amended to include delegation to both the CEO and Shire Planner. However, it is noted any development applications that are considered controversial in nature are not approved under delegation and instead brought to Council for consideration as per the Shire of Northampton's Delegation Register. <b>[UPHELD]</b></li> <li>- Refer 3.4.1(k) and 3.4.2(m)</li> <li>- Another clause has been included to address this matter, refer cl. 3.4.3. .</li> <li>- Another clause has been included to address this matter, refer cl. 3.4.3.</li> <li>- Addressed through referral process, refer cl. 3.3.2<b>[UPHELD IN PART]</b></li> </ul>

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No	Date Received	Submitter	Submission Detail	Comment/Recommendation
11.	16/08/2018	R Eddy <b>OBJECTION</b>	<ul style="list-style-type: none"> <li>- The following clause should be reinstated from Version 2 and extended to south of Coronation Beach Road.  "An extractive industry is not permitted on the Moresby Flat Topped Ranges and associated valleys until such time as a Moresby Ranges Management Strategy has been completed and endorsed by Council and the Western Australian Planning Commission."</li> <li>- Underground water resources should not be interfered with in any way.</li> <li>- A substantial deposit should be charged up front to facilitate rehabilitation of the site should the company go into receivership or bankruptcy.</li> </ul>	<ul style="list-style-type: none"> <li>- Clause 3.3.9 states  <i>Proposals for extractive industry within the visually sensitive areas identified by the Moresby Ranges Management Strategy 2009 will not be approved where the development may result in the reduction of environmental or visual landscape quality</i>  The Moresby Ranges Management Strategy has been completed and endorsed. This strategy includes visually sensitive areas around the Moresby Ranges and therefore is used to guide decision making in this location. The visually sensitive area extends to land south of Coronation Beach Road on the eastern side of North West Coastal Highway into the Shire of Chapman Valley. The Shire of Northampton boundary finishes north of Coronation Beach Road. Refer to Appendix 3 which includes map of visually sensitive areas <b>[DISMISSED]</b></li> <li>- Refer cl. 3.4.2(m) which requires the Management Plan to examine the existing site environment and report on the anticipated effect that the proposed excavation will have on the environment within a 100m radius of the land, including ground water. <b>[DISMISSED]</b></li> <li>- A Post Closure Bond and Road Maintenance Bond are payable prior to the removal of any resource from the site. A Post Closure Bond secures compliance with the revegetation and post-closure requirements of the Management Plan. These are included as conditions of Development Approval where they are considered necessary. <b>[DISMISSED]</b></li> </ul>
12.	17/08/2018	M Weir <b>OBJECTION</b>	<ul style="list-style-type: none"> <li>- Section 3.3, no requirement for the extractive industry to comply with the recommendations from relevant Government departments. Clause from V2 should be reinstated.</li> </ul>	<ul style="list-style-type: none"> <li>- A new clause has been inserted which reads:  <i>3.3.2 No extractive industry will be approved until such time as Council has received advice from the Department of Planning Lands and Heritage (Aboriginal Heritage), the Department of Water and Environment Regulation and the Department of Biodiversity, Conservation and Attractions in relation to heritage, flora/fauna and water issues respectively. An extractive industry will not be approved if there are substantiated objectives from any of these agencies. <b>[UPHELD]</b></i></li> </ul>

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No	Date Received	Submitter	Submission Detail	Comment/Recommendation
12.	Continued	M Weir	<ul style="list-style-type: none"> <li>- Section 3.3 should also include a clause to protect existing dwellings and structures from potential adverse impacts of extractive industry operations.</li> <li>- Section 3.4 Application Requirements 3.4.1(g) to include on all adjacent land within 1000m of the site.</li> <li>- 3.4.1(i) include the text: bores and/or wells and/or any water supply that provides water for domestic, livestock or agricultural use, along with geological features associated with such water supplies.</li> <li>- Include additional clause to read: Location of all man-made structures including, but not limited to, houses, sheds, tanks, troughs, bores, windmills and any other water supply features on all properties within 1000m of the site</li> <li>- 3.4.1(m) include a surveyed plan of the site showing all areas of flora and fauna habitat.</li> <li>- Management plan should also be required to show baseline data of wind, noise, dust and full climatology for the immediate area of the proposed site.</li> </ul>	<ul style="list-style-type: none"> <li>- Another clause has been included for "Additional information that may be required" that addresses this matter. Please refer to cl. 3.4.3 of the draft LPP. <b>[UPHELD]</b></li> <li>- 3.4.1(g) relates to the development site. Refer to 3.4.1(e). <b>[DISMISS]</b></li> <li>- 3.4.1(i) has been amended to include wells and bores. Water supply is dealt with under the requirement for a Water Management Plan 3.4.2(m) <b>[UPHELD IN PART]</b></li> <li>- These elements are addressed in cl. 3.4.1(f)&amp;(k) along with the modified clause 3.4.2(m) which reads: <i>Description of the existing site environment and a report on the anticipated effect that the proposed excavation will have on the environment, within a 1000m radius of the land, including ground water, flora and fauna and air quality</i></li> <li>- <b>[UPHELD IN PART]</b></li> <li>- Include a requirement for excavation site plan to depict location of remnant vegetation and refer to cl. 3.4.2(m) above <b>[UPHELD IN PART]</b></li> <li>- Another clause has been included for "Additional information that may be required" that addresses this matter. Please refer to cl. 3.4.3 of the draft LPP. <b>[UPHELD]</b></li> </ul>

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No	Date Received	Submitter	Submission Detail	Comment/Recommendation
12.	Continued	M Weir	<ul style="list-style-type: none"> <li>- Detailed description of structural condition of all man-made structures within 1000m of the site and in the case of heritage listed buildings within 5km of the site.</li> <li>- 3.4.2 (m) include text "and on all land within 1000m radius of the site."</li> <li>- 3.4.2.(n) include text "and ongoing management of fauna habitat.</li> <li>- details of existing and surrounding landuses on a site plan.</li> <li>- Management plan to include:               <ul style="list-style-type: none"> <li>- hours of operation, including crushing, blasting and excavation.</li> <li>- storage of chemicals.</li> <li>- estimated completion date.</li> <li>- type of equipment to be used including size of trucks and machinery.</li> <li>- maintenance and any refuelling of trucks on site.</li> </ul> </li> <li>- visual impact assessment with particular reference to major roads, tourist routes and interest points, and surrounding properties and structure.</li> <li>- drainage implications including surface and ground water impacts.</li> </ul>	<ul style="list-style-type: none"> <li>- Another clause has been included to address this matter where applicable, refer cl. 3.4.3.[UPHELD]</li> <li>- Clause modified to read: <i>"Description of the existing site environment and a report on the anticipated effect that the proposed excavation will have on the environment, within a 1000m radius of the land, including ground water, flora and fauna and air quality."</i>[UPHELD]</li> <li>- Clause modified to read: <i>"Details of the nature of existing vegetation, shrubs and trees and a description of measures to be taken to minimise the clearing of existing vegetation and the management of the remaining vegetation"</i>[UPHELD]</li> <li>- Between 3.4.1 and 3.4.2 this is considered to be addressed thoroughly. [DISMISSED]</li> <li>- Another clause has been included to address this matter, refer cl. 3.4.3.</li> <li>- 3.4.2(k) and 3.4.3(b)</li> <li>- 3.4.2(a)</li> <li>- 3.4.2(h)(i)</li> <li>- 3.4.2(h)</li> <li>- 3.4.2(h) modified to include reference to this</li> <li>- 3.4.2(o) and 3.4.3(c)</li> <li>- 3.4.2(m)</li> </ul>

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TOWN PLANNING REPORT – 19 OCTOBER 2018

No	Date Received	Submitter	Submission Detail	Comment/Recommendation
12.	Continued	M Weir	<ul style="list-style-type: none"> <li>- management techniques to address potential conflict with surrounding landuses and protection of environmental attributes.</li> <li>- any other assessment the local government may require, including Aboriginal and European Heritage considerations if within a known area of significance.</li> <li>- Also that any proposed blasting meets the following criteria;</li> <li>- the blasting is carried out in strict accordance with the <u>AS2187 SAA Explosives Code</u>, the <u>Mines Safety and Inspection Act 1994</u> and the <u>Environmental Protection Act 1986</u> and all relevant local laws of the local government; and</li> <li>- in compliance with any other conditions imposed by the local government concerning</li> <li>- the time and duration of blasting;</li> <li>- the purposes for which blasting may be used ; and</li> <li>- such other matters as the local government may reasonably require in the interests of the safety and protection of members of the public and of property within the district.</li> </ul>	<ul style="list-style-type: none"> <li>- Inclusion of cl 3.4.2(p) <i>Management techniques to address potential conflict with surrounding landuses and protection of environment attributes, including reporting mechanisms for conflicts.</i></li> <li>- Addressed through referral process, refer cl. 3.3.2.</li> <li>- The following additional clause is included to ensure the Applicant understands the requirements of other Agencies/Regulators:  <i>This Policy acts to complement the various state and federal government Acts, Regulations, and Policies that may apply to Extractive Industries, however does not override the regulations and/or requirements of any other government agencies under separate legislation. The purpose of this Policy is not to duplicate the additional requirements and regulations of those agencies which are not under the control or authority of the Shire of Northampton, and it is the Applicant's responsibility to ensure that they act in accordance with those additional regulations and requirements.</i></li> <li>Furthermore, it is noted that the Shire of Northampton through the Development Approval can impose certain conditions relating to time, duration and purpose of blasting. Clause 3.3.1 also states that:  <i>Extractive industry will only be approved where the local government is satisfied that the proposal will not result in unacceptable environmental impacts as a result of noise, vibration, dust, lightspill, odour, visual intrusion or contamination.</i></li> </ul> <p><b>[UPHELD IN PART]</b></p>

**APPENDIX 2 - MODIFIED LOCAL PLANNING POLICY**

**Scheme Provisions:**

LPS #10  
4.1 Zoning and Development Table 'Industry Extractive' A use in General Rural zone.  
LPS #11  
3.2 Zoning Table 'Industry Extractive' A use in Rural zone.

**Other References:**

Shire of Northampton Local Planning Scheme No. 10  
Shire of Northampton Local Planning Scheme No. 11  
Planning and Development Act 2005  
Planning and Development (Local Planning Schemes) Regulations 2015  
[Shire of Northampton Petroleum, Mining & Extractive Industries Policy](#)

**Special procedural considerations:**

Applications are required to be advertised for a minimum period of 14 days pursuant to cl. 64 of the Deemed Provisions of the LPS Regulations.

## 1.0 CITATION

This is a local planning policy prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015* and the *Shire of Northampton Local Planning Schemes: No. 10 - Northampton District; and No. 11 - Kalbarri Townsite* ('the Scheme'). It may be cited as the Extractive Industry local planning policy.

The local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area. In making a determination under the Scheme the local government must have regard to each relevant local planning policy to the extent that the policy is consistent with the Scheme.

## 2.0 OBJECTIVE

- 2.1 Outline the information to be provided by applicants when lodging an Application for Development Approval for Extractive Industry;
- 2.2 Set the advertising requirements to be followed prior to determining Extractive Industry applications;
- 2.3 Identify requirements in relation to the siting and operation of Extractive Industries;
- 2.4 Ensure that proposed haulage routes and road hierarchy are satisfactory to support an extractive industry without affecting the sustainability of the Shire's road assets; and
- 2.5 Ensure Extractive Industry proposals occur without detrimentally impacting the environment, public safety, local amenity or the character and setting of the local area.



### 3.0 POLICY STATEMENT

#### 3.1 Exemptions from the Policy

This policy does not apply to the following:

- a. The extraction of basic raw materials on Crown land (including reserves and pastoral leases), which are covered by the *Mining Act 1978*.
- b. The extraction of basic raw materials to a depth of no more than 1m and an area of no more than 1 hectare where the material is to be used for improvements on the same property, municipal purposes or road construction.

#### 3.2 Definitions

For the purposes of this Policy, the following definitions apply:

**“basic raw materials”** means sand, (including silica sand) clay, hard rock, limestone, (including metallurgical limestone) gravel and other construction and road building materials.

**“dam”** means any man-made structure or excavation designed and constructed to intercept, accumulate and impound water flowing across, through or under any land and includes an off-stream dam, an on-stream dam, a gully-wall dam, a turkey-nest dam, an excavated soak and any structure, excavation or other device designed to act either solely or partly as a nutrient stripping basin but does not include ornamental ponds or other water features associated with landscaping and gardens.

**“Environmentally Sensitive Area”** means those areas where the land could be subject to restriction on the extraction of basic raw materials for an environmental or conservation reason.

**“Major tourist route”** means those roads classified Primary Distributor, District Distributor and Tourist Roads by the Shire’s Road Hierarchy.

**“School bus route”** means any public road utilised on a daily basis by a licenced school bus operator to transport children to and from an educational establishment registered by the Western Australian Department of Education.

**“Sensitive land use”** means in this Policy those uses that are sensitive to noise or other nuisances resulting from the extractive industry. Generally all forms of residential use, uses involving children such as kindergartens and schools and those involving doctors, hospitals and aged care facilities

#### 3.3 Policy

3.3.1 Extractive industry will only be approved where the local government is satisfied that the proposal will not result in unacceptable environmental impacts as a result of noise, vibration, dust, lightspill, odour, visual intrusion or contamination.

3.3.2 No extractive industry will be approved until such time as Council has received advice from the Department of Planning Lands and Heritage (Aboriginal Heritage), the Department of Water and Environment Regulation and the Department of Biodiversity, Conservation and Attractions in relation to heritage, flora/fauna and water issues respectively. An extractive industry will not be approved if there are substantiated objections from any of these agencies.

3.3.2 Depending on the nature of the proposed extractive industry, local wind, topography and vegetation conditions, setback distances from site boundaries and existing watercourse or bodies may need to be increased. When determining such setbacks the local government shall consider existing and potential land-uses on adjoining and nearby properties.

3.3.3 The local government may require the preservation and/or planting of a vegetated buffer strip ensuring that the extraction activities are adequately screened from the road and adjoining properties.

3.3.4 Where an extractive industry has direct access to a sealed road and the projected number of vehicle movements from the site would justify such a requirement (as determined by the local government), the local government may require crossover and vehicle access areas within 50 metres of the road to be constructed with a stable, impervious surface, with stormwater runoff being controlled. In this regard the construction of a crossover shall be in accordance with the Council's existing Crossover Policy 6.6.

3.3.5 Where an extractive industry is being developed with or without direct access to a sealed road, the local government may require assistance to upgrade and maintain the road/s that will be affected by heavy vehicle movements associated with the extractive industry. Such upgrading contributions may be financial or in-kind and shall be calculated on a case-by-case basis.

3.3.6 Extractive industry will only be approved where the local government is satisfied that the proposal will not negatively impact upon the local road network, including the provision of local bus services.

3.3.7 The local government will not support the operation of extractive industry outside of the following hours, unless it can be demonstrated the proposed extraction area/activity is at least 1000 metres from the closest neighbouring residence upon which the Council may entertain extended operating times:

- Monday to Saturday - 7.00 am to 6.00 pm;
- Sundays and Public Holidays - no operations.

3.3.8 The Extractive industry will generally be approved for a one year period from the date of issue. Operations that continue beyond one year's duration will be subject to a renewed application for development approval on an annual basis. For large scale mining operations an extended period of approval may be entertained by the local government, based on individual merit.

3.3.9 Proposals for extractive industry within the visually sensitive areas identified by the *Moresby Ranges Management Strategy 2009* will not be approved where the development may result in the reduction of environmental or visual landscape quality.

### 3.4 Application Requirements

Applications shall include the following information:

3.4.1 A plan of the excavation site to a scale of between 1:500 and 1:2,000 showing:

- Existing and proposed land contours plotted at 1m contour intervals;
- The land on which the excavation site is to be located;
- External surface dimensions of the land;

d) Location and depth of the existing and proposed excavation of the land;

e) Location of existing remnant vegetation;

f) Setback distances of the extractive site to property boundaries and sensitive land uses (including dwellings and their associated outbuildings/structures within a 1000m radius;

e)g) Setback distances of the extractive site to buildings contained on the Shire of Northampton Municipal Heritage Inventory within a 5000m radius;

e)h) Location of existing and proposed thoroughfares or other means of vehicle access to and egress from the land and to public thoroughfares in the vicinity of the land;

f)j) Location of buildings, treatment plant, tanks and other improvements and developments existing on, approved for or proposed in respect of the land;

- g) Location of existing power lines, telephone cables and any associated poles or pylons, sewers, pipelines, reserves, bridges, railway lines and registered easement or other encumbrances over or in the vicinity within a 1000m radius of the land;
- h) Location of all existing dams, watercourses, including but not limited to drains, -or sumps, wells, and bores on or adjacent to the land within a 1000m radius;
- i) Location and description of existing and proposed fences, gates and warning signs around the land; and
- j) Location and size of the areas -proposed to be used for stockpiling excavated material, treated material, overburden and soil storage on the land and elsewhere.

#### 3.4.2 A management plan containing:

- a) The nature and estimated duration of the proposed excavation;
- b) The stages and the timing of the stages in which it is proposed to carry out the excavation;
- c) Details of the methods to be employed in the proposed excavation and a description of any on-site processing works;
- d) Details of the depth and extent of the existing and proposed excavation of the site;
- e) An estimate of the depth of and description of the nature and quantity of the overburden to be removed;
- f) Description of the methods by which existing vegetation is to be cleared and topsoil and overburden removed or stockpiled;
- g) Description of the means of access to the excavation site and the types of thoroughfares to be constructed;
- h) Details of the proposed number and size of trucks entering and leaving the site each day, their maintenance and refuelling requirements and the route or routes to be taken by those vehicles (the local government may require contributions towards the upgrade of roads);
- i) Description of any proposed buildings, water supply, treatment plant, tanks and other improvements;
- j) Details of drainage conditions applicable to the land and methods by which the excavation site is to be kept drained;
- k) Description of the measures to be taken to minimise sand drift, dust nuisance, erosion, vibration abatement, watercourse siltation and dangers to the general public;
- l) Description of the measures to be taken to comply with the Environmental Protection (Noise) Regulations 1997 applicable noise standards;
- m) Description of the existing site environment and a report on the anticipated effect that the proposed excavation will have on the environment, within a 1000m radius of the land, including ground water, flora and fauna and air quality in the vicinity of the land;
- n) Details of the nature of existing vegetation, shrubs and trees and a description of measures to be taken to minimise the clearing of existing vegetation and the management of the remaining vegetation; and
- o) Description of the measures to be taken in screening the excavation site, or otherwise minimising adverse visual impacts, from nearby thoroughfares or other areas.
- p) Management techniques to address potential conflict with surrounding landuses and protection of environment attributes, including reporting mechanisms for conflicts.

#### 3.4.3 Additional information that may be required:

- a) Should Council determine that the proposed extractive industry has the potential to, or is likely to, create adjoining landowner impacts, such as noise, dust, vibration, lightspill, odour or environmental impacts, then further information may be required to support the development application, including but not limited to the following:

- i. Baseline data to be provided for wind, noise, dust and/or environmental data at specified locations;
- ii. Vibration abatement and control measure details; and
- iii. Timing, frequency and duration of blasting/crushing/excavation activities;

b) Additional information in relation to the storage of chemicals or other potential contaminants on site relevant to the extractive industry;

c) A Visual Impact Assessment where the proposed extractive industry has the potential to, or is likely to, create visual intrusion impacts upon adjacent landholdings, major roads or places of heritage, cultural or landscape significance.

d) Should the extractive industry be located within a radius of 5,000m from a place listed upon the Shire's Municipal Heritage Inventory, or 1,000m from a dwelling or other physical infrastructure, AND Council determines that the proposed extractive industry has the potential to, or is likely to, create physical or visual impacts upon that place/site, then further information may be required, as per the following:

- i. A structural review of the heritage place (including associated buildings and heritage assets), dwelling or other physical structure to be undertaken prior to the commencement of the extractive industry;
- ii. Ongoing structural reviews of those places to be undertaken so as to determine the level of impact (if any) of the extractive industry upon those places, with the frequency of those reviews to be determined by the local government, taking into account the type of extractive industry, the mechanism of impact and the distance of the works from the heritage place; and
- iii. The requirement for the cessation of works, and the process for remediation, to restore those heritage places, should an impact or impacts be found and be attributed to the extractive industry operations.

**3.4.4** A rehabilitation and decommissioning plan indicating:

- a) The objectives of the program, having due regard to the nature of the surrounding area and the proposed end-use of the excavation site;
- b) Whether restoration and reinstatement of the excavation site is to be undertaken progressively or upon completion of excavation operations;
- c) How any face is to be made safe and batters sloped;
- d) The method by which topsoil is to be replaced and revegetated;
- e) The numbers and types of trees and shrubs to be planted and other landscaping features to be developed;
- f) How rehabilitated areas are to be maintained; and
- g) The program for the removal of buildings, plant, waste and final site clean up.

### **3.5 Advertising and Consultation**

3.5.1 Applications for an 'Extractive Industry' are required to be advertised for a minimum period of 14 days pursuant to the cl. 64, Part 8 of Schedule 2 - Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 and the Shire of Northampton Consultation for Planning Proposals Local Planning Policy.

3.5.2 Consultation will also be undertaken with the following government agencies:

- Department of Mines and Petroleum;
- Department of Water and Environment Regulation;
- Department of Biodiversity, Conservation and Attractions; and
- Department Planning, Lands and Heritage, including Aboriginal Heritage.

### **3.5.3.6 Reference to other Agencies and their requirements**

~~3.5.1 Applications for an 'Extractive Industry' are required to be advertised for a minimum period of 14 days pursuant to the cl. 64, Part 8 of Schedule 2 Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 and the Shire of Northampton Consultation for Planning Proposals Local Planning Policy.~~

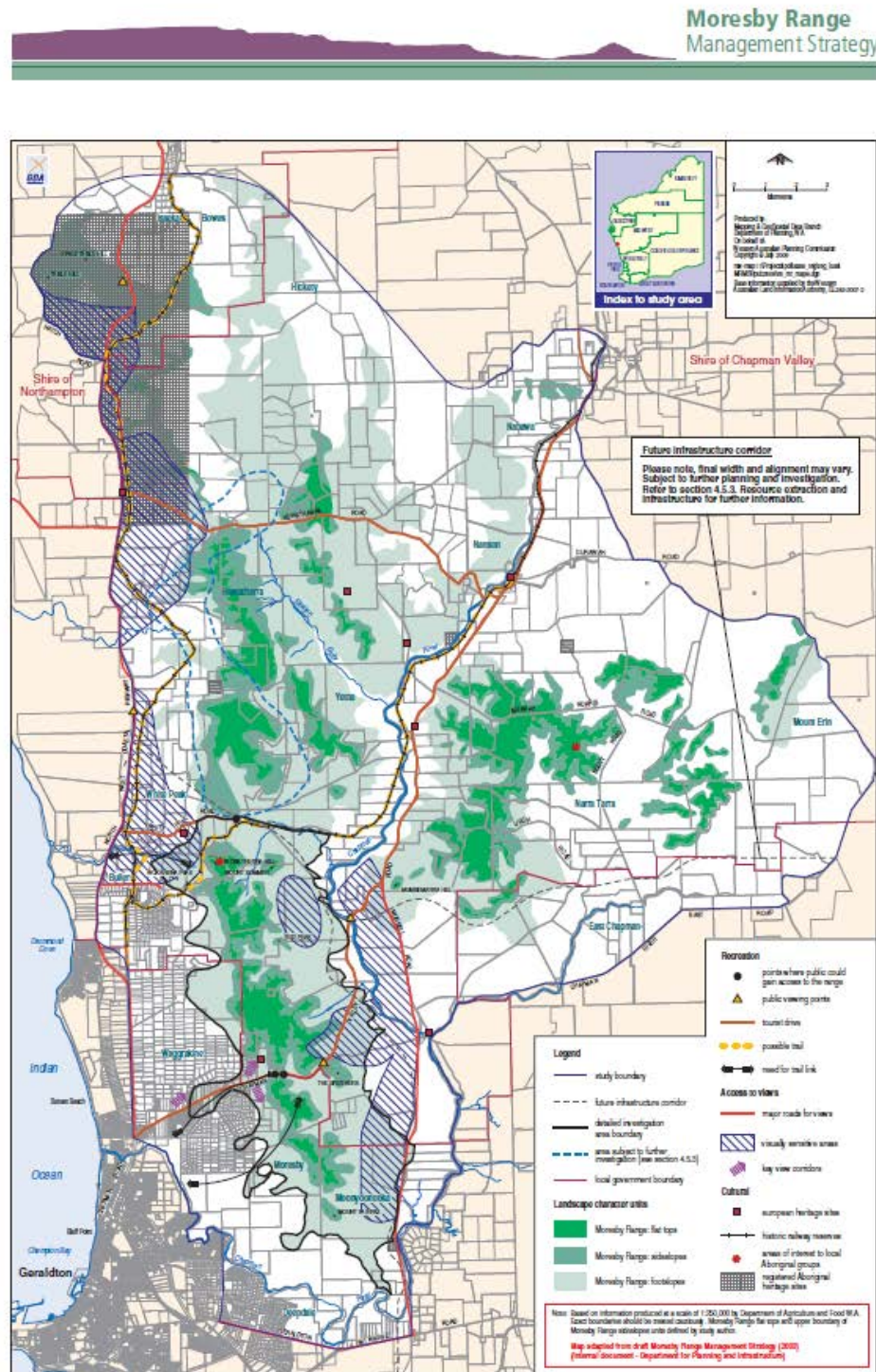
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- ~~• Department of Water and Environment Regulation;~~
- ~~• Department of Biodiversity, Conservation and Attractions; and~~
- ~~• Department Planning, Lands and Heritage, including Aboriginal Heritage.~~

This Policy acts to complement the various state and federal government Acts, Regulations, and Policies that may apply to Extractive Industries, however does not override the regulations and/or requirements of any other government agencies under separate legislation. The purpose of this Policy is not to duplicate the additional requirements and regulations of those agencies which are not under the control or authority of the Shire of Northampton, and it is the Applicant's responsibility to ensure that they act in accordance with those additional regulations and requirements.

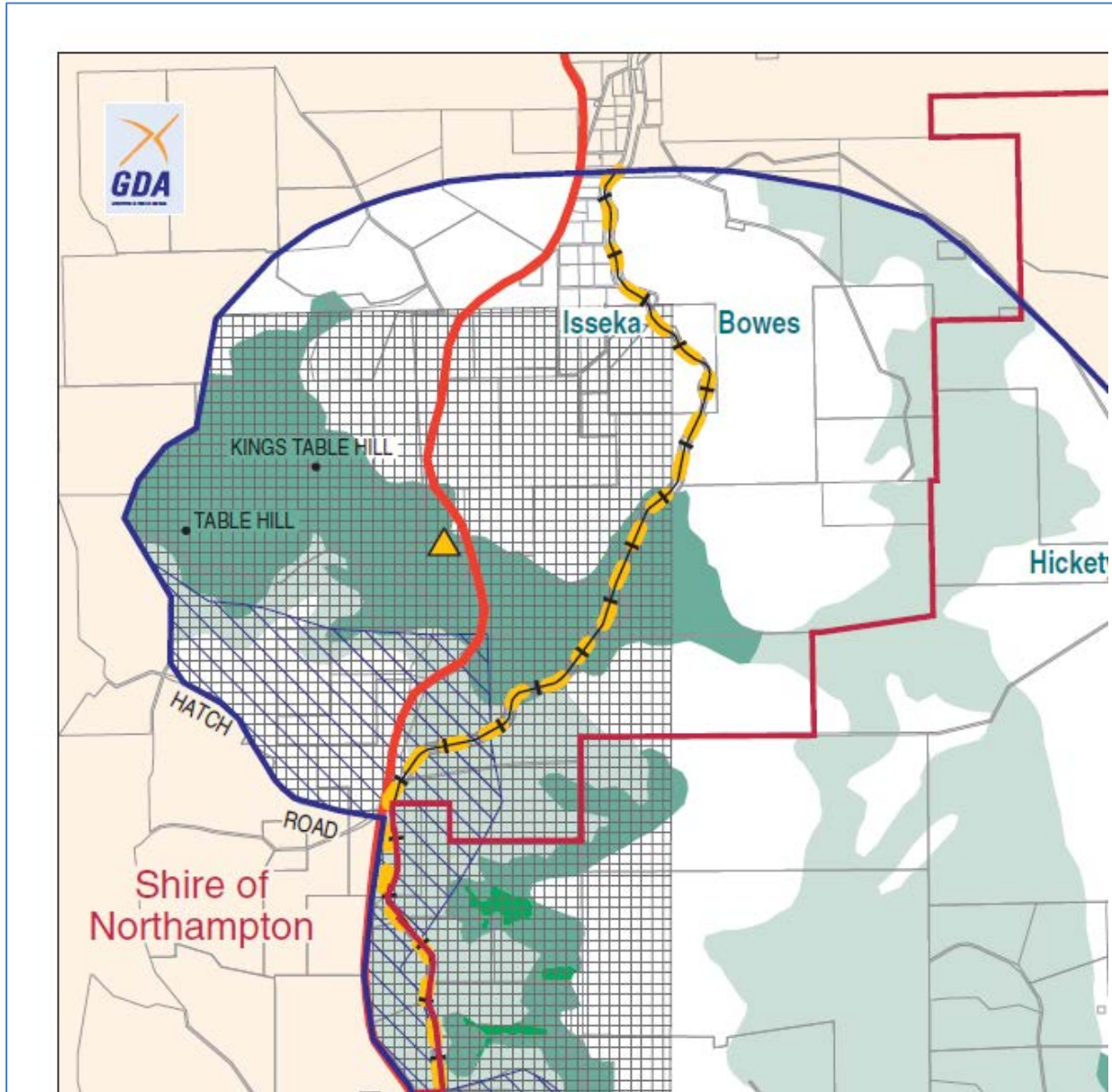
<b>4.0 RESPONSIBILITY</b>	Chief Executive Officer <u>and Principal Planner</u> as per the Delegations Policy and Register.		
<b>5.0 ADOPTION</b>	19 October 2007	Advertising	Minute 10.7.2
	19 December 2007	Final Adoption	Minute 12.7.5
	V2 16 June 2014	Advertising / Final Adoption	(Minutes 6.8.1)
	V3 20 July 2018	Advertising / Final Adoption	

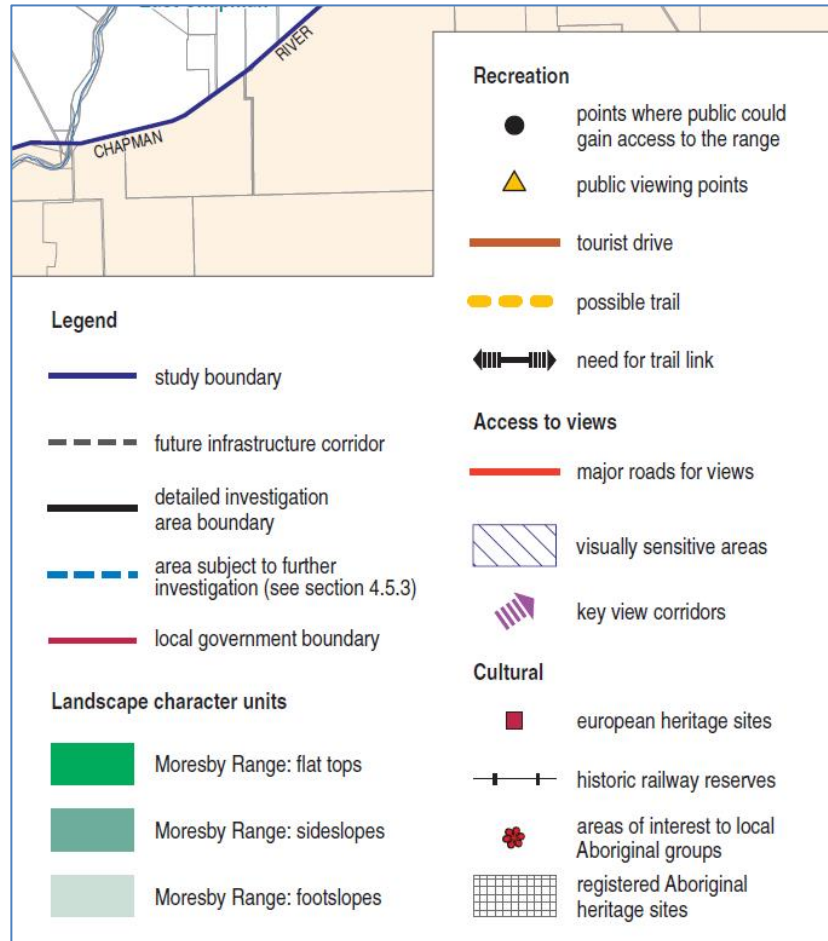
**APPENDIX 3 - MORESBY RANGES MANAGEMENT STRATEGY  
VISUALLY SENSITIVE AREAS**



Moresby Range Management Strategy  
**Moresby Range strategy plan: culture, recreation, and access to views**

Map 6







<b>7.3.5</b>	<b>CHRMAP STEERING COMMITTEE – NOMINATED CHAIRPERSON NOT MEMBER OF COUNCIL</b>
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<b>FILE REFERENCE:</b>	<b>10.5.6</b>
<b>DATE OF REPORT:</b>	<b>10 October 2018</b>
<b>REPORTING OFFICER:</b>	<b>1. Steering Committee Terms of Reference</b>

**AUTHORITY / DISCRETION:**

**Executive**                      *the substantial direction setting and oversight role of the Council. For example, adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*

**Legislative**                      *when Council makes and reviews the legislation it requires performing its function as Local Government. For example, adopting local laws, town planning schemes & policies.*

**SUMMARY:**

The Horrocks Coastal Hazard Risk Management Adaptation Plan (CHRMAP) Steering Committee met on Monday 1st October 2018 to discuss the Project Brief and Scope of Work. The election of a Chairperson was undertaken, with Mr Brian Donegan being supported by all members. The Steering Committee requests that Council consider amending the Terms of Reference to enable a Chairperson who is not an elected member to hold the position.

**BACKGROUND:**

Council has previously considered the formation of a Steering Committee for the Horrocks CHRMAP at their Ordinary Meeting held on 17 August 2018. At this meeting it was resolved:

*That Cr Stock-Standen and Cr Pike (alternate) be appointed as the Council representatives for the CHRMAP Steering Committee.*

The following representatives form the Steering Committee:

- Cr Sandy Stock-Standen (Shire of Northampton)
- Garry Keeffe (Shire of Northampton)
- Hayley Williams (Shire of Northampton)
- Ellena Bromwell (Department of Transport)
- Lei Tian (Department of Transport)
- Sam Bishopp (Department of Planning, Lands and Heritage)

- Sarah Chan (Department of Planning, Lands and Heritage)
- Michelle Allen (Horrocks Community Centre Inc.)
- Brian Donegan (Community Representative)

At the Steering Committee Meeting Cr. Stock-Standen was initially nominated, however upon discussion and with Cr. Stock-Standen's endorsement Mr Brian Donegan was nominated.

The Terms of Reference is a standardised document that is used for guiding the decision making of Steering Committees formulated by the Shire of Northampton. The Terms of Reference states:

1. *The Steering Committee shall have no formal status or ability to commit the Shire of Northampton in any way whatsoever (including, yet not limited to, areas such as human, financial, plant and equipment resources, etc.) All decisions associated with commitment being required by the Shire of Northampton must first achieve Council endorsement prior to being actioned.*

2. *The Steering Committee is to progress the CHRMAP only, subject to strict adherence to clause 1 above and with the Chairperson of the Group (whom must always be an Elected Member of Council) having ultimate say on whether any aspect of the plan, whether identified in Clause 1. above or not, is to obtain Council endorsement prior to being progressed.*

#### **COMMUNITY & GOVERNMENT CONSULTATION:**

The preparation of the CHRMAP includes the formulation of a Community and Stakeholder Engagement Strategy. This will be one of the initial steps undertaken by the appointed consultant.

#### **FINANCIAL & BUDGET IMPLICATIONS:**

There is no additional cost associated with the Steering Committee. The total project costs are:

##### Preparation of a Coastal Hazard Risk Assessment

Dept of Transport CAP funding - \$10,020

Council budget \$10,000

**Total project cost \$20,020**

##### Preparation of a CHRMAP

Dept Planning, Lands and Heritage CMPAP funding - \$50,000

Council budget \$25,000

**Total project \$75,000**

**STATUTORY IMPLICATIONS:**

*State: Planning and Development Act 2005*

*Local: Shire of Northampton Town Planning Scheme No. 10 – Northampton District*

**POLICY IMPLICATIONS:**

*State: State Planning Policy 2.6 – Coastal Planning*

*Local: Horrocks Coastal Management Strategy*

**STRATEGIC IMPLICATIONS:**

*Local: Shire of Northampton Community Strategic Plan 2016-2026*

Supporting strategies from the Shire of Northampton Community Strategic Plan are:

*Provide environmental leadership throughout the Shire*

- *Better protection of coastal Precincts/areas*

**COMMENT & CONCLUSION:**

The election of a Community Representative as the Chairperson of the Horrocks CHRMAP Steering Committee is considered to be positive step towards fostering greater capacity for the project to be community driven, rather than solely being Council led.

The Terms of Reference are clear in setting out the parameters for decision-making and the need for endorsement from Council.

It is therefore recommended that Council modify the Terms of Reference to enable a Community Representative to be Chairperson for the Horrocks CHRMAP project.

**VOTING REQUIREMENT:**

*Absolute Majority Required: No.*

**OFFICER RECOMMENDATION – ITEM 7.3.5**

**That Council modify the Steering Committee's Terms of Reference for the preparation of the Horrocks Coastal Hazard Risk Management and Adaptation Plan to enable a Community Representative to be Chairperson of the Steering Committee.**

## APPENDIX 1 - TERMS OF REFERENCE

### Shire of Northampton

## Horrocks Beach Coastal Hazard Risk Management and Adaptation Plan

### Steering Committee - Terms of Reference

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#### Mission/Purpose:

Guide the undertaking of the Horrocks Beach Coastal Hazard Risk Management and Adaptation Plan (CHRMAP).

#### Core Membership:

- 1 nominated Councillor (with an additional Councillor as proxy);
- 2 nominated Department of Planning, Lands and Heritage staff;
- 2 nominated Department of Transport staff;
- Shire of Northampton Chief Executive Officer and Planning Officer;
- Shire of Northampton Consultant Planner(Project Manager); and
- 2 community representatives.

Council may, at any time, act to co-opt on to, reduce, modify or enlarge the membership to this Group.

#### Roles & responsibilities of members:

- Attend scheduled meetings of the Steering Committee;
- Become familiar with all facets of the project;
- Provide feedback and assistance to the Project Manager and Consultant Team;
- Make recommendations collectively to Council, regarding the CHRMAP.

#### Status and decision making power:

3. The Steering Committee shall have no formal status or ability to commit the Shire of Northampton in any way whatsoever (including, yet not limited to, areas such as human, financial, plant and equipment resources, etc.) All decisions associated with commitment being required by the Shire of Northampton must first achieve Council endorsement prior to being actioned.
4. The Steering Committee is to progress the CHRMAP only, subject to strict adherence to clause 1 above and with the Chairperson of the Group (whom must always be an Elected

Member of Council) having ultimate say on whether any aspect of the plan, whether identified in Clause 1. above or not, is to obtain Council endorsement prior to being progressed.

5. In accordance with Section 5.42 of the *Local Government Act, 1995*, Council delegates authority to the Chief Executive Officer the ability to progress the strategy to ensure such matters that are to be actioned as a matter of importance and urgency may so be actioned. This delegation remains subject to the conditions stipulated in Clauses 1 and 2 above.
6. Given the conditions stipulated in clauses 1, 2 and 3 above, the basis of all other decisions of the Steering Committee will be by a simple majority of the representatives of the Group, with the Chairperson having a casting vote in the event of an equal number of votes being achieved. The Chairperson is eligible to an initial vote and a casting vote in this situation.

**Scheduling and operations of meetings:**

- A Councillor shall be nominated as Chairperson for the Steering Committee.
- Meetings shall be scheduled as required, with the next meeting expected in approximately November 2018.
- Meetings shall follow an agenda prepared by the Project Manager in consultation with the Chairperson and any other members that they may choose to consult with.
- Basic notes/minutes of each meeting shall be taken, distributed and presented for endorsement at the following meeting.
- Decisions shall wherever possible be made on a consensus basis.

**Life of the Steering Committee:**

The Steering Committee will continue until such time as the CHRMAP has been completed.

**7.3.6 SUMMARY OF PLANNING INFORMATION ITEMS**

**DATE OF REPORT:** 10 October 2018  
**REPORTING OFFICER:** Debbie Carson – Planning Officer

**COMMENT:**

The following informs Council of the various planning items (including delegated approvals) that have been dealt with since last reported to Council. Further information regarding any of the items can be obtained from the Planning Officer.

REF	APPLICANT	LOCATION	PROPOSED DEVELOPMENT / USE	DATE
049	B & M Mowday	600 (NO. 13) SANFORD STREET, PORT GREGORY	CARPORT (SITE 11) – CARAVAN PARK	4 September 2018
050	Sanpoint Enterprises Pty Ltd	LOT 188 (NO. 60) JEFFREY BROWNE BOULEVARD, KALBARRI	VERANDAH EXTENSIONS TO KALBARRI MOTOR HOTEL	4 September 2018
051	J & K Hallinan	(SITE 40) – 600 (NO. 13) SANFORD STREET, PORT GREGORY	ANNEX & STORE ROOM – CARAVAN PARK	4 September 2018
052	Redink Homes	LOT 2, UNIT 8/NO. 6 GLANCE COVE, HORROCKS	SINGLE DWELLING	11 September 2018
053	GT & NK Brown	LOT 79 (NO. 57) DARWINIA DRIVE, KALBARRI	RETAINING WALL	14 September 2018
054	M Webb	LOT 338, No. 2/24 HASLEBY ST, HORROCKS	SINGLE DWELLING	14 September 2018
055	M Webb	LOT 338, No. 2/24 HASLEBY ST, HORROCKS	HOLIDAY HOUSE USE	14 September 2018
056	Shoreline Outdoor World	LOT 436 (NO. 12) ERWOOD ROAD, NORTHAMPTON	PATIO	21 September 2018

**OFFICER RECOMMENDATION – ITEM 7.3.6**

**For Council Information**

**LATE ITEMS**

**TOWN PLANNING CONTENTS**

**7.3.1 ADDENDUM TO APPLICATION FOR MOBILE FOOD VAN–RESERVE 50396 KALBARRI  
LAND-BACKED WHARF, KALBARRI AND COMMERCIAL VEHICLE PARKING – LOT 103 (NO.  
7) DARWINIA DRIVE, KALBARRI ..... 2**



**7.3.1 ADDENDUM TO APPLICATION FOR MOBILE FOOD VAN – RESERVE 50396 KALBARRI LAND-BACKED WHARF, AND COMMERCIAL VEHICLE PARKING – LOT 103 (NO. 7) DARWINIA DRIVE, KALBARRI**

<b>LOCATION:</b>	Reserve 50396, Kalbarri Land-backed Wharf, Kalbarri; and Lot 103 (No. 7) Darwinia Drive, Kalbarri
<b>APPLICANT:</b>	M Grove
<b>OWNER:</b>	Department of Transport/State of Western Australia (Reserve 50396) and M Grove (Lot 103)
<b>FILE REFERENCE:</b>	10.6.1.3/ 10.6.1.4 / A4033
<b>DATE OF REPORT:</b>	17 October 2018
<b>REPORTING OFFICER:</b>	Debbie Carson – Planning Officer
<b>APPENDICES:</b>	
1.	Schedule of submissions
2.	Applicant response to objections

**AUTHORITY / DISCRETION:**

*Quasi-Judicial when Council determines an application within a clearly defined statutory framework, abiding by the principles of natural justice, acting only with discretion afforded it under law, and giving full consideration to Council policies and strategies relevant to the matter at hand. These decisions are reviewable by the State Administrative Tribunal.*

**SUMMARY:**

An Application for Development Approval has been received for a proposed mobile food van to operate from Reserve 50396, being the Kalbarri land-backed wharf. The Applicant intends to provide Indonesian Cuisine, seafood and coffee served from his van during daytime hours. The subject land where the Applicant proposes to operate from is managed by the Department of Transport, and the Applicant is currently progressing through the Department's approval process.

The Application also includes the parking of a commercial vehicle (being the food van) upon the Applicant's residential lot, which will also require approval.

All advertising deadlines relating to the proposal have now closed, with a schedule of submissions attached as **Appendix 1**, for Council consideration.

This report recommends approval of the Application for Development Approval, subject to a number of conditions.

### **COMMUNITY & GOVERNMENT CONSULTATION:**

The application for the operation of the proposed mobile food van was advertised in accordance with clause 64, Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, as per the following:

- Public advertising - notice of the development placed in the Geraldton Guardian;
- Letters to adjacent land and business owners in Anchorage Precinct including Kalbarri Beach Resort unit owners;
- Letters to adjacent property owners to proposed home business (for the parking and storage of the commercial vehicle);
- Letter to the Department of Transport;
- A Notice of the development was also advertised at each of the Shire's administration buildings; and
- A Notice of the development was also advertised upon the Shire's website.

During the above advertising periods the following submissions were received:

- three (3) submissions have been received from adjacent business owners objecting to the proposal.
- eight (8) submissions from Kalbarri Beach Resort unit owners with four (4) of those supporting the proposal, one (1) indifferent (neither supporting nor objecting) and three (3) objecting to the proposal.
- one (1) submission has been received from an adjacent landowner of the proposed home business in support of the proposal,
- one (1) submission has been received from the Department of Transport supporting the proposal, and
- one (1) submission has been received from a stakeholder (Geraldton Fisherman's Co-operative) detailing their use of the wharf and jetty and identifying their preferred location for the siting of the proposed food van.

A submission schedule, including a summary of the submissions and comments made, is provided as **Appendix 1** to this report.

**COMMENT:**

A number of factors have been considered in relation to this proposed use, with each of these factors being detailed separately below.

Purpose of the Reserve

Reserve 50396 is a Crown Reserve managed by the Department of Transport and having the purpose of “Harbour Purposes”. Council in the first instance needs to determine if the proposed use (i.e. the operation of a food van) is consistent with the objects and purposes of the Reserve. The Department of Transport has provided information that states the Reserve’s main purpose as being:

*“the loading and unloading of catch and supplies for the professional fishing fleet. The wharf structure is to aid in the direct transfer of fish product from vessels to waiting trucks”.*

Therefore, the proposed use should not conflict with the commercial activities of the professional fishermen using the land-backed wharf, otherwise it would be considered that the proposed use is not consistent with the Reserve’s purpose and objectives.

With regard to this, the Geraldton Fishermen’s Co-operative has provided advice in relation to their commercial requirements and their use of the land-backed wharf. They have indicated a preference for the Applicant to be situated in the area furthest from the jetty, as the area adjacent to the jetty is used by the commercial fishermen for the loading and unloading of supplies and catch, and also for the maneuvering of trucks and forklifts etc. In this regard, it is agreed that during the professional fishing season, the preferred siting for the food van would be in the north-eastern area of the land-backed wharf, so as to reduce the risk of accident or injury, or use conflict, upon the wharf. During the off-season when the professional fishing season has closed, and on days when the wharf is not in use by professional fishermen, the Applicant could safely locate the food van upon the south-western end of the wharf, without creating a conflict of use or inhibiting the main purpose and functions of the wharf. It is therefore recommended that a condition of approval and advice to the Department of Transport with regard to the location of the food van be included to this effect, should approval be granted for the proposed use.

Notwithstanding the above, the Applicant has advised and emphasised that he is willing to fully co-operate with the users of the wharf in relation to any problems that might arise.

It is further noted that Reserve 50396 (the land-backed wharf) is accessed through, and is immediately adjacent to, Reserve 52436, which is a Council-managed Reserve vested for the purpose of "Fishing and Tourist Industries". In consideration of this, it is regarded that the proposed use complements that surrounding land use and purpose, and enhances the provision of tourism services and products within Kalbarri.

#### Alignment with Strategic Objectives

The Shire of Northampton's *Kalbarri Townsite Strategy* seeks to enhance and develop Kalbarri as a tourist and family holiday destination, and it is considered that this application supports the strategy's objectives. It is also considered that the proposal is consistent with the use and development provisions of the strategy for the "Fisherman's Wharf" Planning Area, which includes provisions for a "Restaurant", "Kiosk", and "Fish and Chips" within this planning area.

#### Distance to existing food outlets

The Shire has an existing Policy that applies to "Itinerant Food Vendors", which requires a 500 metre setback distance from other similar businesses, however it is not considered that this proposal falls within the provisions of that Policy, on the basis that the van does not fall within the definition of an "itinerant food vendor". That is, the food van is proposed to be permanently located upon the land-backed wharf and is not proposed to move between multiple trading locations (with the exception of the parking and storage of the vehicle outside of trading hours).

Furthermore, Council has a "Trading in Public Places" Policy, however, that Policy is more relevant to short-term trading (e.g. for periods no longer than three days or more than 2 hours in a given locality), therefore it is considered that that Policy is also not relevant to this proposal. That Policy requires that Food Vendors not trade within 300 metres of any location that is deemed to sell the same or a similar product. Even if that Policy were applicable, it is considered that at a minimum, Indonesian Cuisine would not be considered the same (or similar to) other food offerings within a 300 metre radius.

Without a Local Law or Policy that is relevant and applicable to the application, and that specifies a setback distance from existing similar

businesses, Council is not able to consider matters that relate to economic competition, as specified by Clause 67, Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015*:

*“In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application:*

- (v) *the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses”*

A number of the objections received during the submission period cite economic competition as their reasons for objection, however it is noted to Council that economic competition is not a valid matter for planning consideration, as explicitly specified by the Regulations, and should not be taken into consideration when determining this application.

#### Parking and Storage of a Commercial Vehicle

The Applicant proposes to park and store the food van upon his private residential property at Lot 103 Darwinia Drive, Kalbarri. Adjacent landowners were sent correspondence in relation to this proposed parking and storage of the food van, with one letter of support being received, and no objections being received. The Applicant intends to prepare food within the van upon the residential lot outside of the hours of trading at the wharf, and therefore adjoining landowner impacts must be given consideration.

In this regard, it is not considered that the preparation of food upon the residential lot and within the van would have any substantial impacts in terms of noise or odour in excess of that which would already typically occur within a residential area. However, a Condition is recommended that the food van only connects to the residential power supply whilst parked at Lot 103, and that the use of a generator is not permitted for the purposes of providing power to the food van when located at the residential lot, except in emergency situations (i.e. during a power outage) and only between the hours of 8am and 6pm. It is further recommended that a condition be applied that no food is to be prepared within the dwelling upon Lot 103, unless further application is made to, and approval granted by, the Shire of Northampton.

It is noted to Council that the *Shire of Northampton's Local Planning Scheme No. 11* requires the annual review and approval for the parking and storage of a commercial vehicle upon a residential lot, and therefore the storage of the food van at the Applicant's place of residence would be required to be reviewed on an annual basis.

#### Visual Amenity, Noise and Environmental Impacts

Given the non-permanent nature of the proposed use, and the use of high-quality imagery upon the external facades of the van, it is considered that the presence of the food van is unlikely to have any significant negative visual impacts upon the amenity of the area, and certainly have no permanent visual amenity impact.

It is also considered that, during the normal operational hours and activities of the food van, there is unlikely to be any substantial noise impacts. The Applicant will access power from the Department of Transport site to run the food van's refrigeration and cooking equipment where necessary, and the use of a generator on-site will only be required during power outages. The Applicant has provided noise data for the generator, being 70dB at 7m, and has advised that the generator will have silencing covers to reduce any noise impact. Given the expected infrequent requirement for the use of a generator and the fact that trading activities will only be during daytime hours, it is considered that those infrequent noise impacts are acceptable, also given that other businesses would be running generators within the area in the event of a power outage.

Water and oil use, containment and disposal is regulated by the Health Act and overseen by the Shire's Environmental Health Officer, who has recently issued a Food Registration Certificate for the Applicant's food van. Greywater is to be collected using manual collection tubs and disposed of off-site at the conclusion of trading, and this has been discussed and reviewed extensively by the Shire's Environmental Health Officer, so as to ensure the appropriate management and disposal of wastewater. The Applicant has advised that waste oil will be collected in containers and returned to the producer to be refined and reused. The applicant has also advised that the oil used will be biodegradable. It is considered that these matters are controlled via the Food Registration requirements under the Environmental Health provisions, however a Condition of Approval has been applied to address this environmental concern.

Food waste disposal will also need to meet the requirements of the Health Act, as per the Advice Note included.

### Vehicular and Pedestrian Traffic, Parking and Safety

Reserve 50396 is approximately 30m wide x 55m in length (1,650m<sup>2</sup>) and is located adjacent to multiple areas of carparking that are within close proximity. The land-backed wharf is also located adjacent to recreational Reserves that have high levels of pedestrian activity. Commercial users of the land-backed wharf (i.e. the Geraldton Fishermen's Co-op) have indicated that one of the proposed locations for the siting of the food van (being the south-western area) is essential to their operations, and that the location of a food van in this area is likely to increase pedestrian traffic and therefore could create increased risk of accident or injury upon the site, when trucks and forklifts are being used and other commercial activities are occurring. It is considered that this is a valid concern, and it is therefore recommended that any use approved upon the site is subject to the use not interfering or conflicting with the professional fishing activities and operations. As mentioned above, it is therefore proposed that the south-western site is only used during those periods when commercial and professional fishing activities are not being undertaken and the land-backed wharf is not being used for the loading and unloading of catch and supplies by those stakeholders.

It is also considered that the setback distance of the north-eastern location is sufficient so as not to conflict with commercial operations, nor create an unacceptable hazard or risk, during those periods where the wharf is being used for commercial fishing and service activities.

### Signage

The Shire of Northampton, under their Local Planning Policy for Signage, allows up to two (2) portable signs to be erected in relation to a business, with one (1) of those signs allowed to be located other than within the lot boundary. Notwithstanding the above, neither sign should be considered as being "remote" (i.e. not immediately adjacent).

The Applicant proposes to locate two (2) portable signs to promote the food van, one being located immediately adjacent to the food van, and the second to be located upon Council Reserve 52436, at the entry to that Reserve. This proposed location is considered to still be adjacent to the land-backed wharf, and therefore would not be considered remote. The Fish Van has also previously had approval to locate a portable sign in this location. It is noted however that any signage placed beyond this location would be considered remote and would be in contravention of the Shire's Local Planning Policy and therefore require removal and, if necessary, confiscation.

### Department of Transport Approval

It is noted that the Department of Transport (DoT) has provided a submission supporting this proposed use of the land-backed wharf, with the Department being the responsible authority for the Crown Reserve upon which this food van is proposed to be located. The Department issues Temporary Land Permits which are reviewed annually, and therefore any Council approval would need to be tied to the Applicant maintaining a valid permit with the Department of Transport. Whilst this DoT approval is an annual approval, it is considered that Council should not need to review the food van application on an annual basis. Other license agreements issued by the Shire of Northampton, for commercial users of Shire-managed reserves, are for a period of three (3) years, and therefore it is recommended that Development Approval be issued for a period of three years (subject to the Applicant maintaining a DoT permit), after which time the Applicant would need to reapply for a further three year approval.

In relation to several of the above matters, the Applicant has also provided further information, as a response to some of the objections that have been made during the submission period. This response is included for Council information as **Appendix 2**.

### **VOTING REQUIREMENT:**

*Simple Majority Required.*

### **CONCLUSION:**

It is considered that the Application for Development Approval is consistent with the *Shire of Northampton's Local Planning Scheme and Kalbarri Townsite Strategy*, subject to the use not conflicting with the commercial operations of the professional fishing industry and the purpose and functionality of the land-backed wharf. It is also considered that the concerns of the public can be effectively addressed by means of applying conditions of approval (where those concerns are valid planning considerations).

Therefore, it is recommended that Council approve the Application for Development Approval, subject to the conditions detailed below.



**OFFICER RECOMMENDATION – ITEM 7.3.1**

**APPROVAL**

1. That Council approve the Application for Development Approval for a food van to operate upon Reserve 50396 subject to the following conditions:
  - a. This Development Approval is an approval for the proposed use of a food van for the purposes of the *Shire of Northampton's Local Planning Scheme No. 11 – Kalbarri* and the *Planning and Development Act (2005)* only, and is subject to a Temporary Land Permit being obtained and maintained with the Department of Transport in their capacity as the management body of the reserve, within which the use is proposed to be located;
  - b. This approval shall become void if a Temporary Land Permit, issued by the Department of Transport, is not attained and/or maintained;
  - c. The approval is for one (1) food van only and does not include any peripheral alfresco seating;
  - d. Notwithstanding Condition No.'s 1a and 1b, this approval is valid for a period of three (3) years, and shall expire on the 19<sup>th</sup> October 2021, at which time the Applicant is required to reapply for a further Development Approval period;
  - e. Development/use shall be in accordance with the attached approved plans dated 19 October 2018 and subject to any modifications required as a consequence of this approval. The endorsed plan(s) shall not be modified or altered without the prior written approval of the local government;
  - f. Any additions to, or change to, the approved use (not the subject of this consent/approval) requires further application and planning approval for that use/addition;
  - g. The Applicant shall at no time interfere with the operations and activities of the commercial fishing activities upon the land-backed wharf, or with other approved users of the land-backed wharf, to the satisfaction of the local government;
  - h. Should substantiated ongoing complaints be received in relation to Condition 1g, the Shire of Northampton reserves the right to review and/or revoke this Development Approval;
  - i. The Applicant shall obtain Public Liability Insurance coverage to a minimum of \$20 million, and forward a copy of this certificate to the Shire of Northampton, to comply with the provisions of the *Shire of Northampton's Local Planning Policy – Commercial Recreational Tourism Activity*;

- j. The approved hours of operation of this food van are between 7am and 7pm, 7 days per week;
- k. This approval allows two (2) portable signs only to be used to promote the food van in the following locations:
  - (i) one sign to be located immediately adjacent to the food van upon Reserve 50396; and
  - (ii) one sign to be located at the driveway access track into Reserve 52436, and located within Reserve 52436 and not within the road reserve, as specified on the attached approved plan(s) dated 19 October 2018;
- l. No further signs shall be permitted in relation to this Development Approval;
- m. This approval is issued only to M. Grove and is NOT transferable to any other person or to any other land parcel, without the further application and approval of the Shire of Northampton;
- n. The food van is approved to sell the following items only:
  - Indonesian Cuisine
  - Cooked Seafood; and
  - Coffee, and other non-alcoholic canned and bottled beverages.
- o. The Applicant is required to provide adequate rubbish disposal facilities, remove all rubbish associated with the operation and maintain clean and sanitary conditions at all times;
- p. The land use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product or otherwise;
- q. The use of mechanical chimes or amplified music which could cause a noise nuisance is not permitted;
- r. The Applicant shall advise any customers of the food van who park their vehicles upon the land-backed wharf, so as to access the food van (and who are not authorised by the Department of Transport) to remove their vehicles immediately;
- s. The food van is required to be removed from Reserve 50396 at the close of business each day and is not permitted to be stored overnight upon the Reserve;
- t. The use of a generator upon Reserve 50396 is only allowed during power outages and where an alternative power source is not accessible. At all other times, the Applicant shall utilise the power source provided by the Department of Transport upon Reserve 50396 only;

- u. The food van is permitted to be stored at Lot 103 (No. 7) Darwinia Drive, Kalbarri outside of trading hours and subject to:
  - (i) the van being stored within the property boundaries; and
  - (ii) the food van not causing injury to or prejudicially affecting the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product or otherwise; and
  - (iii) the Applicant meeting the requirements of Condition 1(x), as per below;
- v. The Applicant is advised that the use of a generator in connection with the food van at Lot 103 Darwinia Drive is not allowed, except in the event of a power outage and only between the hours of 8am and 6pm;
- w. No food is to be prepared within the dwelling upon Lot 103 (No. 7) Darwinia Drive, Kalbarri and all food preparation shall be contained within the food van, unless further application is made to, and approval is granted by, the Shire of Northampton; and
- x. The parking and storage of the commercial vehicle (food van) upon Lot 103 (No. 7) Darwinia Drive, Kalbarri requires annual approval, and the Applicant is advised that they must re-apply to the Shire of Northampton prior to the end of each financial year (30th June) to gain approval for the parking of the food van upon this residential lot.

#### Advice Notes

1. The Applicant is advised that it is not the responsibility of the local government to ensure that all correct approvals are in place and that all conditions contained within said approvals are upheld during the operations of the business.
2. The Applicant is advised that compliance with any and all governmental legislation and regulations, including but not limited to the Health Act and Regulations, and the Food Act and Regulations, is required at all times;
3. If an applicant is aggrieved by this determination there is a right (pursuant to the Planning and Development Act 2005) to have the decision reviewed by the State Administrative Tribunal. Such application must be made within 28 days from the date of this notice.

And;

2. That Council advise the Department of Transport that it has approved the Application for Development Approval subject to the above conditions and, in response to advice received from the Geraldton Fishermen's Co-operative, that the preferred location for the siting of the food van (during those periods where the land-backed wharf is in use for commercial purposes by the professional fishermen) is the area to the north-east of the land-backed wharf.

**APPENDIX 1. SCHEDULE OF SUBMISSIONS**

No	Date Received	Submitter	Submission Detail	Comment/Recommendation
1	4/10/2018	G Fenn - Anchorage Caravan Park – Lot 467 Grey St, Kalbarri <b>OBJECTION</b>	No further detail provided.	No comment provided.
2	8/10/2018	R&T Paxman – The Gorges Café – Lot 465 Grey St, Kalbarri <b>OBJECTION</b>	<p>Concern that the proposed van location is within close proximity to other food retailers. Business and food sold is very similar to other businesses that operate from rented premises within Kalbarri’s commercial precinct and in close proximity to proposed food van.</p> <p>No indication of daily operating hours and the extent with which these might clash with other businesses in close proximity.</p> <p>Strongly oppose sandwich board signage within road reserve, not essential and could cause hazard. Will our business be permitted to place signage in this location?</p>	<p>Council’s Policies in relation to Itinerant Food Vendors, that specify a 300 metre setback distance from similar businesses, does not apply in this instance. Based upon a past SAT determination, this van is not considered itinerant, therefore the setback provision does not apply. Additionally, Council cannot consider economic competition as a valid matter for planning consideration under the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i>.</p> <p>Noted. The Applicant has provided “daytime hours” as the period of trading. A condition of approval limiting those hours to between 7am and 7pm has been included as Condition 1(j).</p> <p>Noted. Council Policy in relation to signage allows up to 2 portable signs to be erected in relation to a business with one of those signs allowed to be located other than within the lot boundary. Notwithstanding this, Condition No.’s 1(k) and 1(l) address the limitations relating to signage.</p>

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			<p>Map does not show how the location of van will interact with other existing fish van which is located on the same reserve.</p> <p>What are the plans for parking and how will this affect pedestrian and vehicular traffic in and around the commercial/fishing zone?</p> <p>Jakes Coffee Van was not permitted to operate near the Marina Complex within daylight hours. The approach by the Shire should be consistent with the stance taken with the Jakes van.</p>	<p>Noted. The Applicant has provided further information in this regard as per the following: “The food van will operate mostly at the other end of the wharf. But would appreciate being able to move to the other end when the Fish Truck is not operating”. Ultimately, the siting of the food van will be determined by the Department of Transport, and be in consideration of other users of the land-backed wharf. Notwithstanding this, Condition No.’s 1(g), 1(h) and 1(r) have been applied, so as to reduce and manage any potential land use conflict.</p> <p>Noted. Signage is currently in place that restricts access for unauthorised vehicles upon the land-backed wharf. Several areas for carparking are located directly adjacent to the land-backed wharf, and it considered that the van is unlikely to create substantial pedestrian or vehicular traffic in excess of that which already occurs. Condition No. 1(r) has also been applied in relation to customer parking.</p> <p>Not a valid planning consideration. Council’s Policy, that restricted the locations and hours of operation of the Bean Drifting coffee van do not apply in this instance as the food van is not classified as “itinerant”.</p>
3	8/10/2018	MAGW Stockman – Lot 102 Darwinia Dr, Kalbarri <b>SUPPORT</b>	No further comment provided.	Noted. This submitter is an adjoining landowner of the Applicant’s residential lot.


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4	8/10/2018	Akmel Pty Ltd – U86 Kalbarri Beach Resort, Kalbarri <b>OBJECTION</b>	There is already a fish vendor selling from the wharf. The wharf is for marine use not retailing. Vending/retailing detracts from the purpose and the amenity of this area.	Noted. The land-backed wharf reserve purpose is “Harbour Purposes”. Conflict with harbor use must be minimised so as not to conflict with this purpose. Therefore Condition No.’s 1(g), 1(h) and 1(r) have been applied.
5	9/10/2018	Department of Transport-Manager of Reserve 50396 <b>SUPPORT</b>	The proposal is supported. The applicant has applied for a permit to operate from the land-backed wharf and is currently progressing through the approval process. The Dept of Transport provides a Temporary Land Permit to operate mobile vans/trucks for a maximum of up to one year at a time and consideration for a further term are assessed on a case by case basis upon expiration of the permit.	Noted. Condition No.’s 1(a) and 1(b) require that the approval is subject to a Temporary Land Permit being issued by the DoT and the permit being maintained.
6	9/10/2018	S. Walsh – U28 Kalbarri Beach Resort, Kalbarri <b>SUPPORT</b>	Provides support of the application providing that the food van does not sell any food or beverages that are currently available in the retail shops adjacent in the Post Office Arcade.	Noted. Economic competition is not a valid planning consideration.
7	9/10/2018	R. Smith – owner of Fish Van also located upon Reserve 50396 <b>OBJECTION</b>	Concern that the presence of the van will be environmentally damaging and an inconvenience to users of the jetty/wharf (commercial users and tourists) as per the following points of concern:  <ul style="list-style-type: none"> <li>- The proposed area is used for cray pot storage.</li> <li>- Large trucks use the wharf area to load crayfish directly from the boats and the area is a turning area for trucks.</li> <li>- There is limited parking on the wharf with no line marking.</li> <li>- The wharf already becomes very full in peak season from tourist parking and use.</li> </ul>	Noted. Reserve 50396 is approximately 30m wide x 55m in length (approx. 1,650m <sup>2</sup> ). Other commercial users of the wharf have indicated the area that is essential to their operations, refer to submission 10, below. Condition No.’s 1(g), 1(h) and 1(r) have been applied to address any potential land-use conflict.

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			<ul style="list-style-type: none"> <li>- There is a risk of oil spill into the estuary which would cause environmental damage. How would the oil be disposed of?</li> <li>- Where will water be stored and disposed of?</li> </ul>	<p>Water and oil use, containment and disposal is regulated by the Health Act and overseen by the Shire's Environmental Health Officer, who has recently issued a Food Registration Certificate for the food van. Greywater will be collected using manual collection tubs and disposed of off-site. Waste oil will be collected in containers and returned to the producer to be refined and reused. The applicant has also advised that the oil used will be biodegradable. It is considered that these matters are controlled via the Food Registration and Health Act requirements, however Condition No.'s 1(o) and 1(p) have also been applied to address this concern.</p>
			<ul style="list-style-type: none"> <li>- Rubbish will be an issue. The skip bin is not suitable for food disposal and this may attract rats and mice.</li> </ul>	<p>Food waste disposal will be to the requirements of the Health Act, as per Advice Note 2.</p>
8	9/10/2018	J. Willmott – U102 Kalbarri Beach Resort, Kalbarri <b>SUPPORT</b>	Support food van, although have some concern if the selling of coffee would affect cafes close by.	Noted. Economic competition is not a valid planning consideration.
9	9/10/2018	R. Bryant – U13 Kalbarri Beach Resort, Kalbarri <b>SUPPORT</b>	No further comment provided.	Noted.
10	11/10/2018	M. May (OHS&E Manager) – Geraldton Fishermen's Co-operative	Concern regarding the proposed location closer to the jetty (south-western end) of the land-backed wharf, as per below (in yellow):	Noted. Use of the land-backed wharf must not be in conflict with the "Harbour Purposes" uses. Whilst the final siting of the food van is to be determined by the Dept of Transport, a recommendation has been included as Point 2 of the proposed approval, that this submission and information be forwarded to the DoT for their consideration.

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			 <p>The yellow square represents the area of the jetty that the commercial users use to service fishing vessels delivering catch and receiving supplies. These activities require the use of heavy vehicles and forklifts, often used in close proximity to each other and the edge of the jetty. Interaction with members of the public is already a hazard that is managed carefully and a food van in the southern location would increase risk of harm to members of the public due to the commercial activities and traffic.</p> <p>The Co-op believes the north-eastern location is a much safer option being far enough away from the operational area where the risk of public interaction can be better controlled.</p>	
11	11/10/2018	M & LC Italiano – U105 Kalbarri Beach Resort, Kalbarri <b>SUPPORT</b>	No further comment provided.	Noted.



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12	15/10/2018	J. Hilder – U67 Kalbarri Beach Resort, Kalbarri <b>INDIFFERENT</b>	<p>Supportive of Kalbarri's economy growing within a healthy competitive environment where there is a healthy mix of goods and services.</p> <p>Concern that the food van can establish with substantially lesser lease costs than other businesses which does not support a level playing field and will impact adjacent businesses.</p> <p>Food van is differentiated to other retailers except coffee, which should not be allowed due to other businesses already offering this.</p> <p>The Application does not mention operating hours.</p> <p>Suggests that approval should be granted but in an alternate location that is further away from existing similar businesses, or approval be granted at the wharf restricting hours to after 6pm (so as not to conflict with Gorges Café) and being strictly takeaway – no tables and chairs to be available for on-site dining. Otherwise, decline the proposed application if the above cannot be implemented.</p>	<p>Not a valid planning consideration.</p> <p>Economic competition is not a valid planning consideration.</p> <p>This has been dealt with as Condition No. 1 (i).</p> <p>Council cannot recommend alternative locations but must only assess the proposal on the current application and location.</p> <p>Economic competition is not a valid planning consideration.</p> <p>On-site dining is not proposed, however Condition No. 1(c) has been included to address this concern.</p>
13	16/10/2018	M & E Sheedy – U3 Kalbarri Beach Resort, Kalbarri <b>OBJECTION</b>	<p>There are enough food outlets in Kalbarri who are paying rent and who are finding it earn a living, this proposal will further take away their livelihood. This will also impact casual staff who reside in Kalbarri.</p>	<p>Economic competition is not a valid planning consideration.</p>
14	16/10/2018	E & N Sheedy – U10 Kalbarri Beach Resort, Kalbarri <b>OBJECTION</b>	<p>The beautiful water front should not have a food outlet there.</p>	<p>Noted. Visual impacts are a valid planning consideration, however it is considered that the proposed van will not inflict a permanent impact, and the van will only be located upon the site during trading hours and thereafter</p>

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			<p>Increased traffic will create a hazard for users and children.</p> <p>The noise of the generator will be an issue.</p> <p>There are other food outlets who are paying rents, rates etc in a difficult climate which would be affected by the presence of a food van.</p>	<p>removed. Condition No. 1(s) has been applied to require the removal of the van outside of approved trading hours.</p> <p>Unauthorised vehicles are not allowed upon the land-backed wharf and therefore traffic in this area is not anticipated to increase. Condition No. 1(r) has also been applied in relation to customer parking.</p> <p>The generator is only expected to be used during periods of power outages, and silencing covers will be used whilst the generator is operational. However, Condition No. 1(t) has been applied to limit the use of the generator to power outages only.</p> <p>Economic competition is not a valid planning consideration.</p>
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## APPENDIX 2. RESPONSES PROVIDED BY APPLICANT IN RELATION TO SUBMISSIONS

Reply to objections.

1. No reason given: Nothing to comment on.

2. a. The pedestrian and vehicular traffic: Vans operate on other wharfs in other precincts and here in Kalbarri there is The Fish Truck already operating. People come and go and there is very little traffic impediment. There is a large area beyond the wharf for parking and there probably is scope for future planning to mark parking.

As far as tourists using the wharf area, there are two large signs that clearly state that there is **no access for unauthorised vehicles**.

b. If they oppose sandwich board signage then they must understand that the Fish Truck has had that signage for many years and has not created a problem. I went through the signage issue myself with the Fish Truck and resolved that signage was appropriate adjacent to the trading area on Shire reserve. It cost me 2 Planning Applications and \$750 to come to this compromise.

c. Clashing with other business owners: Our hours of operation will sometimes clash with other business owners. However our food is unlike any other food business in town. Competition in business is healthy and provides the community with choice. The National Competition Policy sets out laws against anti-competitive behaviour.

[Competition Policy Reform Act 1995 \(Act 88 of 1995\) S.2](#)

'The object of this Act is to enhance the welfare of Australians through the promotion of competition and fair trading and provision for consumer protection.'

d. Interaction with the Fish Truck will be minimal. The food van will operate mostly at the opposite end of the wharf. But would appreciate being able to move to the other end when the Fish Truck is not operating. In his contract it states "he is to move the vehicle when not operating."

3. a. The food van has been inspected and passed by the local health inspector. Everything is in place to prevent environmental damage. In our business deep frying is minimal and all the old oil is returned to the plastic 20 litre containers and sent back to be refined and reused.

Our waste grey water is contained and disposed of according to the Health Act. There is minimal food drained out and it is all cooked. Unlike the Fish Truck that spews all his raw waste onto the gravel adjacent and on to the land backed wharf.

The skip bin is already used for old bait fish heads and general smelly old bait boxes. Our waste will have far less impact than the putrid waste that has historically been discarded. This comment is grasping at straws.

b. Pedestrian and vehicular traffic is covered in 2.a

c. The Kalbarri wharf is not a busy fishing facility due to the drastic reduction in cray fishing vessels since the introduction of quota management. The wet line and rock lobster fleet comprises about 8 local vessels in total. Occasionally there is a vessel from outside.

The crayfishing fleet has been told not to stack pots on the wharf and have generally over the last 12 - 18 months complied. It is not a yard for stacking cray pots. This I guess will be covered by DOT.

However I wish to make it clear that I am willing to fully co-operate with the users of the wharf if there is a perceived or real problem. I always co-operated with the fishermen when I had the Fish Truck and will continue to do so. I fished commercially myself here for 35 years, pioneered the wet line industry, and know most of the fishermen well.

Just one further point in the discussion regarding oil waste.

As stated previously the oil is contained. However it should be noted that our oil is biodegradable and would have zero negative environmental impact on the estuary. Fishing vessels service their engines on the estuary and the risk to the environment from this dirty used engine oil is massive compared to the food van operation.

Regards  
Mark Grove

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7.4.2	MONTHLY FINANCIAL STATEMENTS – SEPTEMBER 2018	12
7.4.3	2018-2019 FEES AND CHARGES SCHEDULE ADJUSTMENT	32

**7.4.1 ACCOUNTS FOR PAYMENT**

<b>FILE REFERENCE:</b>	<b>1.1.1</b>
<b>DATE OF REPORT:</b>	<b>10 October 2018</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>Nil</b>
<b>REPORTING OFFICER:</b>	<b>Leanne Rowe/Grant Middleton</b>
<b>APPENDICES:</b>	<b>1. List of Accounts</b>

**SUMMARY**

Council to authorise the payments as presented.

**BACKGROUND:**

A list of payments submitted to Council on 19<sup>th</sup> October 2018, for confirmation in respect of accounts already paid or for the authority to those unpaid.

**FINANCIAL & BUDGET IMPLICATIONS:**

A list of payments is required to be presented to Council as per section 13 of the Local Government Act (Financial Management Regulations 1996).

**POLICY IMPLICATIONS:**

Council Delegation F02 allows the CEO to make payments from the Municipal and Trust accounts. These payments are required to be presented to Council each month in accordance with Financial Management Regulations 13 (1) for recording in the minutes.

**VOTING REQUIREMENT:**

Absolute Majority Required:

**OFFICER RECOMMENDATION – ITEM 7.4.1**

**That Municipal Fund Cheques 21524 to 21543 inclusive totalling \$58,190.19, Municipal EFT payments numbered EFT18363 to EFT18500 inclusive totalling \$462,065.67, Trust Fund Cheques 2348 to 2358, totalling \$2,416.60, Direct Debit payments numbered GJ0301 to GJ0306 inclusive totalling \$233,689.96 be passed for payment and the items therein be declared authorised expenditure.**

**SHIRE OF NORTHAMPTON**  
**FINANCE REPORT – 19 OCTOBER 2018**

<b>Chq #</b>	<b>Date</b>	<b>Name</b>	<b>Description</b>	<b>Amount</b>
21524	05-09-2018	LANDGATE	EASE REGISTRATION KALB GOLF & OWLING	342.20
21525	10-09-2018	CITY OF GREATER GERALDTON	EFUSE DISPOSAL - MERU	9121.49
21526	10-09-2018	GERALDTON MOWER & REPAIR SPECIALISTS	ORDLESS SWEEPER, BATTERY CHARGER	1925.00
21527	10-09-2018	NORTHAMPTON LIONS CLUB	RUM MUSTER	738.00
21528	10-09-2018	SYNERGY	LECTRICITY CHARGES	217.30
21529	10-09-2018	STATEWIDE INSURANCE BROKERS PTY LTD	CCA CHILD CARE BUSINESS PACKAGE	2056.00
21530	18-09-2018	TELSTRA	ELEPHONE CHARGES	2446.87
21531	20-09-2018	PETTY CASH - NORTHAMPTON	ETTY CASH RECOUP	186.00
21532	21-09-2018	AUSTRALIA POST	OSTAGE	2526.10
21533	21-09-2018	GARRY DUNGATE	IONS PARK STONE WALL, CONCRETE STRIP	2970.00
21534	21-09-2018	RHONDA BARBETTI	MBROIDER BADGES	1048.50
21535	21-09-2018	SHIRE OF NORTHAMPTON	ESIDENTIAL REFUSE KAL AGED HOMES	3630.00
21536	21-09-2018	LANDGATE	ALUATION EXPENSES	184.78
21537	25-09-2018	RIGHT 4 THE ROAD	TON COMMUNITY BUS ANNUAL INSPECTION	194.35
21538	26-09-2018	SHIRE OF NORTHAMPTON	OT COUNCIL VEHICLE LICENCING (3 MONTHS)	353.05
21539	27-09-2018	SHIRE OF NORTHAMPTON	OT COUNCIL VEHICLE LICENCING TO 30 EPT 2019	14014.35
21540	28-09-2018	SYNERGY	LECTRICITY CHARGES	16236.20
21541		CANCELLED		
21542	04-10-2018	PETTY CASH - NORTHAMPTON	ETTY CASH RECOUP	83.80
21543	04-10-2018	SHIRE OF NORTHAMPTON	OT 141NR LICENCING	402.75
				<b><u>\$58,190.19</u></b>

SHIRE OF NORTHAMPTON  
FINANCE REPORT – 19 OCTOBER 2018

**ELECTRONIC FUND TRANSFERS – MUNICIPAL ACCOUNT**

<b>EFT #</b>	<b>Date</b>	<b>Name</b>	<b>Description</b>	<b>Amount</b>
EFT18363	03-09-2018	ENGIN PTY LTD	ENGIN CHARGES	306.37
EFT18364	03-09-2018	WESTERN AUSTRALIAN TREASURY CORP	LOAN 148A PAYMENT	13777.98
EFT18365	03-09-2018	KICK SOLUTIONS	ROADWISE FLEXIBLE PVC KEYRINGS	2750.00
EFT18366	07-09-2018	DEVISE URBAN PLANNING	PLANNING SERVICES	4290.00
EFT18367	10-09-2018	ABROLHOS ELECTRICS	BUILDING ELECTRICAL, ALMA HALL INSTALL RCD	4138.75
EFT18368	10-09-2018	AIRPORT LIGHTING SPECIALISTS PTY LTD	KAL AIRPORT RUNWAY LIGHT HOUSINGS	656.70
EFT18369	10-09-2018	ALAN CRAGAN BOBCAT & EXCAVATOR HIRE	BOBCAT/EXCAVATOR	660.00
EFT18370	10-09-2018	KALBARRI IGA	OFFICE GOODS	51.36
EFT18371	10-09-2018	AMPAC DEBT RECOVERY (WA) PTY LTD	DEBT RECOVERY RATES	1670.92
EFT18372	10-09-2018	ARROW BRONZE	CEMETERY NICHE WALL PLAQUE	170.88
EFT18373	10-09-2018	LP & AK ATKINSON	GRAVEL	420.00
EFT18374	10-09-2018	AUSTRAL MERCANTILE COLLECTIONS	LEGAL EXPENSES	407.07
EFT18375	10-09-2018	BUNNINGS BUILDING SUPPLIES	PLANTS/GLOVES	97.32
EFT18376	10-09-2018	MIDWEST CHEMICAL & PAPER	MOPS, BUCKETS	185.37
EFT18377	10-09-2018	CHRISTIE PARKSAFE	ELECTRIC BBQ	5846.50
EFT18378	10-09-2018	COASTAL PLUMBING & GAS FITTING	KAL CHILD CARE REPAIR PIPE	660.00
EFT18379	10-09-2018	BS & JA COCKRAM	LITTLE BAY ABLUTIONS - MTCE	3631.63
EFT18380	10-09-2018	BOC GASES AUSTRALIA LTD	INDUSTRY GASES	114.07
EFT18381	10-09-2018	WINC AUSTRALIA PTY LTD	P/COPIER MTCE	115.27
EFT18382	10-09-2018	COURIER AUSTRALIA	FREIGHT	366.55
EFT18383	10-09-2018	COVS PARTS PTY LTD	DEGREASER, TYRE CLEANER, WASH	241.41
EFT18384	10-09-2018	CRAMER & NEILL REFRIGERATION	AIR CONDITIONING MTCE	274.45
EFT18385	10-09-2018	D-TRANS	PARTS	122.41



SHIRE OF NORTHAMPTON  
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EFT #	Date	Name	Description	Amount
EFT18386	10-09-2018	ECO-FLORA CRANE, TRUCK & EXCAVATOR SERVICES	MURCH HOUSE RD MTCE GRADE, PATCHING	1800.00
EFT18387	10-09-2018	FENN PLUMBING & GAS	PLUMBING	2939.20
EFT18388	10-09-2018	FIVE STAR BUSINESS EQUIPMENT	PHOTOCOPIER MTCE	522.13
EFT18389	10-09-2018	GABRIELLE BRACKS	NCCA LEGAL FEES	990.00
EFT18390	10-09-2018	GARRAWAY PLUMBING	BUILDING PLUMBING MTCE	140.64
EFT18391	10-09-2018	GERALDTON TROPHY CENTRE	MAGNETIC NAME BADGES	192.50
EFT18392	10-09-2018	GERALDTON & MIDWEST SECURITY SERVICES	SECURITY SYSTEM - QUARTER	788.56
EFT18393	10-09-2018	GERALDTON AUTO WHOLESALERS	VEHICLE SERVICE	915.10
EFT18394	10-09-2018	GNC QUALITY PRECAST GERALDTON	WHITECLIFFS RD CULVERT PIPES	4785.00
EFT18395	10-09-2018	GREAT NORTHERN RURAL SERVICES	WATER METER, RETIC	1393.26
EFT18396	10-09-2018	GUARDIAN PRINT & GRAPHICS	RESIDENTS BOOKLETS 18/19	2095.00
EFT18397	10-09-2018	C + J HANSON PLUMBING CONTRACTORS	BUILDING PLUMBING MTCE	1375.00
EFT18398	10-09-2018	HITACHI	CUTTING EDGE	341.98
EFT18399	10-09-2018	HOSEXPRESS	HYDRAULIC OIL	200.20
EFT18400	10-09-2018	JASON SIGNMAKERS	SIGNS	2976.60
EFT18401	10-09-2018	KALBARRI AUTO CENTRE	KAL DEPT OXY TROLLEY, 2 TYRES	286.00
EFT18402	10-09-2018	KALBARRI HARDWARE & BUILDING SUPPLIES	RAPIDSET	49.00
EFT18403	10-09-2018	KALBARRI EXPRESS FREIGHT	FREIGHT	346.06
EFT18404	10-09-2018	KALBARRI B P SERVICE STATION	SIPHON, FUEL	182.94
EFT18405	10-09-2018	KALBARRI LAWNMOWING SERVICE	LAWNMOWING	340.00
EFT18406	10-09-2018	KALBARRI AUTO ELECTRICS	KAL LOADER REPAIRS/REPLACEMENT AIRCON	3904.86
EFT18407	10-09-2018	KALBARRI PEST CONTROL	TERMITE/GENERAL URBAN PEST CONTROL	1190.00
EFT18408	10-09-2018	KALBARRI VISITORS CENTRE INC	KVC 18/19 OPERATING GRANT	35000.00
EFT18409	10-09-2018	KINGS BODYWORKS	NR10197 MAZDA BT EXCESS	600.00
EFT18410	10-09-2018	LENANE HOLDINGS PTY LTD	CHILIMONY RD EXCAVATOR HIRE	4587.00

**SHIRE OF NORTHAMPTON**  
**FINANCE REPORT – 19 OCTOBER 2018**

<b>EFT #</b>	<b>Date</b>	<b>Name</b>	<b>Description</b>	<b>Amount</b>
EFT18411	10-09-2018	STATE LIBRARY OF WA	ANNUAL FEE LOST/DAMAGED BOOKS 18/19	440.00
EFT18412	10-09-2018	LGRCEU	PAYROLL DEDUCTIONS	194.00
EFT18413	10-09-2018	MIDWEST MULCHING MOWING	HKS GOLF COURSE EXTENSION SLASHING	5500.00
EFT18414	10-09-2018	MIDWEST TREE SERVICES	TREE LOPPING	825.00
EFT18415	10-09-2018	MITCHELL & BROWN	URN	88.00
EFT18416	10-09-2018	MOORE STEPHENS	BUDGET SUPPORT	550.00
EFT18417	10-09-2018	NORTHAMPTON IGA & LIQUOR STORE	GOODS, REFRESHMENTS	182.68
EFT18418	10-09-2018	NORTHAMPTON NEWSAGENCY	STATIONERY, NEWSPAPERS	1021.85
EFT18419	10-09-2018	NORTHAMPTON ROAD TRANSPORT	PT GREG BURY WHALE	423.50
EFT18420	10-09-2018	CLEANPAK TOTAL SOLUTIONS	CLEANING PRODUCTS	1959.12
EFT18421	10-09-2018	DESMOND PIKE	REIMB FUEL LG WEEK	879.84
EFT18422	10-09-2018	PURCHER INTERNATIONAL	PARTS	53.55
EFT18423	10-09-2018	HOLCIM AUSTRALIA PTY LTD	AGGREGATE	349.69
EFT18424	10-09-2018	REPEAT PLASTICS WA	KINGS PARK TABLE & CHAIRS	2049.52
EFT18425	10-09-2018	REG REYNOLDS FAMILY TRUST	HKS GREEN WASTE AREA LOADER HIRE	250.00
EFT18426	10-09-2018	ROAD RUNNER MECHANICAL SERVICES	ISUZU TRUCK - ADJUST CLUTCH	66.00
EFT18427	10-09-2018	PAUL SHERIFF	COMPUTER SOFTWARE SUPPORT	165.00
EFT18428	10-09-2018	SIMPLE LIFE PROJECTS	TOWN TALK OFFICE PROGRESS CLAIM	13915.00
EFT18429	10-09-2018	SOS GLAZING	HOUSE MTCE DOOR ROLLERS	805.95
EFT18430	10-09-2018	STAR TRACK EXPRESS	FREIGHT	79.80
EFT18431	10-09-2018	THURKLE'S EARTHMOVING & MAINTENANCE PTY LTD	STOCKPILE GRAVEL MUSKERRY PIT	3872.00
EFT18432	10-09-2018	2V NET IT SOLUTIONS	COMPTER MTCE	977.00
EFT18433	10-09-2018	DATATRAX PTY LTD	KVC FULL MOTOION VIDEO AD	395.00
EFT18434	10-09-2018	WESTRAC EQUIPMENT PTY LTD	CAT GRADER REPAIRS	6947.15
EFT18435	10-09-2018	WA LOCAL GOVERNMENT ASSOCIATION (WALGA)	LG WEEK REGISTRATIONS	10149.00
EFT18436	10-09-2018	WEST AUSTRALIAN NEWSPAPERS LTD	ADVERTISING	718.32

**SHIRE OF NORTHAMPTON**  
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<b>EFT #</b>	<b>Date</b>	<b>Name</b>	<b>Description</b>	<b>Amount</b>
EFT18437	10-09-2018	NORTHAMPTON TYRES	SUPPLY & FIT 2 TYRES	674.00
EFT18438	10-09-2018	WOODLANDS DISTRIBUTORS & AGENCIES	DOG WASTE BAGS	1089.00
EFT18439	10-09-2018	WOODCOCK CT & L	CLEANING PRODUCTS, FERTILISER	2491.35
EFT18440	10-09-2018	FRANK ZAPPIA CONCRETE	HKS DUP GLANCE ST REPAIR	1683.00
EFT18441	06-09-2018	GLENN BANGAY	FOOTPATH REIMB BUNNINGS BROOM, MOP, BUCKET	91.64
EFT18442	06-09-2018	NEIL BROADHURST	REIMB FUEL	129.78
EFT18443	06-09-2018	BRIAN S HUTCHINSON	REIMB TELSTRA LINE RENTAL	111.80
EFT18444	06-09-2018	E & S KOPPENSTEINER	REIMB PLANTS	1180.05
EFT18445	14-09-2018	AUSTRALIAN TAXATION OFFICE	BAS AUGUST 2018	24961.00
EFT18446	20-09-2018	GLENN BANGAY	REIMB WESTNET	79.99
EFT18447	20-09-2018	DEVISE URBAN PLANNING	PLANNING SERVICES	4004.00
EFT18448	20-09-2018	GRANT MIDDLETON	REIMB WESTNET	242.59
EFT18449	20-09-2018	NORTHAMPTON COMMUNITY CENTRE	NCC SS LOAN	28000.00
EFT18450	20-09-2018	OWEN SIMKIN	REIMB FUEL	21.06
EFT18451	21-09-2018	ALLSAGE PTY LTD	LEASE PT LOT 10792 GEORGE GREY DRIVE KALB	1100.00
EFT18452	21-09-2018	ALAN CRAGAN BOBCAT & EXCAVATOR HIRE	BOBCAT/ROCKBREAKER HIRE	4180.00
EFT18453	21-09-2018	SL & DM BRIDGEMAN	CROSSOVER REIMBURSEMENT	500.00
EFT18454	21-09-2018	BUNNINGS BUILDING SUPPLIES	NTON CEMETERY TIMBER SURROUNDS	167.58
EFT18455	21-09-2018	CLARKSON FREIGHTLINES	FREIGHT REPEAT PLASTICS	172.30
EFT18456	21-09-2018	BS & JA COCKRAM	NTON DOG POUND MODIFICATIONS	1460.00
EFT18457	21-09-2018	COURIER AUSTRALIA	FREIGHT	124.12
EFT18458	21-09-2018	COVS PARTS PTY LTD	PARTS	575.55
EFT18459	21-09-2018	SIMON DRAGE	FITZGERALD ST HOUSE REPAIR STORM DAM	804.65
EFT18460	21-09-2018	ENGIN PTY LTD	ENGIN CHARGES	322.08
EFT18461	21-09-2018	FIVE STAR BUSINESS EQUIPMENT	PHOTOCOPIER COUNT/MTCE	282.43

SHIRE OF NORTHAMPTON  
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EFT #	Date	Name	Description	Amount
EFT18462	21-09-2018	GANTHEAUME BAY ELECTRICAL	EXCAVATOR HIRE	180.00
EFT18463	21-09-2018	GPC EARTHMOVING	CONSTRUCT ROCK WALL - MURCHISON RIVER NEAR BOAT RAMP	24145.00
EFT18464	21-09-2018	GREAT SOUTHERN FUEL SUPPLY	DEPOT & FUEL CARD PURCHASES	40399.95
EFT18465	21-09-2018	HALAM HOME HANDYMAN SERVICES	BUILDING PLUMBING MTCE	629.25
EFT18466	21-09-2018	HASLEBYS HARDWARE SUPPLIES	HUNTER SPRINKLERS, HARDWARE	2152.49
EFT18467	21-09-2018	J R & A HERSEY	PARTS	163.00
EFT18468	21-09-2018	AJS HULME & CO	KAL RD SHOULDER RECON - GRAVEL	27676.00
EFT18469	21-09-2018	JASON SIGNMAKERS	SIGNS	444.75
EFT18470	21-09-2018	KALBARRI EXPRESS FREIGHT	FREIGHT	192.39
EFT18471	21-09-2018	KALBARRI WAREHOUSE	RETIC, HARDWARE	510.55
EFT18472	21-09-2018	KALBARRI GRAVEL & SAND SUPPLIES	GRAVEL	2304.00
EFT18473	21-09-2018	SHANE KRAKOUER	LG WEEK REIMB FUEL	1439.10
EFT18474	21-09-2018	KALBARRI SITEWORKS	MURCH HOUSE RD TIPPER/LOADER HIRE	759.00
EFT18475	21-09-2018	LANDMARK	KAL FSHORE KAMBA	308.00
EFT18476	21-09-2018	LGRCEU	PAYROLL DEDUCTIONS	97.00
EFT18477	21-09-2018	NORTHAMPTON NEWSAGENCY	NCCA STATIONERY	174.64
EFT18478	21-09-2018	NORTHAMPTON TOURIST ASSOCIATION INC.	2019 AUSTRALIA DAY BREAKFAST	500.00
EFT18479	21-09-2018	NORTHAMPTON FAMILY STORE	UNIFORMS	375.92
EFT18480	21-09-2018	NORTHAMPTON COMMUNITY NEWS INC	NCCA NTON NEWS ADVERTISING	50.00
EFT18481	21-09-2018	NORTHAMPTON DISTRICT AGRICULTURAL SOCIETY	DONATION PRIZE 2018 NTON SHOW	100.00
EFT18482	21-09-2018	PHILIP GRIFFITHS ARCHITECTS	INSPECT SANFORD HOUSE & LYNTON JAIL	3375.48
EFT18483	21-09-2018	PURCHER INTERNATIONAL	PARTS	336.08
EFT18484	21-09-2018	RAC	BUSINESSWISE ASSIST	636.00
EFT18485	21-09-2018	SANFORD VETERINARY CLINIC	ANIMAL STERILISATION SUBSIDY	60.00
EFT18486	21-09-2018	SPALDING ELECTRICAL SERVICES	BUILDING ELECTRICAL MTCE	5255.80

SHIRE OF NORTHAMPTON  
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EFT #	Date	Name	Description	Amount
EFT18487	21-09-2018	STATE LAW PUBLISHER	ADVERTISING	1885.50
EFT18488	21-09-2018	THE PLANT SUPPLY CO.	PLANTS	1154.40
EFT18489	21-09-2018	TOX FREE AUSTRALIA PTY LTD	RES/COMM COLLECTION, REFUSE SITE MTCE	43311.73
EFT18490	21-09-2018	WEST AUSTRALIAN NEWSPAPERS LTD	KVC WA TRAVELSAT	1320.00
EFT18491	21-09-2018	WESTERN RESOURCE RECOVERY PTY LTD	SERVICE SEPTICS	2850.00
EFT18492	21-09-2018	WILLIAMS & HUGHES	LEASE PREPARATION	551.54
EFT18493	28-09-2018	ROAD RUNNER MECHANICAL SERVICES	PARTS	240.90
EFT18494	04-10-2018	ANCHORAGE CARAVAN PARK	RATES REFUND	19464.74
EFT18495	04-10-2018	GLENN BANGAY	REIMB FUEL	153.75
EFT18496	04-10-2018	DEVISE URBAN PLANNING	PLANNING SERVICES	4290.00
EFT18497	04-10-2018	MIDWEST TREE SERVICES	RSL - REMOVAL OF TUART TREE	4081.00
EFT18498	04-10-2018	JACQUELINE NEEVE-BERGE	RATE REFUND	1216.93
EFT18499	04-10-2018	LEO RYAN	REIMB DODO LINE RENTAL	79.80
EFT18500	02-10-2018	P M MAVER	WATER TANK (TRUCK)	33000.00
				<b>\$462,065.67</b>

SHIRE OF NORTHAMPTON  
FINANCE REPORT – 19 OCTOBER 2018

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**TRUST FUND CHEQUES**

<b>Chq #</b>	<b>Date</b>	<b>Name</b>	<b>Description</b>	<b>Amount</b>
2348	07/09/2018	SHIRE OF NORTHAMPTON	BRB COMMISSION JULY 2018	25.00
2349	07/09/2018	DEPT MINES INDUSTRY REGULATION	BRB JULY 2018	283.25
2350	10/09/2018	BOND ADMINISTRATOR	BOND KAL AGED HOMES U7	100.00
2351	10/09/2018	BF & TA WATSON	REFUND BOND 78 ROBINSON ST, NTON	520.00
2352	20/09/2018	RED INK HOMES PTY LTD	REFUND KERB BOND BA 1402	500.00
2353	25/09/2018	DEPT MINES INDUSTRY REGULATION	BRB AUGUST 2018	226.60
2354	25/09/2018	SHIRE OF NORTHAMPTON	BRB COMMISSION AUGUST 2018	20.00
2355	06/10/2018	DEPT MINES INDUSTRY REGULATION	BRB SEPTEMBER 2018	566.60
2356	06/10/2018	SHIRE OF NORTHAMPTON	BRB COMMISSION SEPTEMBER 2018	50.00
2357	06/10/2018	BUILDING CONSTRUCTION INDUSTRY TRAINING	BCTF SEPTEMBER 2018	108.65
2358	06/10/2018	SHIRE OF NORTHAMPTON	BCTF COMMISSION SEPTEMBER 2018	16.50
				<b>\$2,416.60</b>

SHIRE OF NORTHAMPTON  
FINANCE REPORT – 19 OCTOBER 2018

**DIRECT DEBITS**

Jnl #	Date	Name	Description	Amount
	06/09/2018	PAYROLL	FN/E 05/09/2018	93698.00
	06/09/2018	SUPERCHOICE	SUPERANNUATION FN/E 05/09/2018	21117.75
	20/09/2018	PAYROLL	FN/E 19/09/2018	91862.00
	20/09/2018	SUPERCHOICE	SUPERANNUATION FN/E 19/09/2018	20603.02
GJ0301	30/09/2018	NAB BANK FEES	BANK FEES/MERCHANT FEES	1026.33
GJ0302	30/09/2018	BPOINT	FEES	298.78
GJ0303	30/09/2018	BPAY	FEES	376.64
GJ0305	30/09/2018	CEO CORPORATE CARD	BANK CHARGES	9.00
			SAT HEARING EXPS	608.78
			TP FLIGHTS	427.18
			PCYC DONATION	120.00
			REFRESHMENTS/LG WEEK	1,820.50
			LANDGATE PINK LAKE APP	25.70
				3011.16
GJ0306	30/09/2018	DCEO CORPORATE CARD	BANK FEES	9.00
			NCCA IINET	84.81
			KAL CHILD CARE IINET	80.87
			COMPUTER EXPS OFFICE 365	237.60
			LG SUPERVISORS CONF ACCOMM	1,284.00
				1696.28
				<b>\$233,689.96</b>

**7.4.2 MONTHLY FINANCIAL STATEMENTS – SEPTEMBER 2018**

<b>FILE REFERENCE:</b>	<b>1.1.1</b>
<b>DATE OF REPORT:</b>	<b>10th October 2018</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>Nil</b>
<b>REPORTING OFFICER:</b>	<b>Grant Middleton</b>
<b>APPENDICES:</b>	<b>Monthly Financial Report for August 2018</b>

**SUMMARY**

Council to adopt the monthly financial reports as presented.

**BACKGROUND:**

This information is provided to Council in accordance with provisions of the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996.

The Monthly Statements of Financial Activity for the period ending 30 September 2018 are listed below, and include:

Monthly Summary Information

Statement of Financial Activity by Program

Statement of Financial Activity By Nature or Type

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Note 11	Grants
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Appendix B	Detailed Schedules (separate presentation)

### **FINANCIAL & BUDGET IMPLICATIONS:**

The 30 September 2018 financial position is comprised of the following:

Total operating revenue has a positive variance of \$180,822 while operating expenditure has a positive variance of \$912,135. The large variance for operating expenditure is due to Infrastructure depreciation not being calculated for July, August and September due to the Infrastructure Revaluation process. Once the auditors have agreed to the new Infrastructure Asset valuations the associated depreciation for July, August and September can be calculated and posted to the general ledger.

Investing and Financing variances will reconcile as the year progresses and it is anticipated there will be no significant budget variations.

### **STATUTORY IMPLICATIONS:**

Local Government (Financial Management) Regulation 34 1996  
Local Government Act 1995 section 6.4

### **POLICY IMPLICATIONS:**

Council is required annually to adopt a policy on what it considers to be material as far as variances that require to be reported for Council. The current Council Policy sets the material variance at \$5,000.

### **VOTING REQUIREMENT:**

Simple Majority Required:

### **OFFICER RECOMMENDATION – ITEM 7.4.2**

**That Council adopts the draft Monthly Financial Report for the period ending 30 September 2018.**

**SHIRE OF NORTHAMPTON**  
**MONTHLY FINANCIAL REPORT**  
**(Containing the Statement of Financial Activity)**  
**For the Period Ended 30 September 2018**

**LOCAL GOVERNMENT ACT 1995**  
**LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996**

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SHIRE OF NORTHAMPTON  
Information Summary  
For the Period Ended 30 September 2018

**Key Information**

**Report Purpose**

This report is prepared to meet the requirements of *Local Government (Financial Management) Regulations 1996, Regulation 34*.

**Overview**

Summary reports and graphical progressive graphs are provided on pages 2 - 3.

**Statement of Financial Activity by reporting program**

Is presented in the Statement of Financial Activity as a surplus as at 30 September 2018 of \$6,285,575.

**Items of Significance**

The material variance adopted by the Shire of Northampton for the 2017/18 year is \$5,000. The following selected items have been highlighted due to the amount of the variance to the budget or due to the nature of the revenue/expenditure. A full listing and explanation of all items considered of material variance is disclosed in Note 2.

**Capital Expenditure**

Infrastructure Assets - Roads ▲ \$ 326,875 Actuals and budget will converge as year progresses

**Capital Revenue**

Non-operating Grants, Subsidies and Contributions ▼ -\$ 122,555 Actuals and budget will converge as year progresses

	% Collected / Completed	Annual Budget	YTD Budget	YTD Actual
<b>Significant Projects</b>				
Construct Extension to RSL Hall	0%	\$ 512,000	\$ 255,999	\$ -
Kalbarri Foreshore DUP Pathway	38%	\$ 343,450	\$ 85,861	\$ 132,102
Blue Holes Carpark Redevelopment	0%	\$ 121,213	\$ 30,296	\$ -
Lions Park - Asphalt Seal Car Park	0%	\$ 103,185	\$ 51,588	\$ -
Road Construction	13%	\$ 2,647,629	\$ 661,884	\$ 335,009
Footpath Construction	0%	\$ 115,400	\$ 28,839	\$ -
Grader	0%	\$ 425,000	\$ 212,500	\$ -
Pink Lake Viewing Platform	0%	\$ 123,000	\$ 30,750	\$ -
<b>Grants, Subsidies and Contributions</b>				
Operating Grants, Subsidies and Contributions	20%	\$ 1,021,924	\$ 329,848	\$ 206,387
Non-operating Grants, Subsidies and Contributions	18%	\$ 1,123,008	\$ 329,661	\$ 207,106
	19%	\$ 2,144,932	\$ 659,509	\$ 413,493
Rates Levied	100%	\$ 4,622,864	\$ 4,592,489	\$ 4,600,080

*% Compares current ytd actuals to annual budget*

Financial Position		Closing (Audited)	
		Balance 30 June 2018	Current Year 30 Sep 2018
Adjusted Net Current Assets	1060%	\$ 593,148	\$ 6,285,575
Cash and Equivalent - Unrestricted	247%	\$ 783,615	\$ 1,933,354
Cash and Equivalent - Restricted	45%	\$ 3,017,835	\$ 1,344,618
Receivables - Rates	1351%	\$ 263,223	\$ 3,555,888
Receivables - Other	18%	\$ 266,764	\$ 47,167
Payables	10%	\$ 762,355	\$ 73,271

*% Compares current ytd actuals to prior year actuals at the same time*

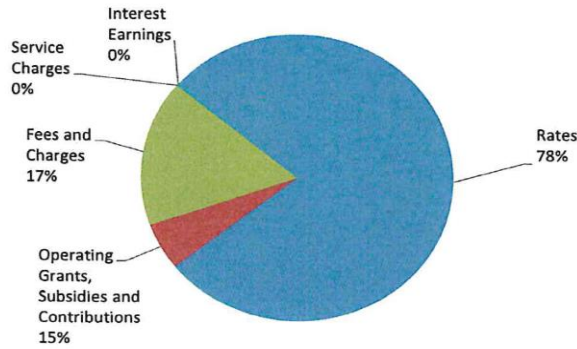
Note: The Statements and accompanying notes are prepared based on all transactions recorded at the time of preparation and may vary due to transactions being processed for the reporting period after the date of preparation.

**Preparation**

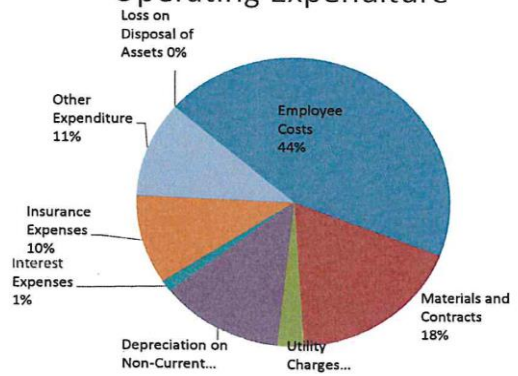
Prepared by: Grant Middleton  
Date prepared: 10/10/2018

SHIRE OF NORTHAMPTON  
Information Summary  
For the Period Ended 30 September 2018

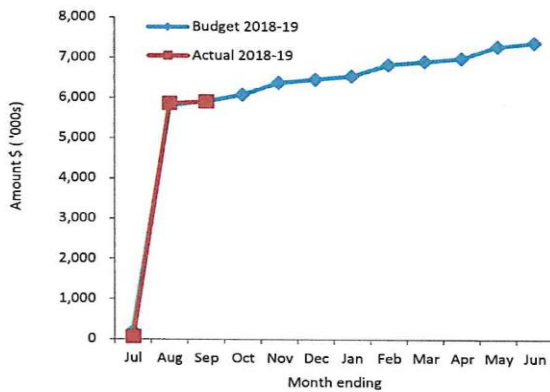
Operating Revenue



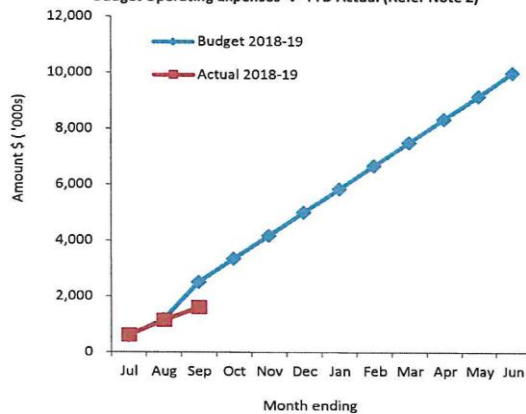
Operating Expenditure



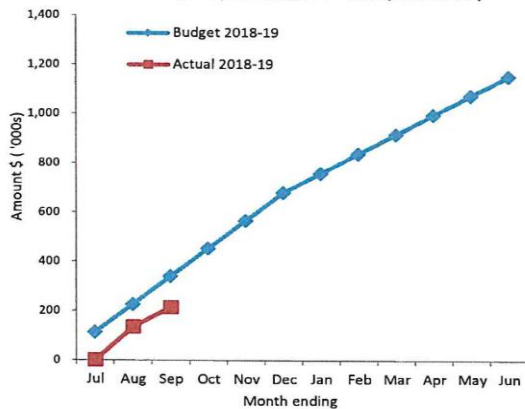
Budget Operating Revenues -v- Actual (Refer Note 2)



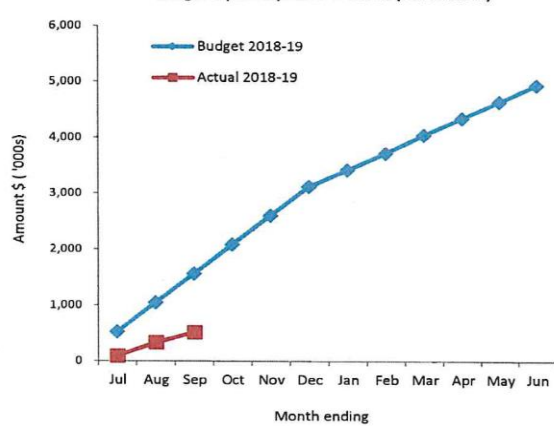
Budget Operating Expenses -v- YTD Actual (Refer Note 2)



Budget Capital Revenue -v- Actual (Refer Note 2)



Budget Capital Expenses -v- Actual (Refer Note 2)



This information is to be read in conjunction with the accompanying Financial Statements and Notes.

SHIRE OF NORTHAMPTON  
STATEMENT OF FINANCIAL ACTIVITY  
(Statutory Reporting Program)  
For the Period Ended 30 September 2018

	Note	Amended Annual Budget	Amended YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
<b>Opening Funding Surplus(Deficit)</b>	3	\$ 2,122,201	\$ 2,122,201	\$ 2,122,201	\$ 0	0%	
<b>Revenue from operating activities</b>							
Governance		55,124	13,776	9,113	(4,663)	(34%)	
General Purpose Funding	9	5,554,571	4,826,364	4,775,297	(51,067)	(1%)	▼
Law, Order and Public Safety		70,395	17,589	1,110	(16,479)	(94%)	▼
Health		54,497	13,620	11,415	(2,205)	(16%)	
Education and Welfare		224,748	56,181	77,260	21,079	38%	▲
Housing		56,436	14,106	11,528	(2,578)	(18%)	
Community Amenities		908,527	800,868	790,232	(10,636)	(1%)	▼
Recreation and Culture		54,287	16,551	30,540	13,989	85%	▲
Transport		141,040	109,621	18,906	(90,715)	(83%)	▼
Economic Services		256,169	46,317	145,834	99,517	215%	▲
Other Property and Services		123,649	30,903	33,380	2,477	8%	
		<b>7,499,443</b>	<b>5,945,896</b>	<b>5,904,616</b>			
<b>Expenditure from operating activities</b>							
Governance		(870,344)	(228,741)	(230,742)	(2,001)	(1%)	
General Purpose Funding		(197,215)	(49,290)	(46,385)	2,905	6%	▲
Law, Order and Public Safety		(401,396)	(100,290)	(101,972)	(1,682)	(2%)	
Health		(210,093)	(52,503)	(46,375)	6,128	12%	▲
Education and Welfare		(302,645)	(75,636)	(81,549)	(5,913)	(8%)	▼
Housing		(83,305)	(20,772)	(17,559)	3,214	15%	▲
Community Amenities		(1,565,743)	(391,299)	(286,285)	105,014	27%	▲
Recreation and Culture		(1,665,110)	(416,040)	(334,697)	81,343	20%	▲
Transport		(4,222,934)	(1,055,693)	(394,085)	661,608	63%	▲
Economic Services		(443,493)	(110,838)	(103,531)	7,307	7%	▲
Other Property and Services		(44,649)	(11,121)	43,093	54,214	487%	▲
		<b>(10,006,927)</b>	<b>(2,512,223)</b>	<b>(1,600,088)</b>			
<b>Operating activities excluded from budget</b>							
Add back Depreciation		3,607,500	901,859	203,081	(698,778)	(77%)	▼
Adjust (Profit)/Loss on Asset Disposal	8	(35,000)	(8,745)	0	8,745	(100%)	
Adjust Provisions and Accruals		0	0	0	0		
<b>Amount attributable to operating activities</b>		<b>1,065,016</b>	<b>4,326,787</b>	<b>4,507,609</b>			
<b>Investing Activities</b>							
Non-operating Grants, Subsidies and Contributions	11	1,123,008	329,661	207,106	(122,555)	(37%)	▼
Proceeds from Disposal of Assets	8	164,000	81,996	0	(81,996)	(100%)	▼
Land Held for Resale		0	0	0	0		
Land and Buildings	13	(720,310)	(326,358)	(21,751)	304,607	93%	▲
Infrastructure Assets - Roads	13	(2,647,629)	(661,884)	(335,009)	326,875	49%	▲
Infrastructure Assets - Parks and Gardens	13	(615,785)	(174,387)	(154,052)	20,335	12%	▲
Infrastructure Assets - Footpaths/Carparks	13	(378,413)	(120,375)	0	120,375	100%	▲
Infrastructure Assets - Drainage	13	0	0	0	0		
Heritage Assets	13	0	0	0	0		
Plant and Equipment	13	(641,000)	(320,499)	0	320,499	100%	▲
Furniture and Equipment	13	(32,500)	0	(2,300)	(2,300)		
<b>Amount attributable to investing activities</b>		<b>(3,748,629)</b>	<b>(1,191,846)</b>	<b>(306,006)</b>			▲
<b>Financing Activities</b>							
Proceeds from New Debentures		500,000	125,001	6,924	(118,077)	(94%)	▼
Proceeds from Advances		0	0	0	0		
Self-Supporting Loan Principal		34,794	8,694	6,924	(1,770)	(20%)	
Transfer from Reserves	7	227,064	56,766	0	(56,766)	(100%)	▼
Advances to Community Groups		0	0	0	0		
Repayment of Debentures	10	(134,246)	(33,562)	(48,159)	(14,597)	(43%)	▼
Transfer to Reserves	7	(66,200)	(16,550)	(3,918)	12,632	76%	▲
<b>Amount attributable to financing activities</b>		<b>561,412</b>	<b>140,349</b>	<b>(38,229)</b>			
<b>Closing Funding Surplus(Deficit)</b>	3	<b>(0)</b>	<b>5,397,491</b>	<b>6,285,575</b>	<b>888,084</b>	<b>16%</b>	

Indicates a variance between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold.  
Refer to Note 2 for an explanation of the reasons for the variance.

This statement is to be read in conjunction with the accompanying Financial Statements and notes.

SHIRE OF NORTHAMPTON  
STATEMENT OF FINANCIAL ACTIVITY  
(By Nature or Type)  
For the Period Ended 30 September 2018

	Note	Amended Annual Budget	Amended YTD Budget	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
<b>Opening Funding Surplus (Deficit)</b>	3	\$ 2,122,201	\$ 2,122,201	\$ 2,122,201	\$ 0	0%	
<b>Revenue from operating activities</b>							
Rates	9	4,622,864	4,592,489	4,600,080	7,591	0%	▲
Operating Grants, Subsidies and Contributions	11	1,454,405	435,658	311,728	(123,930)	(28%)	▼
Fees and Charges		1,265,424	872,331	971,630	99,299	11%	▲
Interest Earnings		121,750	36,673	21,178	(15,495)	(42%)	▼
Other Revenue		0	0	0	0		
Profit on Disposal of Assets	8	35,000	8,745	0			
		<b>7,499,443</b>	<b>5,945,896</b>	<b>5,904,616</b>			
<b>Expenditure from operating activities</b>							
Employee Costs		(3,003,415)	(750,684)	(712,831)	37,853	5%	▲
Materials and Contracts		(2,288,238)	(571,785)	(290,258)	281,527	49%	▲
Utility Charges		(359,390)	(89,787)	(42,871)	46,916	52%	▲
Depreciation on Non-Current Assets		(3,607,500)	(901,859)	(203,081)	698,778	77%	▲
Interest Expenses		(60,159)	(15,033)	(21,131)	(6,098)	(41%)	▼
Insurance Expenses		(251,088)	(62,661)	(159,149)	(96,488)	(154%)	▼
Other Expenditure		(437,137)	(120,414)	(170,767)	(50,353)	(42%)	▼
Loss on Disposal of Assets	8	0	0	0			
		<b>(10,006,927)</b>	<b>(2,512,223)</b>	<b>(1,600,088)</b>			
<b>Operating activities excluded from budget</b>							
Add back Depreciation		3,607,500	901,859	203,081	(698,778)	(77%)	▼
Adjust (Profit)/Loss on Asset Disposal	8	(35,000)	(8,745)	0	8,745	(100%)	
Adjust Provisions and Accruals			0	0	0		
<b>Amount attributable to operating activities</b>		<b>1,065,016</b>	<b>4,326,787</b>	<b>4,507,609</b>			
<b>Investing activities</b>							
Grants, Subsidies and Contributions	11	1,123,008	329,661	207,106	(122,555)	(37%)	▼
Proceeds from Disposal of Assets	8	164,000	81,996	0	(81,996)	(100%)	▼
Land Held for Resale		0	0	0	0		
Land and Buildings	13	(720,310)	(326,358)	(21,751)	304,607	93%	▲
Infrastructure Assets - Roads	13	(2,647,629)	(661,884)	(335,009)	326,875	49%	▲
Infrastructure Assets - Parks and Gardens	13	(615,785)	(174,387)	(154,052)	20,335	12%	▲
Infrastructure Assets - Footpaths/Carparks	13	(378,413)	(120,375)	0	120,375	100%	▲
Infrastructure Assets - Drainage	13	0	0	0	0		
Plant and Equipment	13	(641,000)	(320,499)	0	320,499	100%	▲
Furniture and Equipment	13	(32,500)	0	(2,300)	(2,300)		
<b>Amount attributable to investing activities</b>		<b>(3,748,629)</b>	<b>(1,191,846)</b>	<b>(306,006)</b>			
<b>Financing Activities</b>							
Proceeds from New Debentures		500,000	125,001	6,924	(118,077)	(94%)	▼
Proceeds from Advances		0	0	0	0		
Self-Supporting Loan Principal		34,794	8,694	6,924	(1,770)	(20%)	
Transfer from Reserves	7	227,064	56,766	0	(56,766)	(100%)	▼
Advances to Community Groups		0	0	0	0		
Repayment of Debentures	10	(134,246)	(33,562)	(48,159)	(14,597)	(43%)	▼
Transfer to Reserves	7	(66,200)	(16,550)	(3,918)	12,632	76%	▲
<b>Amount attributable to financing activities</b>		<b>561,412</b>	<b>140,349</b>	<b>(38,229)</b>			
<b>Closing Funding Surplus (Deficit)</b>	3	<b>(0)</b>	<b>5,397,491</b>	<b>6,285,575</b>	<b>888,084</b>	<b>16%</b>	<b>▲</b>

Indicates a variance between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold.  
Refer to Note 2 for an explanation of the reasons for the variance.

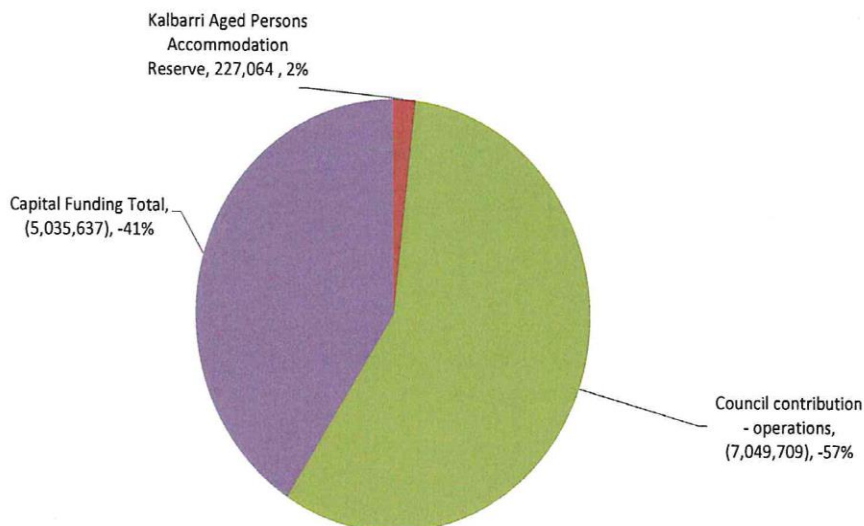
This statement is to be read in conjunction with the accompanying Financial Statements and notes.

SHIRE OF NORTHAMPTON  
STATEMENT OF CAPITAL ACQUISITIONS AND CAPITAL FUNDING  
For the Period Ended 30 September 2018

Capital Acquisitions

	Note	YTD Actual New & Upgrade (a)	YTD Actual (Renewal Expenditure) (b)	YTD Budget (d)	Annual Budget	YTD Actual Total (c) = (a)+(b)	Variance (d) - (c)
		\$	\$	\$	\$	\$	\$
Land and Buildings	13	(9,101)	(12,650)	(326,358)	(720,310)	(21,751)	304,607
Infrastructure Assets - Roads	13	207,746	(542,755)	(661,884)	(2,647,629)	(335,009)	326,875
Infrastructure Assets - Parks & Ovals	13	(154,052)	0	(174,387)	(615,785)	(154,052)	20,335
Infrastructure Assets - Footpaths	13	0	0	(120,375)	(378,413)	0	120,375
Plant and Equipment	13	0	0	(320,499)	(641,000)	0	320,499
<b>Capital Expenditure Totals</b>		<b>44,592</b>	<b>(557,704)</b>	<b>(1,603,503)</b>	<b>(5,035,637)</b>	<b>(513,112)</b>	<b>1,090,391</b>
<b>Capital acquisitions funded by:</b>							
Capital Grants and Contributions				329,661	1,123,008	207,106	
Borrowings				125,001	500,000	500,000	
Disposals				81,996	164,000	0	
Council contribution - Cash Backed Reserves							
Kalbarri Aged Persons Accommodation Reserve				56,766	227,064	0	
Council contribution - operations				(2,196,927)	(7,049,709)	(1,220,218)	
<b>Capital Funding Total</b>				<b>(1,603,503)</b>	<b>(5,035,637)</b>	<b>(513,112)</b>	

Budgeted Capital Acquisitions Funding



SHIRE OF NORTHAMPTON  
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
For the Period Ended 30 September 2018

**Note 2: Explanation of Material Variances**

The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date budget materially.

The material variance adopted by Council for the 2018/19 year is \$5,000.

Reporting Program	Var. \$	Var. %	Var.	Timing/ Permanent	Explanation of Variance
<b>Operating Revenues</b>	\$	%			
General Purpose Funding	(51,067)	-1%	▼	Timing	Short term variance, Annual Rates raised August 2018
Law, Order and Public Safety	(16,479)	-94%	▼	Timing	Var associated with ESL quarterly payment due October
Education and Welfare	21,079	38%	▲	Timing	Variance due to NCCA Grant funding
Community Amenities	(10,636)	-1%	▼	Timing	Variance due to refuse budget profile
Recreation and Culture	13,989	85%	▲	Timing	Variance largely due to insurance reimbursement
Transport	(90,715)	-83%	▼	Timing	Actuals and budget will converge as year progresses
Economic Services	99,517	215%	▲	Timing	Var due to lease revenue budget profile, short term var
<b>Operating Expense</b>					
Health	6,128	12%	▲	Permanent	Actuals and budget will converge as year progresses
Education and Welfare	(5,913)	-8%	▼	Permanent	Var due to NCCA payroll expenses
Community Amenities	105,014	27%	▲	Timing	Var due to lag in refuse invoices
Recreation and Culture	81,343	20%	▲	Timing	Actuals and budget will converge as year progresses
Transport	661,608	63%	▲	Timing	Actuals and budget will converge as year progresses
Economic Services	7,307	7%	▲	Permanent	Actuals and budget will converge as year progresses
Other Property and Services	54,214	487%	▲	Timing	Actuals and budget will converge as year progresses
<b>Capital Revenues</b>					
Non-operating Grants, Subsidies and Contributions	(122,555)	-37%	▼	Timing	Actuals and budget will converge as year progresses
Proceeds from Disposal of Assets	(81,996)	-100%	▼	Timing	Plant trades to be completed October 2018
<b>Capital Expenses</b>					
Land and Buildings	304,607	93%	▲	Timing	Projects to commence
Infrastructure Assets - Roads	326,875	49%	▲	Timing	Actuals and budget will converge as year progresses
Infrastructure Assets - Parks and Gardens	20,335	12%	▲	Permanent	Actuals and budget will converge as year progresses
Infrastructure Assets - Footpaths/Carparks	120,375	100%	▲	Timing	Dup Kalbarri F'shore due for completion October 18
Plant and Equipment	320,499	100%	▲	Timing	Plant purchased to be completed October 2018
<b>Financing</b>					
Repayment of Debentures	(14,597)	-43%	▼	Timing	Loan repayments are made bi-annually



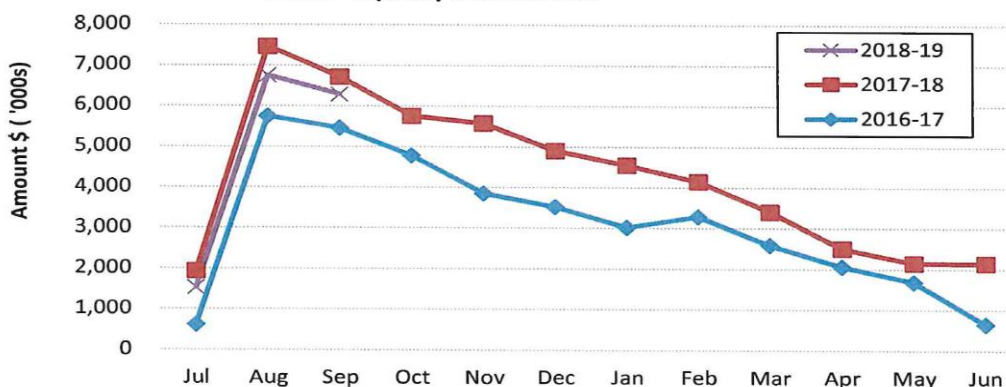
SHIRE OF NORTHAMPTON  
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
For the Period Ended 30 September 2018

**Note 3: Net Current Funding Position**

Positive=Surplus (Negative=Deficit)

	Note	Current Years (Budgeted) Closing 30 June 2018	Current 30 Sep 2018
		\$	\$
<b>Current Assets</b>			
Cash Unrestricted	4	373,792	1,933,354
Cash Restricted	4	2,766,120	1,344,618
Receivables - Rates	6	313,380	3,555,888
Receivables - Other	6	99,260	47,167
Receivables - Rubbish		45,247	448,948
Emergency Services Levy		37,346	71,853
ATO Receivable		31,353	25,229
Inventories		11,778	78,012
Accruals/Adjustment		0	248,619
		<u>3,678,276</u>	<u>7,753,689</u>
<b>Less: Current Liabilities</b>			
Payables		(553,622)	(73,271)
Income Received in Advance		(64,611)	(402,858)
Provisions/Accruals		0	(50,224)
		<u>(618,233)</u>	<u>(526,353)</u>
Less: Cash Reserves	7	(937,842)	(941,760)
<b>Net Current Funding Position</b>		<b>2,122,201</b>	<b>6,285,575</b>

**Note 3 - Liquidity Over the Year**



**Comments - Net Current Funding Position**

SHIRE OF NORTHAMPTON  
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
For the Period Ended 30 September 2018

Note 4: Cash and Investments

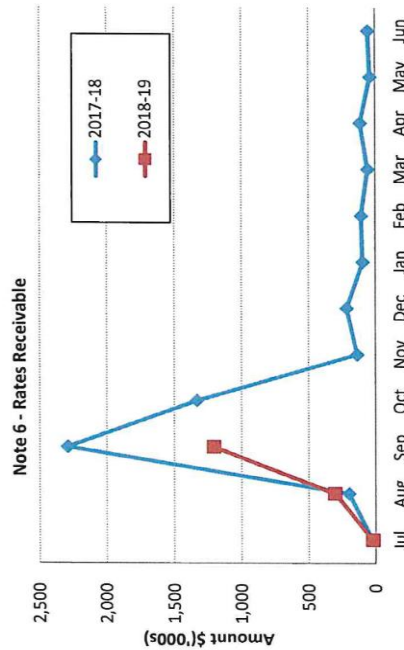
	Unrestricted	Restricted	Trust	Total Amount	Institution	Interest Rate	Maturity Date
	\$	\$	\$	\$			
<b>(a) Cash Deposits</b>							
Municipal Bank Account	1,931,904			1,931,904	National	-	At Call
Trust Bank Account			88,072	88,072	National	-	At Call
OCDF - Horrocks				0	WATC	1.45%	N/A
OCDF - Binnu/White Cliffs		402,858		402,858	WATC	1.45%	N/A
Cash On Hand	1,450			1,450	N/A	Nil	On Hand
<b>(b) Term Deposits - Municipal</b>							
TD 31-056-****				0	National	2.34%	15-Dec-17
TD 35-623-****	0			0	National	2.55%	13-Mar-18
TD 31-067-****	0			0	National	2.43%	18-Jun-18
TD 31-032****	0			0	National	2.05%	18-Jun-18
<b>(c) Term Deposits - Reserves</b>							
TD 16-236-****		941,760		941,760	National	2.45%	28-Jun-18
				0			
<b>Total</b>	<b>1,933,354</b>	<b>1,344,618</b>	<b>88,072</b>	<b>3,366,045</b>			

Comments/Notes - Investments

SHIRE OF NORTHAMPTON  
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
For the Period Ended 30 September 2018

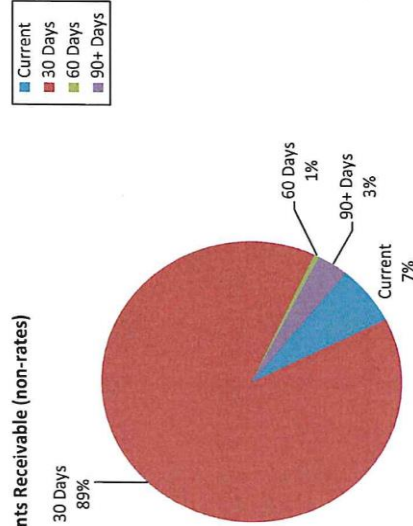
	30 Sep 2018	30 June 2018		Current	30 Days	60 Days	90+ Days	Total
<b>Note 6: Receivables</b>								
<b>Receivables - Rates Receivable</b>								
Opening Arrears Previous period	\$ 302,667	\$ 263,223						
Levied this year	4,600,080	4,332,891						
Less Collections to date	(1,346,859)	(4,282,733)						
Equals Current Outstanding	<b>3,555,888</b>	<b>313,380</b>						
<b>Net Rates Collectable</b>	<b>3,555,888</b>	<b>313,380</b>						
% Collected	27.47%	93.18%						
				\$ 3,183	\$ 42,120	\$ 264	\$ 1,600	\$ 47,167
Receivables - General								
Balance per Trial Balance								
Sundry Debtors								47,167
Receivables - Other								0
<b>Total Receivables General Outstanding</b>								<b>47,167</b>

Amounts shown above include GST (where applicable)



Comments/Notes - Receivables Rates

Note 6 - Accounts Receivable (non-rates)



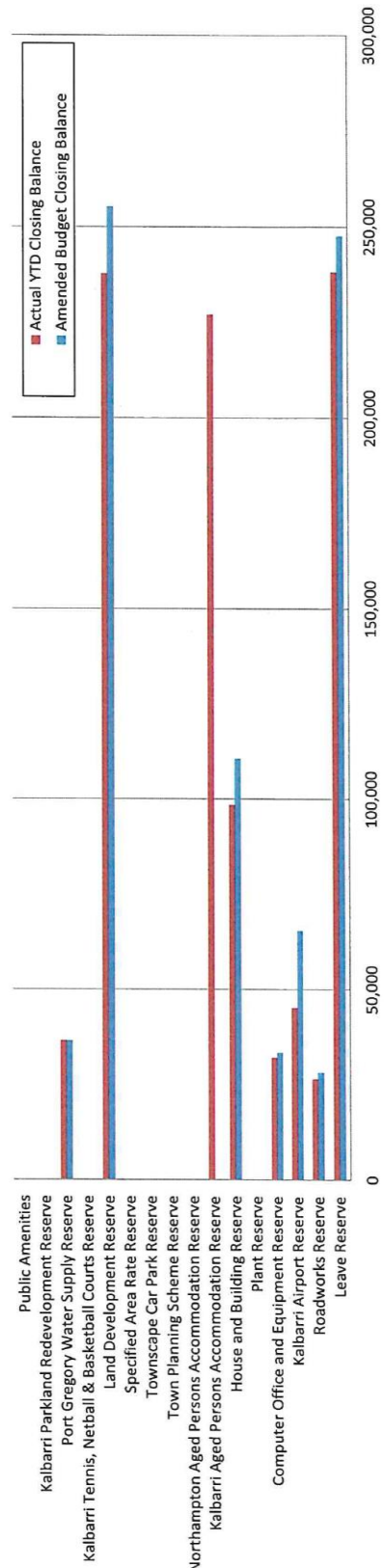
Comments/Notes - Receivables General

SHIRE OF NORTHAMPTON  
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
For the Period Ended 30 September 2018

Note 7: Cash Backed Reserve

Name	Opening Balance	Amended Budget Interest Earned	Actual Interest Earned	Amended Budget Transfers In (+)	Actual Transfers In (+)	Amended Budget Transfers Out (-)	Actual Transfers Out (-)	Amended Budget Closing Balance	Actual YTD Closing Balance
Leave Reserve	\$ 237,544	\$ 5,000	\$ 625	\$ 5,000	\$ 0	\$ 0	\$ 0	\$ 247,544	\$ 238,169
Roadworks Reserve	26,250	2,000	250	0	0	0	0	28,250	26,500
Kalbarri Airport Reserve	45,173	200	25	20,000	0	0	0	65,373	45,198
Computer Office and Equipment Reserve	31,905	1,500	185	0	0	0	0	33,405	32,090
Plant Reserve	0	0	0	0	0	0	0	0	0
House and Building Reserve	98,118	2,500	325	10,000	0	0	0	110,618	98,443
Kalbarri Aged Persons Accommodation Reserve	227,064	0	0	0	0	(227,064)	0	0	227,064
Northampton Aged Persons Accommodation Reserve	0	0	0	0	0	0	0	0	0
Town Planning Scheme Reserve	0	0	0	0	0	0	0	0	0
Townscape Car Park Reserve	0	0	0	0	0	0	0	0	0
Specified Area Rate Reserve	0	0	0	0	0	0	0	0	0
Land Development Reserve	235,288	20,000	2,508	0	0	0	0	255,288	237,796
Kalbarri Tennis, Netball & Basketball Courts Reserve	0	0	0	0	0	0	0	0	0
Port Gregory Water Supply Reserve	36,500	0	0	0	0	0	0	36,500	36,500
Kalbarri Parkland Redevelopment Reserve	0	0	0	0	0	0	0	0	0
Public Amenities	937,842	31,200	3,918	35,000	0	(227,064)	0	776,978	941,760

Note 7 - Year To Date Reserve Balance to End of Year Estimate



SHIRE OF NORTHAMPTON  
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
For the Period Ended 30 September 2018

Note 8: Disposal of Assets

Asset Number	Asset Description	YTD Actual			Amended Budget		
		Net Book Value	Proceeds	Profit (Loss)	Net Book Value	Proceeds	Profit (Loss)
		\$	\$	\$	\$	\$	\$
	<b>Plant and Equipment</b>						
P216	Isuzu Dmax (Kalbarri Ranger)	0	0	0	16,500	14,000	(2,500)
P237	Isuzu Dmax (Northampton Gardener)	0	0	0	10,000	13,000	3,000
P235	Isuzu Dmax (Kalbarri Gardener)	0	0	0	12,500	10,000	(2,500)
P203	Caterpillar 121H Grader	0	0	0	90,000	127,000	37,000
		<b>0</b>	<b>0</b>	<b>0</b>	<b>129,000</b>	<b>164,000</b>	<b>40,000</b>
							<b>(5,000)</b>

SHIRE OF NORTHAMPTON  
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
For the Period Ended 30 September 2018

RATE TYPE	Number of Properties	Rate in \$	YTD Actual			Amended Budget						
			Rateable Value \$	Rate Revenue \$	Interim Rates \$	Back Rates \$	Total Revenue \$	Rate Revenue \$	Back Rate Revenue \$	Total Revenue \$		
Differential General Rate												
General GRV	1,559	0.072300	17,443,168	1,645,341	(21,162)			1,624,179		1,644,791	0	1,644,791
General UV	448	0.013059	178,371,085	2,346,324	(1,100)			2,345,224		2,346,323	0	2,346,323
<b>Sub-Totals</b>	<b>2,007</b>		<b>195,814,254</b>	<b>3,991,665</b>	<b>(22,262)</b>	<b>0</b>	<b>0</b>	<b>3,969,403</b>	<b>0</b>	<b>3,991,114</b>	<b>0</b>	<b>3,991,114</b>
<b>Minimum Payment</b>		<b>\$</b>										
General GRV	1,020	550.00	7,328,111	565,950				565,950		561,000	0	561,000
General UV	55	550.00	1,895,245	24,750				24,750		30,250	0	30,250
<b>Sub-Totals</b>	<b>1,075</b>		<b>9,223,355</b>	<b>590,700</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>590,700</b>	<b>0</b>	<b>591,250</b>	<b>0</b>	<b>591,250</b>
<b>Totals</b>	<b>3,082</b>		<b>205,037,609</b>	<b>4,582,365</b>	<b>(22,262)</b>	<b>0</b>	<b>0</b>	<b>4,560,103</b>	<b>0</b>	<b>4,582,364</b>	<b>0</b>	<b>4,582,364</b>
Discounts/Concession								(7)				0
<b>Amount from General Rates</b>								<b>4,560,096</b>		<b>4,582,364</b>		<b>4,582,364</b>
Ex-Gratia Rates								0		0		0
Specified Area Rates								39,984		40,500		40,500
<b>Totals</b>								<b>4,600,080</b>		<b>4,622,864</b>		<b>4,622,864</b>

Comments - Rating Information

SHIRE OF NORTHAMPTON  
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
For the Period Ended 30 September 2018

**Note 10: Information on Borrowings**  
(a) Debenture Repayments

Particulars	01 Jul 2018	New Loans		Principal Repayments		Principal Outstanding		Interest Repayments	
				Actual	Budget	Actual	Budget	Actual	Budget
<b>Recreation and Culture</b>									
Loan 148A - Kalbarri Library Extension	26,733			13,231	26,733	13,502	(0)	547	939
Loan 156 - RSL Hall Extensions	0	500,000		0	0	0	500,000	0	0
<b>Transport</b>									
Loan 149 - Plant Purchases	0					0	0		
Loan 153 - Plant Purchases	214,339			19,566	39,525	194,773	174,814	4,308	9,561
<b>Other Property and Services</b>									
Loan 154 - Staff Housing	256,641				33,194	256,641	223,447		9,789
<b>Self Supporting Loans</b>									
Loan 151 - Kalbarri Bowling Club	7,459				3,621	7,459	3,838		444
Loan 152 - Staff Housing	328,941			8,438	17,189	320,503	311,752	8,642	21,649
Loan 155 - Pioneer Lodge	386,552			6,924	13,984	379,628	372,568	7,634	17,777
	1,220,665	500,000		48,159	134,246	1,172,506	1,586,419	21,131	60,158

All debenture repayments were financed by general purpose revenue except loans 147, 151, 152 & 155 which are self supporting loans.

(b) New Debentures

No new debentures have been received during 2017/2018

SHIRE OF NORTHAMPTON  
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
For the Period Ended 30 September 2018

Note 11: Grants

	Grant Provider	Type	Opening Balance (a)	Amended Budget Operating	Amended Budget Capital	YTD Budget	Annual Budget (d)	Post Variations (e)	Expected Revenue (d)+(e)	YTD Actual Revenue (Expended) (c)	Unspent Grant (a)-(b)+(c)	
<b>General Purpose Funding</b>												
Grants Commission - General	WALGSC	Operating	0	422,550	0	105,637	422,550		422,550	107,638	0	
Grants Commission - Roads	WALGSC	Operating	0	386,769	0	96,692	386,769		386,769	82,386	0	
<b>Law, Order and Public Safety</b>												
FESA Grant - Operating Bush Fire Brigade	Dept. of Fire & Emergency Serv.	Operating	0	27,323	0	6,891	27,323		27,323	0	0	
Grant FESA - SES	Dept. of Fire & Emergency Serv.	Operating	0	26,122	0	6,468	26,122		26,122	0	(10,212)	
Grant Feral Eradication	Department of Primary Industries	Operating	0	0	0	0	0		0	0	0	
Bushfire Risk Mitigation Grant	State Emergency Management Committee	Operating	0	0	0	0	0		0	0	(10,424)	
<b>Education and Welfare</b>												
NCAA Fundraising		Non-operating	0	0	0	0	0		0	25,000	0	
<b>Community Amenities</b>												
Coastal Management Plan Grant		Operating - Tied	0	60,000	0	15,000	60,000		60,000	0	0	
<b>Recreation and Culture</b>												
Kalbarri Foreshore Redevelopment	WABN Grant	Non-operating	0	171,725	0	85,860	171,725		171,725	0	21,950	
Kalbarri Bowling Club	CSRF	Non-operating	0	18,930	0	9,464	18,930		18,930	0	0	
Kalbarri Bowling Club	Contribution	Non-operating	0	5,000	0	2,500	5,000		5,000	0	0	
Seniors Week	Seniors WA	Operating	0	0	0	0	0		0	0	0	
<b>Transport</b>												
RRG Grants - Capital Projects	Regional Road Group	Non-operating	0	197,330	0	49,332	197,330		197,330	76,933	0	
Grey St/Red Bluff Road Corner	State Government	Non-operating	0	0	0	0	0		0	0	0	
White Cliffs	State Government (R4R)	Non-operating	0	0	0	0	0		0	0	0	
RFR - Binu West	Federal Government (R2R)	Non-operating	0	730,023	0	182,505	730,023		730,023	103,173	(104,573)	
DUP - Footpath Grant (Stephen Street)	Dept. of Transport	Non-operating	0	0	0	0	0		0	0	0	
MRWA Maintenance Grants	Main Roads WA	Operating	0	99,160	0	99,160	99,160		99,160	16,163	0	
WA Road Safety Commission	Kalbarri Roadwise	Non-operating	0	0	0	0	0		0	0	0	
<b>TOTALS</b>			0	1,021,924	1,123,008	659,509	2,144,932	0	2,144,932	413,493	(414,177)	(186,495)
<b>SUMMARY</b>												
Operating			0	961,924	0	314,848	961,924	0	961,924	206,387	(20,636)	0
Operating - Tied			0	60,000	0	15,000	60,000	0	60,000	0	0	0
Non-operating			0	1,123,008	1,123,008	329,661	1,123,008	0	1,123,008	207,106	(393,541)	(186,495)
<b>TOTALS</b>			0	1,021,924	1,123,008	659,509	2,144,932	0	2,144,932	413,493	(414,177)	(186,495)



SHIRE OF NORTHAMPTON  
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
For the Period Ended 30 September 2018

**Note 12: Trust Fund**

Funds held at balance date over which the Shire has no control and which are not included in this statement are as follows:

Description	Opening Balance 01 Jul 2018	Amount Received	Amount Paid	Closing Balance 30 Sep 2018
	\$	\$	\$	\$
Town Planning - Security Bonds	0			0
Galena Donations	0		0	0
Transportable Housing Bond	26,275		0	26,275
Footpath Deposits	30,820		(1,000)	29,820
Horrocks Retention Fee - Parking/Stage 2	0		0	0
Retentions - Subdivisions	30,683		(40,289)	(9,606)
Building Levies (BCITF & BRB)	182	742		924
Community Bus Bond	6,400	800	(800)	6,400
Safer WA Funds	0			0
Northampton Cemetery Funds	0			0
Unclaimed Monies - Rates	4,338	0	0	4,338
Nomination Deposits	0	0	0	0
DOLA - Parks & Gardens Development	0			0
Aged Unit Bond	0	100	(100)	0
Council Housing Bonds	520	0	(520)	0
BROC - Management Funds	1			1
Kalbarri Youth Space Project Funds	0		0	0
Burning Off Fees	0		0	0
RSL Hall Key Bond	650	0	0	650
Peet Park Donations	0			0
Willa Guthurra	0			0
Special Series Plates	1,430	310	(200)	1,540
Auction	0			0
Kidsport	2,937	0	0	2,937
Public Open Space	0			0
ReDone (Kalbarri Park/Beach Shelters)	0		0	0
Northampton Child Care Association	59,305	0	0	59,305
Horrocks Memorial Wall	765	0	0	765
One Life	3,513	0	0	3,513
Conservation Incentives	0	0	0	0
Kalbarri Camp School	0	0	0	0
	<b>167,819</b>	<b>1,952</b>	<b>(42,909)</b>	<b>126,861</b>

SHIRE OF NORTHAMPTON  
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
For the Period Ended 30 September 2018

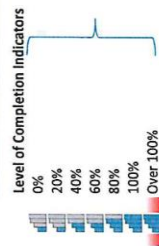
Note 13: Capital Acquisitions

Assets	Account	YTD Actual			Amended Budget			Strategic Reference / Comment
		New/Upgrade	Renewal	Total YTD	Annual Budget	YTD Budget	YTD Variance	
		\$	\$	\$	\$	\$	\$	
<i>Level of completion indicator, please see table at the end of this note for further detail.</i>								
<b>Governance</b>								
Replace Kalbarri photo-copier	101340	0	0	0	(5,000)	0	0	
Replace Server	101340	0	(2,300)	(2,300)	(22,500)	0	(2,300)	
Replace Desktop computers	101340	0	0	0	(5,000)	0	0	
<b>Governance Total</b>		<b>0</b>	<b>(2,300)</b>	<b>(2,300)</b>	<b>(32,500)</b>	<b>0</b>	<b>(2,300)</b>	
<b>Communities Amenities</b>								
Develop Binnu Refuse site	133050	0	0	0	0	0	0	
New Ablutions at Blue Holes	133440	0	0	0	(105,000)	0	0	
<b>Communities Amenities Total</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>(105,000)</b>	<b>(26,250)</b>	<b>26,250</b>	
<b>Recreation And Culture</b>								
Construct Extension to RSL Hall	135140	0	0	0	(512,000)	(255,999)	255,999	
Install Steps (Carpark opp Rainbow Jungle)	136640	(21,950)	0	(21,950)	(18,840)	(4,708)	(17,242)	
Install Rock Wall for Erosion Control (near VMR)	136640	0	0	0	(25,000)	(6,248)	6,248	
Kalbarri Foreshore DUP Pathway	136940	(132,102)	0	(132,102)	(343,450)	(85,861)	(46,241)	
BBQ & Shelter - Kalbarri	136940	0	0	0	(23,695)	(5,924)	5,924	
Bitumen Seal Foreshore Carpark (South IGA)	135940	0	0	0	(38,615)	(9,652)	9,652	
Blue Holes Carpark Redevelopment	135940	0	0	0	(121,213)	(30,296)	30,296	
Kalbarri Bowling Club - Playing Lights	137540	0	0	0	(56,800)	(28,398)	28,398	
Port Gregory Playground	137540	0	0	0	(25,000)	(12,498)	12,498	
Lions Park - Asphalt Seal Car Park	137540	0	0	0	(103,185)	(51,588)	51,588	
Town Talk/Seebreeze Kids Care Renovations	138040	0	(12,650)	(12,650)	(55,400)	(27,699)	15,049	
<b>Recreation And Culture Total</b>		<b>(154,052)</b>	<b>(12,650)</b>	<b>(166,702)</b>	<b>(1,323,198)</b>	<b>(518,871)</b>	<b>352,169</b>	
<b>Transport</b>								
Road Construction	Various	207,746	(542,755)	(335,009)	(2,647,629)	(661,884)	326,875	
Footpath Construction	Various	0	0	0	(115,400)	(28,839)	28,839	
Material Bins & Shed - Kalbarri Depot	150900	0	0	0	(42,000)	(10,500)	10,500	
Land Acquisition - Binnu West Road	142140	(9,101)	0	(9,101)	(5,910)	(3,191)	(3,191)	
Grader	142240	0	0	0	(425,000)	(212,500)	212,500	
Replacement Water Tank	142240	0	0	0	(26,000)	(13,000)	13,000	
Free Roller	142240	0	0	0	(54,000)	(27,000)	27,000	
Water Tank - Kalbarri (Binding)	142540	0	0	0	(14,000)	(7,000)	7,000	
Kalbarri Ranger Vehicle	142540	0	0	0	(45,000)	(22,500)	22,500	
Northampton Gardiner Vehicle	151300	0	0	0	(43,000)	(21,500)	21,500	
Kalbarri Gardiner Vehicle	151300	0	0	0	(34,000)	(17,000)	17,000	
<b>Transport Total</b>		<b>198,645</b>	<b>(542,755)</b>	<b>(344,110)</b>	<b>(3,451,939)</b>	<b>(1,027,632)</b>	<b>683,522</b>	

SHIRE OF NORTHAMPTON  
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
For the Period Ended 30 September 2018

Note 13: Capital Acquisitions

Assets	Account	YTD Actual			Amended Budget			Strategic Reference / Comment
		New/Upgrade	Renewal	Total YTD	Annual Budget	YTD Budget	YTD Variance	
Economic Services	150160	0	0	0	(123,000)	(30,750)	30,750	
Other Property and Services		0	0	0	(123,000)	(30,750)	30,750	
<b>Capital Expenditure by Program Total</b>		<b>44,592</b>	<b>(557,704)</b>	<b>(513,112)</b>	<b>(5,035,637)</b>	<b>(1,603,503)</b>	<b>1,090,391</b>	
<b>Capital Expenditure By Class</b>								
Land and Buildings	Various	(9,101)	(12,650)	(21,751)	(720,310)	(326,358)	304,607	
Infrastructure Assets - Roads	Various	207,746	(542,755)	(335,009)	(2,647,629)	(661,884)	326,875	
Infrastructure Assets - Footpaths	Various	0	0	0	(378,413)	(120,375)	120,375	
Infrastructure Assets - Parks and Ovals	Various	(154,052)	0	(154,052)	(615,785)	(174,387)	20,335	
Plant and Equipment	Various	0	0	0	(641,000)	(320,499)	320,499	
Furniture and Equipment	Various	0	(2,300)	(2,300)	(32,500)	0	(2,300)	
<b>Capital Expenditure Total by Class</b>		<b>44,592</b>	<b>(557,704)</b>	<b>(513,112)</b>	<b>(5,035,637)</b>	<b>(1,603,503)</b>	<b>1,090,391</b>	



**7.4.3 2018-2019 FEES AND CHARGES SCHEDULE ADJUSTMENT**

<b>FILE REFERENCE:</b>	<b>1.1.1</b>
<b>DATE OF REPORT:</b>	<b>10 October 2018</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>Nil</b>
<b>REPORTING OFFICER:</b>	<b>Grant Middleton</b>

**SUMMARY:**

Council to consider the recommended changes to several items listed in the Fees and Charges Schedule adopted for 2018/2019 at the Council meeting held 15<sup>th</sup> June 2018.

**BACKGROUND:**

Lease Fees - Unfortunately a formula error in the inflation rate applied to lease rental fees resulted in several fees being increased by 1.09 or 9.0% rather than the correct factor of 1.09 or 0.9%. The inflation factor used to calculate the Fees and charges for leases as per lease agreement conditions is the Consumer Price Index (ABS) – Perth (CPI) for the March 2017 quarter to the March 2018 quarter of 0.9%. This error impacted on fees for three Caravan Park leases and the 4 light industrial units located at Kitson Court Northampton.

Airport Landing Fees - Also, an anomaly has been discovered in the fees and charges in relation to landing fees at the Kalbarri airport. The adopted fees and charges list the landing fee as \$15.50 whereas signage at the airport advertises the charge as \$15.00. The fee was increased to \$15.50 in 2010/2011 however there was some confusion over RPT fees and voluntary fees in the documentation and the intention was to maintain the fee at \$15.00 and not increase it to \$15.50. Subsequently, Council is requested to approve changes to the lease fees listed below and the landing fee from \$15.50 to \$15.00.



All items in the table below include GST.

Description	Change	2018/2019 Adopted Fee	2018/2019 Revised Fee
<b>Horrocks Caravan Park</b>	<b>9% to 0.9%</b>	<b>\$23,676.99</b>	<b>\$21,917.51</b>
<b>Lot 588 Grey St Kalbarri</b>	<b>9% to 0.9%</b>	<b>\$25,706.56</b>	<b>\$23,796.26</b>
<b>Lot 589 Grey St Kalbarri</b>	<b>9% to 0.9%</b>	<b>\$15,900.30</b>	<b>\$14,718.72</b>
<b>Unit 1 Lot 83 Kitson Circuit</b>	<b>9% to 0.9%</b>	<b>\$7,556.58</b>	<b>\$6,995.03</b>
<b>Unit 2 Lot 83 Kitson Circuit</b>	<b>9% to 0.9%</b>	<b>\$7,556.58</b>	<b>\$6,995.03</b>
<b>Unit 3 Lot 83 Kitson Circuit</b>	<b>9% to 0.9%</b>	<b>\$8,816.01</b>	<b>\$8,160.87</b>
<b>Unit 4 Lot 83 Kitson Circuit</b>	<b>9% to 0.9%</b>	<b>\$8,816.01</b>	<b>\$8,160.87</b>
<b>Kalbarri Airport Landing Fees</b>	<b>Reduction \$0.50</b>	<b>\$15.50</b>	<b>\$15.00</b>

#### **FINANCIAL & BUDGET IMPLICATIONS:**

The reduction in the fees and charges will have an impact on revenue totalling \$8,825.19 (exc GST) for the caravan parks and the LIA units. The reduced revenue will be included in the March Budget review and further adjustments will be made to accommodate the reduced revenue if and as required.

The reduction in landing fees will cause minimal change to revenue as the bulk of landing fees are being paid as per the signage at the airport.

#### **STATUTORY IMPLICATIONS:**

As per the requirements of the Local Government Act 1995, Council can change a Fees during a financial year.

##### *6.16. Imposition of fees and charges*

*(1) A local government may impose\* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*

*\* Absolute majority required.*

*(3) Fees and charges are to be imposed when adopting the annual budget but may be —*

*(a) imposed\* during a financial year; and*

*(b) amended\* from time to time during a financial year.*

**VOTING REQUIREMENT:**

Absolute Majority Required:

**OFFICER RECOMMENDATION – ITEM 7.4.3**

**That Council adopts the revised Fees and charges as presented below:**

<b>Horrocks Caravan Park</b>	<b>\$21,917.51</b>
<b>Lot 588 Grey St Kalbarri</b>	<b>\$23,796.26</b>
<b>Lot 589 Grey St Kalbarri</b>	<b>\$14,718.72</b>
<b>Unit 1 Lot 83 Kitson Circuit</b>	<b>\$6,995.03</b>
<b>Unit 2 Lot 83 Kitson Circuit</b>	<b>\$6,995.03</b>
<b>Unit 3 Lot 83 Kitson Circuit</b>	<b>\$8,160.87</b>
<b>Unit 4 Lot 83 Kitson Circuit</b>	<b>\$8,160.87</b>
<b>Kalbarri Airport Landing Fees</b>	<b>\$15.00</b>

**ADMINISTRATION & CORPORATE REPORT**

7.5.1	ROAD MAINTENANCE DIRECT GRANT	2
7.5.2	LAND & ROAD RESERVE TRANSFERS – KALBARRI WORKS DEPOT	4
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**7.5.1 ROAD MAINTENANCE DIRECT GRANT**

<b>FILE REFERENCE:</b>	<b>12.1.2</b>
<b>DATE OF REPORT:</b>	<b>10 October 2018</b>
<b>REPORTING OFFICER:</b>	<b>Garry Keeffe</b>

**SUMMARY:**

Advice on amendment to annual road maintenance grant.

**BACKGROUND:**

Each year local governments receive an annual road maintenance grant from the State Government to assist local governments in maintaining their roads. The grant is untied however must be used for road maintenance.

In 2017/18 this grant was reduced by the state government to account for vehicle licencing charges on Council owned vehicles that were originally to be levied on local government however at the time the state government decided to not charge vehicle licencing but reduced the direct road maintenance grant. For 2017/18 the grant was reduced from \$163,860 to \$99,160.

Advice has now been received that the direct grants are to be reinstated to the original calculation formula which for this Council for 2018/19 will be \$145,000. To account for the above scenario the adopted 2018/19 Budget allowed for \$99,160. The result is now additional income of \$45,840.

**COMMENT:**

The above advice now affects the decision of Council at the September 2018 meeting in relation to the shortfall of the Financial Assistance Grants.

Council will recall that a reduction of \$48,425 is to occur and to account for that the Council resolved to amend the 2018/19 Budget by not progressing with the Little Bay Road reserve creation of \$54,000. Council may wish to revise this decision and progress with the creation of the Little Bay Road reserve to the value of \$48,000 which will allow for preliminary survey etc.

**FINANCIAL & BUDGET IMPLICATIONS:**

2018/19 Adopted Budget will now have additional income of \$45,840.



**STATUTORY IMPLICATIONS:**

*State: Local Government Act 1995 – Administration regulations*

Should Council wish to reverse its September 2018 decision, then the process is for the Council to rescind the September 2018 minute decision, being minute 9.11.2. This amendment must be carried by an absolute majority.

**STRATEGIC IMPLICATIONS:**

*Local: Shire of Northampton Community Strategic Plan 2016-2026*

Corporate Business Plan -

**VOTING REQUIREMENT:**

*Absolute Majority Required:*

**OFFICER RECOMMENDATION – ITEM 7.5.1**

**That Council**

- 1. Note the advice with the change of Direct Road Maintenance Grant and revoke its decision at the September 2018 meeting, Minute 9.11.2 and continue to progress with the development of a road reserve to Little Bay to the value of \$48,000 in 2018/19.**
- 2. Rescind minute 9.11.2 and re-instate the original budget to a value of \$48,000 for the creation of the Little Bay Road Reserve.**

<b>7.5.2</b>	<b>LAND &amp; ROAD RESERVE TRANSFERS – KALBARRI WORKS DEPOT</b>	
	<b>LOCATION:</b>	<b>Porter Street, Kalbarri</b>
	<b>FILE REFERENCE:</b>	<b>12.1.3</b>
	<b>DATE OF REPORT:</b>	<b>10 October 2018</b>
	<b>REPORTING OFFICER:</b>	<b>Garry Keeffe</b>
	<b>APPENDICES:</b>	<b>1. Plan of Kalbarri works Depot</b>

**SUMMARY:**

Council to approve the closure of part road reserve and amalgamation of crown reserves to form one parcel of land for the Kalbarri works Depot.

**BACKGROUND:**

During the investigation as to the best location to construct the shed to house the Kalbarri community bus, there is a need to amend the existing Management Order/s to allow for the amalgamation of three existing crown lots/reserves, being reserves 38384 and 36021, comprising of Lots 558, 1009 and 1010 and also incorporate within the one reserve a small road reserve as per the plan at Appendices 1.

The depot has been operating on these reserves and the road reserve for many years. The first Management Order was issued in 1983.

This land tenure arrangement is unsuitable as the depot should be on the one reserve. Further the most suitable location for the community bus shed is at the front of the depot however that needs to be located on the existing road reserve.

**COMMENT:**

To allow for the new shed and have the depot located on the one crown reserve, the Department of Planning, Lands and Heritage were contacted to determine if they would be in agreement to amalgamate the two crown reserves and to close the road reserve and it be incorporated into the new one reserve for the depot.

DPLH have now provided advice that they support the above proposal, however the Council must undertake the following steps to progress the change:

- (i) Close the road as per the requirements of Section 58 of the Land Administration Act which states:

**58. Closing roads**

- (1) *When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.*
- (2) *When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.*
- (3) *A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.*
- (ii) That Council agree to meet all costs and charges involved in the Crown land assembly and re-description of the one reserve.
- (iii) Prepare and submit a deposited plan supporting the road closure and description of existing reserves, at Council's costs

**FINANCIAL & BUDGET IMPLICATIONS:**

As stated costs will be incurred for the above however it is difficult to determine an accurate estimation. The majority of the process is administrative; however, the main costs will be for survey requirements which are estimated to be in the range of \$3,000 to \$5,000.

Council will need to approve of these additional costs by an absolute majority as there is no provision within the 2018/19 Budget for this process.

**VOTING REQUIREMENT:**

*Absolute Majority Required:*

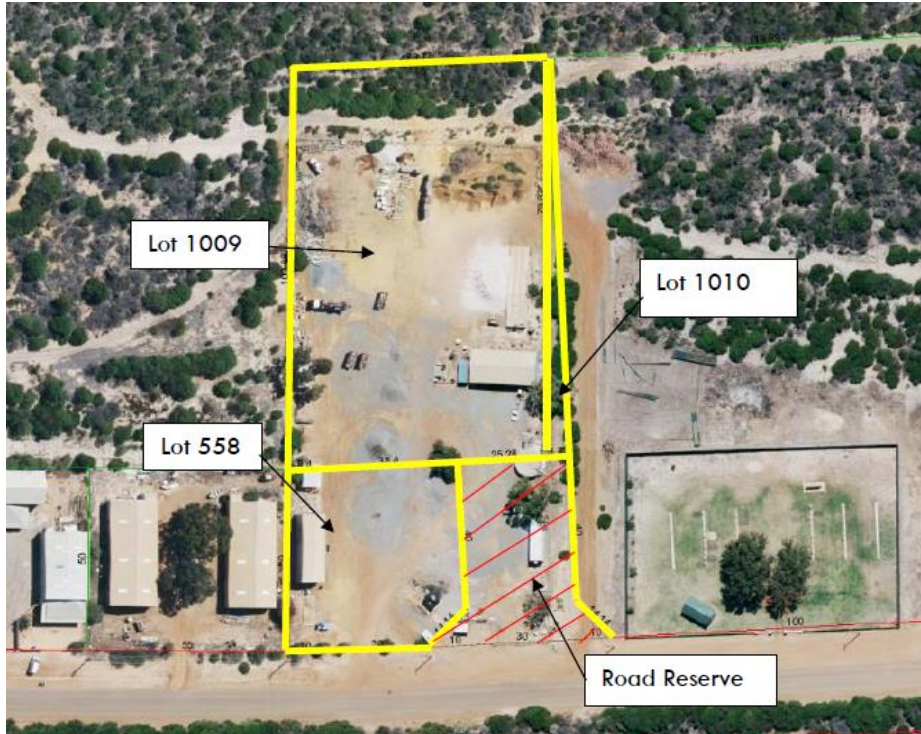
**OFFICER RECOMMENDATION – ITEM 7.5.2**

That Council:

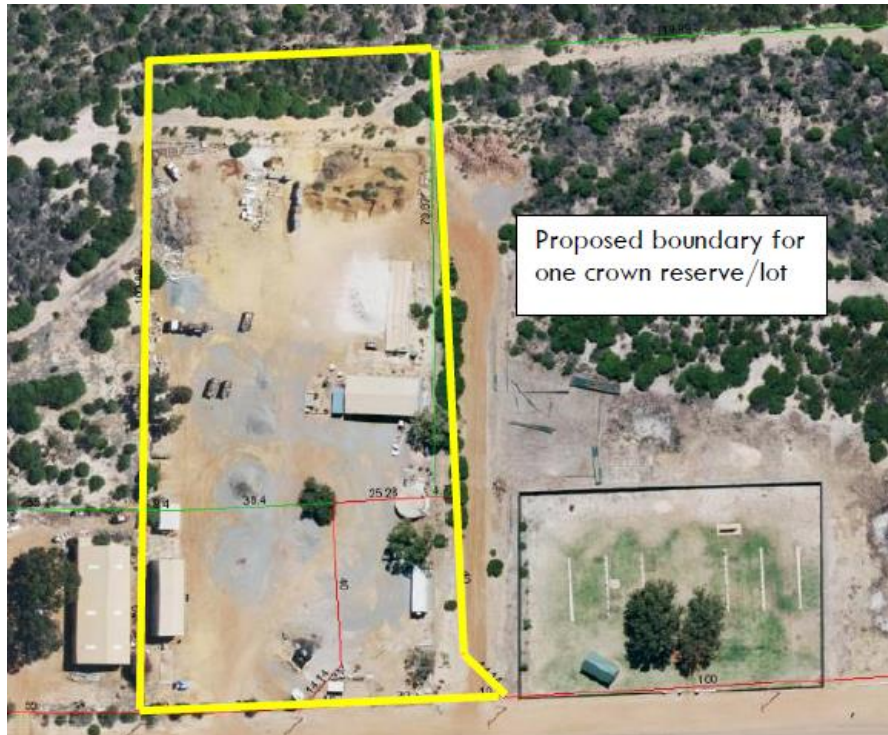
- 1. Approve of the closure of road reserve off Porter Street that is currently within the Kalbarri works depot as per the provisions of Section 58 of the *Land Administration Act 1997*, (refer Appendices 1).**
- 2. Should there be no objection to the road closure, then the CEO be given delegated authority to progress with the formal road closure without further reference to the Council.**
- 3. Request the Department of Planning Lands and Heritage to amalgamate the closed road reserve and crown reserves 38384 and 36021 comprising of Lots 558, 1009 and 1010 to form one crown reserve for the purpose of depot site (as per current Management Order purpose).**
- 4. Prepare and submit a deposited plan supporting the road closure and re-description of existing crown reserves.**
- 5. That costs to be incurred for this process be declared authorised expenditure**

**APPENDICES 1 – Plan of Kalbarri Works Depot**

**Current lot boundaries**



**Proposed Boundary for Works Depot**



**7.5.3 RATES RECOVERY – RODNEY MACKENZIE**

<b>FILE REFERENCE:</b>	<b>3.1.8</b>
<b>CORRESPONDENT:</b>	<b>McLeods</b>
<b>DATE OF REPORT:</b>	<b>10 October 2018</b>
<b>REPORTING OFFICER:</b>	<b>Garry Keeffe</b>

**SUMMARY:**

Council to endorse response to legal representatives for Mr Rodney Mackenzie in regards an objection to his rate assessment.

**BACKGROUND & COMMENT**

For a number of years Council has been endeavoring to recover outstanding rates on property owned by Mr Rodney MacKenzie. Property is located on the Horrocks Road.

Council endorsed a recommendation from management to proceed with taking possession of the property and selling the land for the recovery of rates as per the provision of the Local Government Act. This process was halted due to an inquiry by the Ombudsman on the matter.

The Ombudsman investigation ended with no action of further investigation into the claims by Mr MacKenzie is to be undertaken.

Following on from the Ombudsman investigation, Mr MacKenzie then lodged a complaint to the State Administrative Tribunal objecting to a number of matters relating to his rates. Mr MacKenzie's legal advisors have provided the following grounds for objection:

- (a) there has been a doubling up of Emergency Service Levy charges for the years ending 2015 and 2016;
- (b) the rating amount for Mr MacKenzie 's property is excessive compared to a neighbouring property, which is a larger parcel of farm land;
- (c) there was no credit for the \$30,000 (by 3 payments made of \$10,000 in January and April 2017) in payments made by Mr MacKenzie - no credit shown on his rates notice;
- (d) no basis for claiming legal costs relating to the unsuccessful recovery proceedings, which is claimed to total \$32,182.17 - it is argued that these costs cannot be recovered; and

(e) insufficient detail is provided due to lack of a breakdown of the interest applied, legal charges applied or an-ears for each year in the Rate Notice.

Once a notice of objection has been made, the Shire is required under section 6.76(5) to promptly consider any objection and respond by either disallowing or allowing it in whole or part.

The grounds on which an objection may be made are set out in section 6.76(1), which states:

(1) *A person may, in accordance with this section, object to the rate record of a local government on the ground —*

*(a) that there is an error in the rate record –*

*(i) with respect to the identity of the owner or occupier of any land; or*

*(ii) on the basis that the land or part of the land is not rateable land;*

*or*

*(b) if the local government imposes a differential general rate, that the characteristics of the land recorded in the rate record as the basis for imposing that rate should be deleted and other characteristics substituted '*

None of the grounds raised in the notice relate to any of the above grounds prescribed by section 6.76(1). The applicant does not allege an error in the rate record with respect to the identity of the owner or occupier of any land, nor is an objection made on the basis that the land or part of the land is not rateable land. The objection is also not made in relation to the characteristics of a differential rate imposed on the land.

Also, in regard to the above claims of objection the following is advised on each.

Item (a) ESL Levy – it was recognised that a calculation error had occurred with the ESL levy and this charge including interest levied against the outstanding ESL was reversed, being \$5,702.38 for A4813 and \$5,478.41 for A4814. This was discovered during the Ombudsman's inquiry and the Ombudsman was advised of this error and correction. It is not known if the Ombudsman advised Mr MacKenzie of this as we are not privy to advice between the Ombudsman and Mr MacKenzie

Item (b) If Mr MacKenzie is aggrieved by the calculation of rates based on the neighbouring properties then his best course of action is to lodge an objection against the unimproved valuation applied by Landgate. This is stipulated within the rate notice.

Item (c) The accusation of no credit being recognised is in correct.

\$30,000 Payment – the payment has been recognised and Mr MacKenzie was well aware it was received by the Council and receipted, this is proven by instructions from his legal advisors at the time (email dated 9 March 2017) to Councils debt collecting agency requesting the Council to reallocate the first payments totalling \$20,000 to be equally allocated between rates assessments A4813 and A4814.

The first \$10,000 payment was receipted on 1 May 2017 and allocated to A4814. The second and third payments of \$10,000 each were receipted on 9 January 2017 and again allocated to A4814. As per the above request by Mr Mackenzie's lawyers at the time, we amended the payment allocations to be equally shared between A4813 and A4814.

When the \$30,000 in payments was deposited direct to the Councils bank account there were no instructions from Mr MacKenzie of how he wanted the payment allocated between both rate assessments and therefore Council staff receipted them to one assessment being A4814.

Item (d) Legal Costs – this issue is being investigated and it maybe that Councils are not entitled to full costs previously being claimed. The following advice has been received from McLeods:

*"In summary, whilst it is correct that section 6.56 of the Act allows a local government to recover the costs of proceedings for recovery of outstanding rates and service charges, we do not consider this would entitle the Shire to recover all costs it has incurred to date as it currently seeks to do. Under section 6.56 the Shire is only able to claim costs relating to "proceedings in a court of competent jurisdiction" for the recovery of unpaid rates and services charge. Section 6.56 thus does not enable the recovery of costs that did not relate to proceedings. Additionally, in accordance with established legal principles in relation to legal costs, it would not amount to an indemnity for all costs incurred. Rather it would allow recovery of costs relating to proceedings at the usual scale rate, which is likely to be less than the amount of actual costs incurred by the Shire. On that basis, we would recommend that the Shire review the costs it seeks to recover from the applicant and exclude any costs that either do not relate to proceedings in a court of competent jurisdiction or otherwise significantly exceed costs claimable under applicable scales for such proceedings. We are happy to assist in this process if required.*

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*Our preliminary review of the documentation provided suggests that the Shire may have incurred costs on the basis of incorrect advice, particularly the advice to proceed with the sale of land process under the Act when the preconditions for doing so were not met in circumstances where the Shire had not completed its attempt to recover moneys due to it. If the Shire has incurred legal costs that are not recoverable under section 6.56 by reason of legal advice that was incorrect or negligently given, the Shire may wish to consult with its insurers as to whether it could claim the loss thereby incurred under its policy and/or against the original solicitors responsible for the advice.”*

Item (e) The annual rate assessment is not required to provide years of detail, only requires current rates and charges amounts including the current amounts and arrears.

Further following the Ombudsman’s investigation, a detailed report of every rate, penalty and ESL raised and amounts paid were forwarded to Mr MacKenzie on 15 March 2018.

Council now needs to respond to Mr MacKenzie’s lawyers in regard to the objection and the following response is being recommended by McLeods:

*“We acknowledge receipt of your objection made under section 6.76 of the Local Government Act 1995 (Act).*

*Council has considered the objection having regard to the grounds raised.*

*The Council disallows the objection in whole on the basis that none of the grounds raised fall under the grounds of objection prescribed under section 6.76(1) of the Act, which states:*

- (1) A person may, in accordance with this section, object to the rate record of a local government on the ground –*
  - (a) that there is an error in the rate record –*
    - (i) with respect to the identity of the owner or occupier of any land; or*
    - (ii) on the basis that the land or part of the land is not rateable land;*

*or*

*(b) if the local government imposes a differential general rate, that the characteristics of the land recorded in the rate record as the basis for imposing that rate should be deleted and other characteristics substituted “*

The power to determine an objection under section 6.76(5) is exercisable by the local government, which means that the objection would need to be determined by Council, unless an appropriate delegation to the CEO was in place. The Council has no such delegation and therefore the Council must determine the response to the objection.

A SAT mediation hearing has been set for 6 November 2018 (in Perth) to determine the objection and the CEO will be attending with McLeods.

#### **FINANCIAL & BUDGET IMPLICATIONS:**

Depending on the outcome of the SAT mediation hearing, there could be some financial ramifications for Council, one being the change of legal costs if it is determined that some of the costs cannot be claimed however this will not be known until the mediation hearing is complete of which a report will be provided to Council.

#### **STATUTORY IMPLICATIONS:**

*State: Local Government Act 1995*

#### **VOTING REQUIREMENT:**

*Simple Majority Required:*

#### **OFFICER RECOMMENDATION – ITEM 7.5.3**

**That Council responds to Mr Rodney MacKenzie’s legal advisors advising that Council disallows the objection in whole on the basis that none of the grounds raised fall under the grounds of objection prescribed under section 6.76(1) of the Act, which states:**

- 1. A person may, in accordance with this section, object to the rate record of a local government on the ground:**
  - (a) (a) that there is an error in the rate record**
  - (i) with respect to the identity of the owner or occupier of any land; or**

- (ii) on the basis that the land or part of the land is not rateable land;**
- or**
- (b) if the local government imposes a differential general rate, that the characteristics of the land recorded in the rate record as the basis for imposing that rate should be deleted and other characteristics substituted “**

**7.5.4 ELECTRICITY METERS – KALBARRI SPORT & RECREATION CENTRE**

<b>LOCATION:</b>	<b>Kalbarri Sport &amp; Recreation Centre</b>
<b>FILE REFERENCE:</b>	<b>11.1.10</b>
<b>DATE OF REPORT:</b>	<b>11 October 2018</b>
<b>REPORTING OFFICER:</b>	<b>Garry Keeffe</b>

**SUMMARY:**

Council to review proposal to install separate electricity meters for various functions/buildings at the Kalbarri Sport and Recreation Club not to progress in 2018/19.

**BACKGROUND:**

During discussions when considering the 2018/19 Budget it was proposed that separate electricity meters at the Kalbarri Sport and Recreation Club be installed to allow separate readings to pass on electricity costs to specific user groups, as is the case for near a majority of Council buildings used by others.

**COMMENT:**

Two firm quotes have now been received and the installation of separate electricity meters is more complex than first thought. The two quotes are an average of \$7,700 GST exclusive which is far in excess than expected.

There is no provision for these costs within the 2018/19 Budget as at the time it was not expected the cost would be as much as the quotes received and therefore it was considered that the meter installs could be accommodated within the normal operating budget of the facility, this is clearly now not the case.

With no budget provision for the separate meter install and the electricity costs averaging around \$5,000/\$6,000 per annum, it is not prosed to progress with separate meters unless directed otherwise by Council.

It is recommended that the matter be deferred for further consideration within the 2019/20 budget.

**FINANCIAL & BUDGET IMPLICATIONS:**

If Council determines to progress with the installation of separate electricity meters, then it will need to approve of the above expenditure by an absolute majority.

**VOTING REQUIREMENT:**

Absolute Majority Required – if Council wishes to progress with the installation of the meters otherwise decision is by simple majority.

**OFFICER RECOMMENDATION – ITEM 7.5.4**

**That Council defer the proposal to install separate electricity meters for the various buildings/functions at the Kalbarri Sport and Recreation area for further consideration within the 2019/20 Budget.**

**ADMINISTRATION & CORPORATE REPORT**

7.5.5	PROPOSED ENTRY STATEMENTS TO KALBARRI COMMERCIAL FISHING PRECINCT	2
7.5.6	PORT GREGORY PLAYGROUND	6

**7.5.5 PROPOSED ENTRY STATEMENTS TO KALBARRI COMMERCIAL FISHING PRECINCT**

<b>LOCATION:</b>	<b>Grey Street, Kalbarri</b>
<b>FILE REFERENCE:</b>	<b>12.2.4</b>
<b>CORRESPONDENT:</b>	<b>Brendan Jones</b>
<b>DATE OF REPORT:</b>	<b>15 October 2018</b>
<b>REPORTING OFFICER:</b>	<b>Garry Keeffe</b>
<b>APPENDICES:</b>	<b>1. Design of proposed entry statements</b>

**SUMMARY:**

Council to consider a proposal for the placement of sculptured entry statements into the Kalbarri commercial fishing precinct/wharf area.

**LOCALITY PLANS:**



**BACKGROUND:**

A proposal has been received from the correspondent with support from the Kalbarri Development Association and Kalbarri Fisherman’s Association to install entry statements to the commercial fishing precinct.

The entry statements will depict the bow of a boat, constructed of steel, on each side of the access road with two steel sculptures depicting fisherman retrieving a cray pot (see Appendices 1).

The sculptures to be made from mild steel 2mm plate, welded in sections over a steel rod armature.

It is also proposed that on the rear of the entry statement brass plaques will be placed with the name of boats and their skippers who have operated from the area.

**COMMENT:**

From a management perspective the proposal is supported as will no doubt enhance the area, especially from the street scape point of view.

The only issue that needs to be addressed is the placement of the entry statement to ensure that it does not impeded on the view of vehicular traffic exiting the area. This can be easily achieved.

**FINANCIAL & BUDGET IMPLICATIONS:**

There is no request for the Council to assist financially with the project. The proponent through the Kalbarri Development Association and Kalbarri Fisherman's Association will be seeking funding to construct the entry statement.

**VOTING REQUIREMENT:**

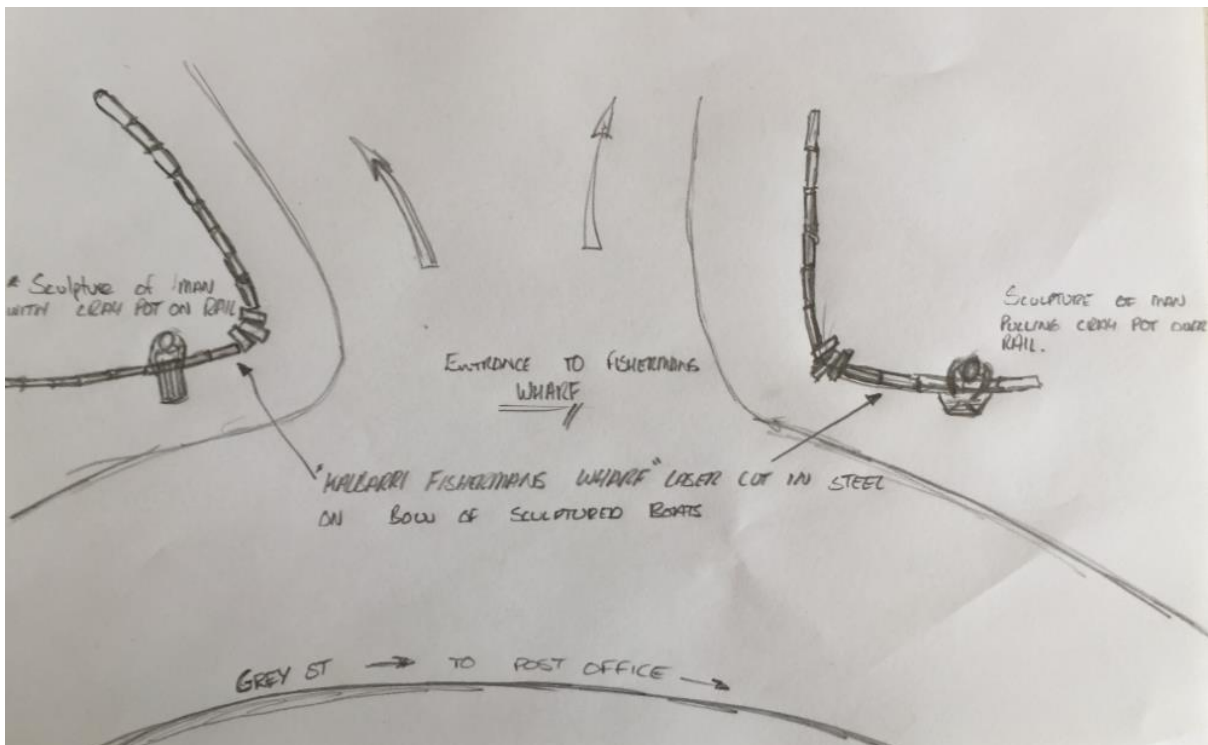
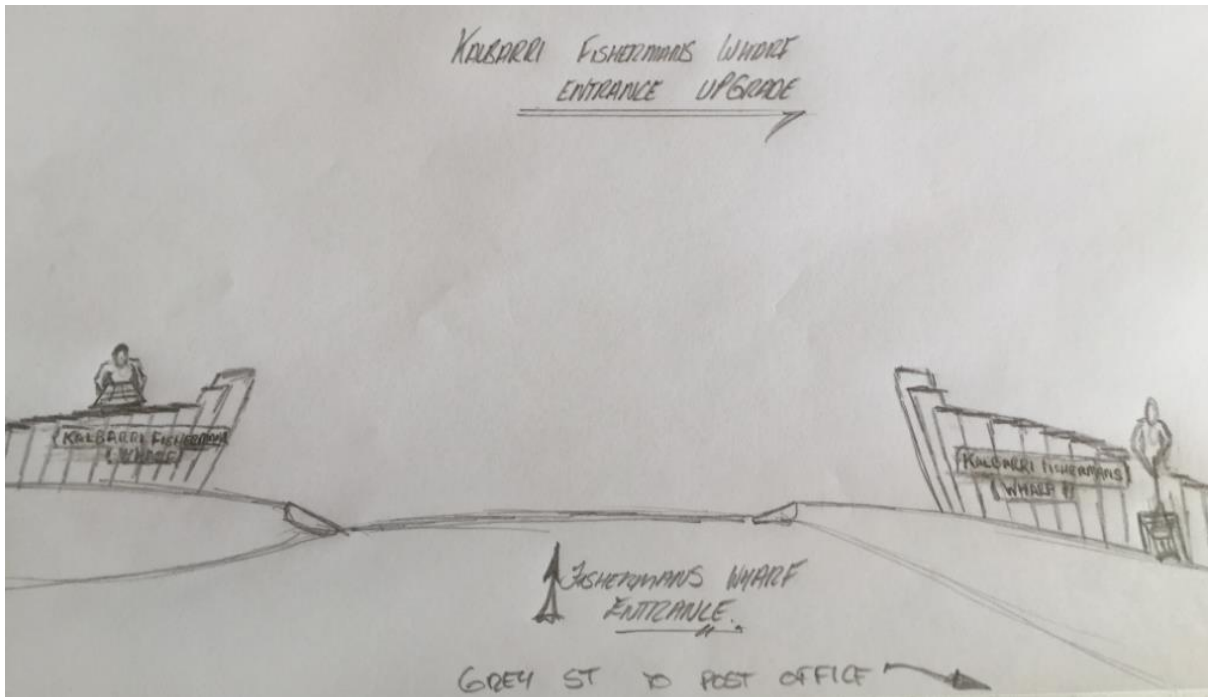
*Simple Majority Required:*

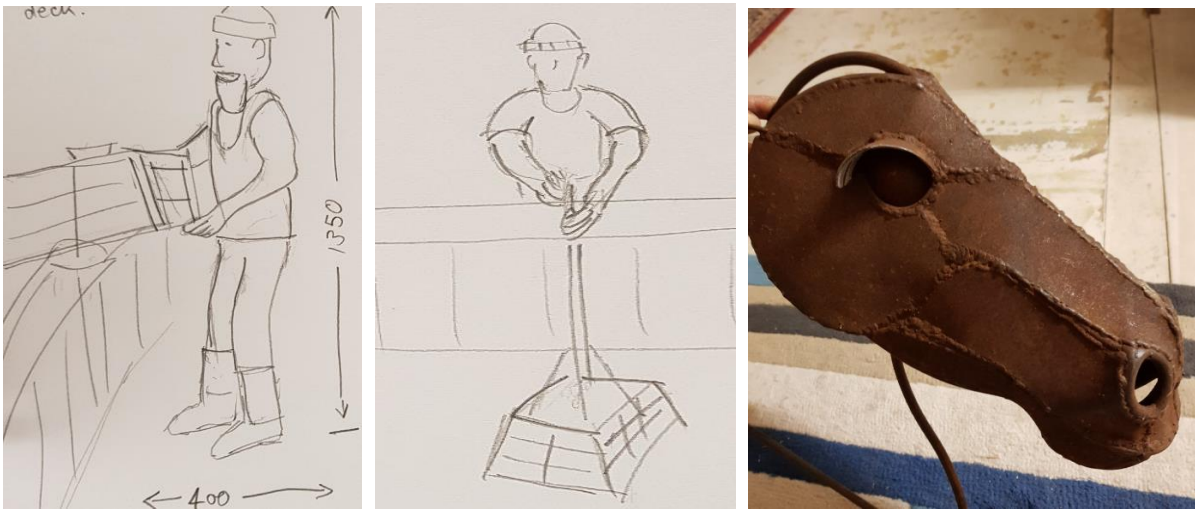
**OFFICER RECOMMENDATION – ITEM 7.5.5**

**That Council approve of the construction of an entry statement to the entry of the Kalbarri Commercial Fishing land back wharf/precinct as per the design presented.**

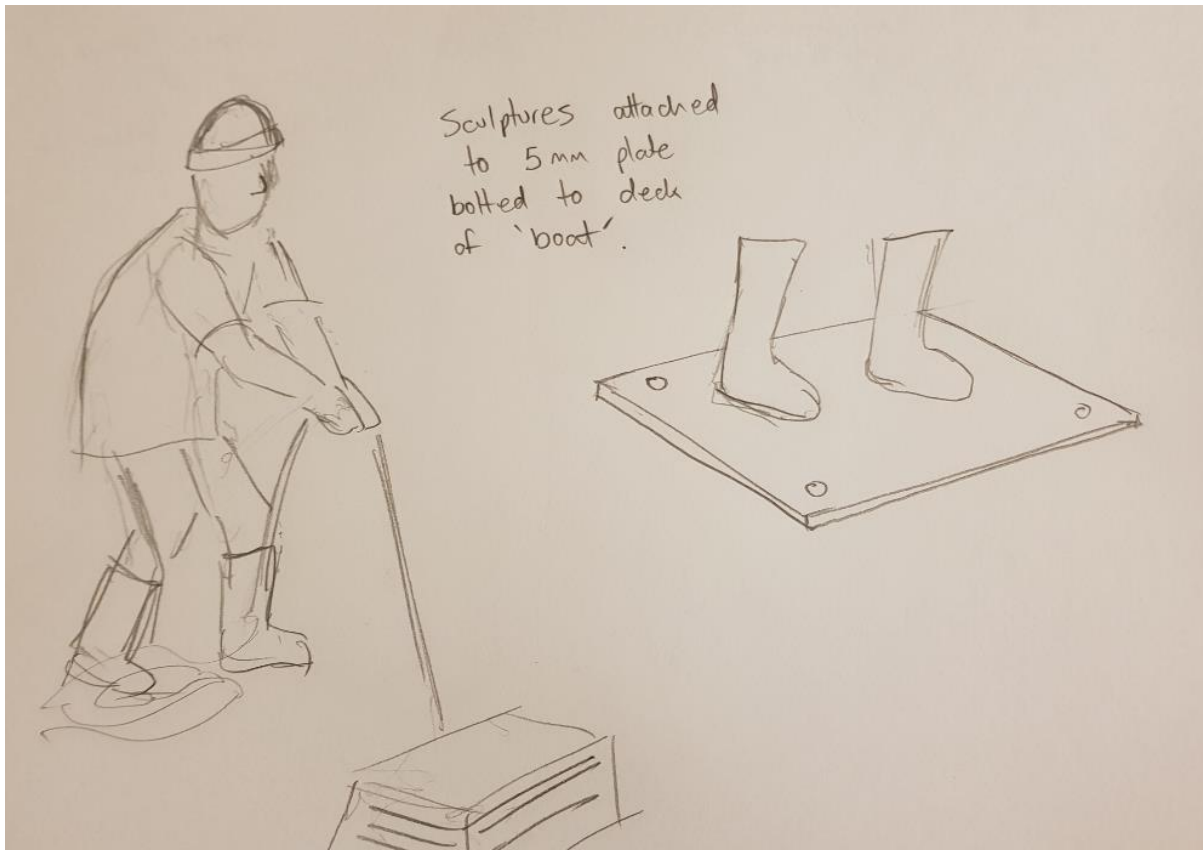


**APPENDICES 1 – Entry Statement Design**





Sculptures will be made similar to the horse head sculpture shown



<b>7.5.6</b>	<b>PORT GREGORY PLAYGROUND</b>	
	<b>LOCATION:</b>	<b>Port Gregory</b>
	<b>FILE REFERENCE:</b>	<b>11.1.7</b>
	<b>DATE OF REPORT:</b>	<b>15 October 2018</b>
	<b>REPORTING OFFICER:</b>	<b>Garry Keeffe</b>
	<b>APPENDICES:</b>	<b>1. Design of proposed playground</b>

**SUMMARY:**

Council to consider approving additional costs for supply and erection of a new playground at Port Gregory.

**BACKGROUND:**

Within the 2018/19 Budget, Council made provision for the replacement of a new playground at Port Gregory at the request of the Port Gregory Progress Association. The budget provision is \$25,000.

Firm quotes have now been received for the supply and erection of the new playground and are in excess of the budget estimate. The playground preferred is the SS4-1011 multi play type construction and is \$25,000 and \$5,200 for erection, both prices are exclusive of GST.

The PGPA indicate that they thought the quotes they received were GST inclusive which resulted in the difference of the estimates provided for the budget to the current actuals with the difference to be funded by the PGPA. However, with the revised costs the PGPA is unable to commit financially to the project.

**COMMENT:**

The Port Gregory playground is very limited and needs to be replaced and therefore Council is requested to approve the additional \$5,200 required for the erection of the equipment as approved out of budget expenditure.

An inquiry was also made to Lotterywest to determine if the replacement of the playground would be eligible for a grant. Lotterywest advise that as its replacement then no grants are available.

**STATUTORY IMPLICATIONS:**

*Local Government Act 1995 – Section 6.8, authorising unbudgeted expenditure.*

**VOTING REQUIREMENT:**

*Absolute Majority Required:* - As there is no provision for this expenditure within the 2018/2019 Budget, Council needs to approve the expenditure by an absolute majority as per Section 6.8 of the Local Government Act 1995

**OFFICER RECOMMENDATION – ITEM 7.5.6**

**That Council authorise an additional \$5,200 for the erection of a new playground at Port Gregory and this be declared authorised expenditure.**

**APPENDICES 1 – Playground Design**

