



MINUTES

COUNCIL MEETING

21 JULY 2023

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SHIRE OF NORTHAMPTON

Minutes of the Ordinary Meeting of Council held in the Northampton Council Chambers, Hampton Street, Friday, 21 July 2023.

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS:

The Shire President declared the meeting open at 1.00pm.

2. ANNOUNCEMENTS BY THE PRESIDENT:

The Shire President made the following announcements:

Councillor Liz Sudlow made the acknowledgement to country.

“We would like to respectfully acknowledge the Yamatji People who are the Traditional Owners and First People of the land on which we meet. We would like to pay our respects to the Elders past, present and future for they hold the memories, the traditions, the culture and hopes of the Yamatji People.”

3. ATTENDANCE:

PRESENT:

Councillors

Cr Liz Sudlow
 Cr Rob Horstman
 Cr Richard Burges
 Cr Trevor Gibb
 Cr Tim Hay
 Cr Des Pike
 Cr Roslyn Suckling

Staff

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

Gallery

Nil

3.1 Apologies: Nil

3.2 Leave Of Absence:

Cr Roslyn Suckling was granted Leave of Absence at Council Meeting held 16th June 2023, however she was able to attend Council Meeting held 21st July 2023.

4. **DECLARATIONS OF INTEREST:**

The Chief Executive Officer advised that he has received a Impartiality Interest declaration from Neil Broadhurst, Manager of Works and Technical Services.

Neil Broadhurst declared that a closely associated person is employed by the proponent in Item 9.1.7. The Manager of Works and Technical Services was not involved in the creation of this agenda report.

5. **PUBLIC QUESTION TIME:**

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

6. **PRESENTATIONS:**

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

Cr Liz Sudlow (Shire President)

- Friday 7th July – Batavia Rotary Changeover Dinner at the Geraldton Golf Club. It was noted that the Rotary Club had donated \$17,000 to Northampton after Cyclone Seroja.
- Tuesday 11th July – Meeting with Chris Hamilton from Medibloom.
- Thursday 13th July – Seroja Kalbarri Infrastructure Recovery Meeting with Antionette Krause, DFES DRFA team members, Northampton Shire Staff.
- Monday 17th July – With CEO, Andrew Campbell, met with Jamie-Lee Loffler and Lauren Sweetman to discuss funds of \$25,000 raised by KDA committee from Gala Function held on 21st May 2023. Discussions on potential sites for community hall space/evacuation centre/function centre.

Cr Rob Horstman (Deputy Shire President)

- Tuesday 11th July – Meeting with Chris Hamilton from Medibloom
- Tuesday 18th July - Meeting with Karen Gavin, manager of Northampton Community Centre to discuss maintenance issues.
- Thursday 20th July – Meeting with Helen Reynolds from Creative Obsessions

Cr Richard Burges

- Monday 26th June – Development Assessment Panel nominees training.
- Wednesday 5th July – Community Gardens, Kaiber St, Kalbarri.

Cr Trevor Gibb

- Wednesday 19th July – Kalbarri Visitors Centre, Sundowner.

Cr Tim Hay

- Wednesday 19th July – Hutt River Yamatiji Information Session held at Port Gregory Town Hall.

Cr Des Pike

- Wednesday 5th July – Community Gardens, Kaiber St, Kalbarri.

Cr Roslyn Suckling

- Wednesday 19th July – Hutt River Yamatiji Information Session held at Port Gregory Town Hall.

6.5 Conference reports: Nil

7. CONFIRMATION OF MINUTES:

MOVED: Suckling, R

SECONDED: Gibb, T

07/23-01

That the Minutes of the Ordinary Meeting of the council held on 16 June 2023 be confirmed.

CARRIED: 7/0

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

9. COUNCIL OFFICERS' REPORTS:

ITEM 9.1.1: Chief Executive Officer Activity Report April 2023 To June 2023

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

BACKGROUND:

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

Council should note that the CEO commenced employment on 22 May 2023 and this activity report therefore only captures the last six weeks of the reporting period.

A copy of the CEO Activity Report April 2023 to June 2023 is attached.

ATTACHMENT 9.1.1(1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

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

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

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

ORGANISATIONAL RISK MANAGEMENT:

Open dialogue between the Council and CEO is important and failure to do so could result in a considerable degree of risk to the organisation. Risk rating is considered Level 3 – Moderate.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response
Minor (2)	First aid injuries	\$1,001 - \$10,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response
Moderate (3)	Medical type injuries	\$10,001 - \$50,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact, moderate news profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies
Major (4)	Lost time injury	\$50,001 - \$150,000	Prolonged interruption of services – additional resources; performance affected < 1 month	Non-compliance results in termination of services or imposed penalties	Substantiated, public embarrassment, high impact, high news profile, third party actions	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies
Catastrophic (5)	Fatality, permanent disability	More than \$150,000	Indeterminate prolonged interruption of services – non-performance > 1 month	Non-compliance results in litigation, criminal charges or significant damages or penalties	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions	Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment & building	Uncontained, irreversible impact

FINANCIAL IMPLICATIONS:

Nil

SUSTAINABILITY:

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

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

Social: The CEO plays a key role in the development of community via community leadership, infrastructure provision and community support.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

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

COUNCIL RESOLUTION:

MOVED: Horstman, R

SECONDED: Pike, D

07/23-02

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

CARRIED 7/0

ITEM 9.1.2: Western Australian Local Government Association 2023 Convention

PROPONENT:	Shire of Northampton
OWNER:	N/A
LOCATION / ADDRESS:	Whole of Shire
WARD:	N/A
ZONE:	N/A
BUSINESS AREA:	Office of CEO
FILE REFERENCE:	4.1.8
LEGISLATION:	N/A
AUTHOR:	Andrew Campbell
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	6 July 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Western Australian Local Government Association (WALGA) 2023 Convention is scheduled for Sunday 17 September 2023 to Tuesday 19 September 2023 at Crown Perth.

The purpose of this report is to identify attendees from the Shire of Northampton to enable conference registration and the booking of accommodation.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The conference program can be found at the following website address <https://lqc23.walga.asn.au/> and includes topical issues relevant to local government, exhibitors, suppliers and meeting/networking opportunities.

Each year the Shire of Northampton allocates funding toward the cost of conference attendance and Council has a policy limiting attendance to up to five Councillors including the Shire President and Deputy Shire President. Usually the Chief Executive Officer attends the WALGA Convention in addition to Councillors which will be the case in 2023.

STATUTORY ENVIRONMENT:

Nil.

POLICY / STRATEGIC IMPLICATIONS:

Council Policy 3.2 limits numbers of Councillors attending to five with preference given to the Shire President, Deputy Shire President, then new Councillors and then Councillors who have previously attended the least.

ORGANISATIONAL RISK MANAGEMENT:

Risk rating is considered Level 1 – Insignificant.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response
Minor (2)	First aid injuries	\$1,001 - \$10,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response
Moderate (3)	Medical type injuries	\$10,001 - \$50,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact, moderate news profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies
Major (4)	Lost time injury	\$50,001 - \$150,000	Prolonged interruption of services – additional resources; performance affected < 1 month	Non-compliance results in termination of services or imposed penalties	Substantiated, public embarrassment, high impact, high news profile, third party actions	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies
Catastrophic (5)	Fatality, permanent disability	More than \$150,000	Indeterminate prolonged interruption of services – non-performance > 1 month	Non-compliance results in litigation, criminal charges or significant damages or penalties	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions	Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment & building	Uncontained, irreversible impact

FINANCIAL IMPLICATIONS:

There is an allocation of \$15,000 proposed in the 2023/24 budget for the Convention as per previous years.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

- 1) Accept the nominations from the following Councillors to attend the Western Australian Local Government Association 2023 Convention:**

Cr _____

Cr _____

Cr _____

Cr _____

Cr _____

- 2) Request the Chief Executive Officer facilitate the Convention registration and the accommodation bookings with the relevant Councillors.**

Council moved to suspend the meeting at 1.19pm

MOVED: Pike, D SECONDED: Gibb, T

07/23-03

CARRIED: 7/0

Council moved to reconvene the meeting at 1.21pm

MOVED: Horstman, R SECONDED: Pike, D

07/23-04

CARRIED: 7/0

COUNCIL RESOLUTION:

MOVED: Suckling, R SECONDED: Hay, T

07/23-05

That Council:

- 1) Accept the nominations from the following Councillors to attend the Western Australian Local Government Association 2023 Convention:**

Cr SUDLOW

Cr HORSTMAN

Cr PIKE

Cr HAY

Cr BURGES

- 2) Request the Chief Executive Officer facilitate the Convention registration and the accommodation bookings with the relevant Councillors.**

CARRIED: 7/0

ITEM 9.1.3: Local Government Cyclone Seroja Funding Program

PROPONENT:	Shire of Northampton
OWNER:	N/A
LOCATION / ADDRESS:	Whole of Shire
WARD:	All
ZONE:	All
BUSINESS AREA:	Office of CEO
FILE REFERENCE:	5.1.8
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Andrew Campbell
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	6 July 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

On 13 June 2023 the State Recovery Controller – Cyclone Seroja wrote to the Shire of Northampton (Shire) to advise eligibility for two funding programs as a result of Cyclone Seroja recovery.

ATTACHMENT 9.1.3(1)

The first program is the Community Benefit Fund which allocates up to \$400,000 to the Shire to deliver local led recovery programs. No timeframe on expenditure applies.

The second program is the Local Government Resilience Fund which allocates up to \$500,000 to the Shire to improve the resilience of evacuation facilities and other community infrastructure, or to improve the resilience within the community. The timeframe on expenditure is two years with a possible time extension upon application.

The deadline for applications for both programs is 30 September 2023.

The purpose of this report is to seek desired Council outcomes prior to making a grant application to both programs.

PUBLIC CONSULTATION UNDERTAKEN:

Nil by the Shire of Northampton, however it is understood that informal community feedback has indicated strong preference for the replacement of the Community Hall that was lost in Cyclone Seroja in Kalbarri, an evacuation centre in Kalbarri, and a mechanism to lead and connect communities.

COMMENT (Includes Options):

After the Council meeting held 16 June 2023, the Chief Executive Officer (CEO) initiated a discussion with Council on the matter. During that discussion prospective projects were proposed and are now provided to Council to provide formal direction to assist the CEO in making application to the Department of Fire and Emergency Services under the Local Government Cyclone Seroja Funding Program.

Community Benefit Fund

The proposal for the Community Benefit Fund is for the Shire to provide a focus on community development by engaging additional human resources in both Northampton and Kalbarri for a period of time. Whilst the finer detail of how this would work is yet to be determined, it is expected that coverage across the Shire district would be provided and would focus on connecting community, community events, infrastructure initiatives, and assisting to source grant funding.

Local Government Resilience Fund

The proposal under the Local Government Resilience Fund is to provide a multipurpose facility that can replace the community hall as a multipurpose facility to also act as an evacuation centre in Kalbarri. Whilst \$500,000 would be insufficient to provide such a facility, it is anticipated that the Shire is most likely to be able to secure at least matching funding to undertake a project such as this.

It is recommended that Council consider the options provided, or propose any alternate options, to enable grant applications to be made to the Community Benefit Fund and the Local Government Resilience Fund.

STATUTORY ENVIRONMENT:

Nil.

POLICY / STRATEGIC IMPLICATIONS:

It is considered that both funding programs can assist communities across the Shire recover and move forward from Cyclone Seroja. Providing additional human resources to focus on communities and replacing lost infrastructure will assist in achieving this.

ORGANISATIONAL RISK MANAGEMENT:

It is entirely up to the Shire as to whether to participate in the funding programs. Risk rating is considered Level 3 – Moderate as there would likely be reputational damage to the Shire if it chose not to participate.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response
Minor (2)	First aid injuries	\$1,001 - \$10,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response
Moderate (3)	Medical type injuries	\$10,001 - \$50,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact, moderate news profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies
Major (4)	Lost time injury	\$50,001 - \$150,000	Prolonged interruption of services – additional resources; performance affected < 1 month	Non-compliance results in termination of services or imposed penalties	Substantiated, public embarrassment, high impact, high news profile, third party actions	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Catastrophic (5)	Fatality, permanent disability	More than \$150,000	Indeterminate prolonged interruption of services – non- performance > 1 month	Non-compliance results in litigation, criminal charges or significant damages or penalties	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions	Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment & building	Uncontained, irreversible impact

FINANCIAL IMPLICATIONS:

The two funding programs could collectively provide \$900,000 to the Shire in 2023/24.

Adding additional human resources for a contracted period of time could, if successful, result in the community demanding this arrangement permanently. If this occurs there would be additional future cost to the Shire.

Council should also give consideration to the replacement of significant infrastructure such as buildings as this will come with ongoing maintenance costs that will need to be provided on an annual basis.

SUSTAINABILITY:

Environmental: Preparing for natural disasters should be an ongoing consideration of local government.

Economic: Nil.

Social: Providing appropriate community infrastructure and community assistance leads to healthy and functional communities.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

- 1) Endorse an application to the Community Benefit Fund for additional Shire of Northampton human resources that focusses on community development;**
- 2) Endorse an application to the Local Government Resilience Fund to replace the community hall as a multipurpose facility to also act as an evacuation centre in Kalbarri; and**
- 3) Note that additional funding will be required to complete point 2. above.**

COUNCIL RESOLUTION

MOVED: Horstman, R

SECONDED: Suckling, R

07/23-06

That Council:

- 1) Endorse an application to the Community Benefit Fund for additional Shire of Northampton human resources that focusses on community development;**
- 2) Endorse an application to the Local Government Resilience Fund to replace the community hall as a multipurpose facility to also act as an evacuation centre in Kalbarri; and**
- 3) Note that additional funding will be required to complete point 2. above.**

CARRIED 7/0

ITEM 9.1.4: Chinamans Drive Reinstatement Concept Plan

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

BACKGROUND:

On 11 April 2021 Severe Tropical Cyclone Seroja (cyclone) crossed the Western Australian coastline just south of Kalbarri at approximately 8pm bringing extreme conditions with damaging winds and heavy rainfall resulting in widespread and significant damage to private and public infrastructure across the region in the order of hundreds of millions of dollars.

Since the cyclone event the Shire of Northampton (Shire) has been systematically addressing public infrastructure damage under its direct control through insurance and Disaster Relief Funding Arrangements Western Australia (DRFAWA) initiated after a natural disaster. Consultants GHD have recently been engaged to assist the Shire with addressing the significant public infrastructure damage resulting from the cyclone in Kalbarri including Chinamans Drive, Blue Holes, Jacques Point and to a much lesser extent, Red Bluff. In addition to this GHD are also engaged by the Shire to assist with the creation of a Temporary Construction Workers Accommodation site off Anchorage Lane, Kalbarri as an ancillary project funded by the State Government.

The purpose of this report is for Council to endorse GHD's Chinamans Drive Reinstatement Concept Plan that aligns to the DRFAWA requirements and enable detailed design, approval, procurement and works completion to occur.

ATTACHMENT 9.1.4(1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil. The DRFAWA process and works should not be confused with the Kalbarri Foreshore Masterplan consultation work completed by Tourism WA as they are totally separate matters.

COMMENT (Includes Options):

The requirements of DRFAWA essentially have the approach of providing funding for the "like for like" infrastructure replacement with some discretion to modify previous infrastructure to cater for changing conditions. Such as in the case for the cyclone impact at Chinamans Drive, DRFAWA may allow for a coastal retreat approach where the coastal landscape has significantly changed. In this case a new carpark is proposed to replace two former carparks that were

previously located closer to the Murchison River that are no longer a viable option for carpark reinstatement. It should be noted that the replacement carpark is gravel and will not be line marked as shown in the concept as this was only done to demonstrate “like for like” replacement.

It appears that there is some community confusion surrounding the Kalbarri Foreshore Masterplan (masterplan) and what DRFAWA can fund. The masterplan is something that was consulted with the community by Tourism WA but is a conceptual plan only that was developed as an overarching vision to be used to try and attract significant government funding. It is considered that elements of the masterplan have significant merit and as much as possible within limitations, the Chinamans Drive Reinstatement Concept Plan has tried to align with the masterplan to ensure it could be constructed at a future stage if funding became available.

More than two years on from the cyclone the Shire must immediately move ahead with public infrastructure replacement under the DRFAWA process before the project completion deadline in the first half of 2024. On this basis it is recommended that Council endorse GHD’s Chinamans Drive Reinstatement Concept Plan and thus enable project completion within deadlines.

STATUTORY ENVIRONMENT:

Nil.

POLICY / STRATEGIC IMPLICATIONS:

As a procurement strategy it is likely that the Shire will package all cyclone impact public infrastructure works together to maximise economies of scale and scope by attracting large competent contract companies, whilst also reducing the administration burden required to oversee multiple projects at the same time.

ORGANISATIONAL RISK MANAGEMENT:

The risk rating is considered Level 5 – Catastrophic as there would likely be substantial reputational damage, financial embarrassment, and retention of severe infrastructure damage for the Shire.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or ‘no news’ item	Inconsequential or no damage.	Contained, reversible impact managed by on site response
Minor (2)	First aid injuries	\$1,001 - \$10,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response
Moderate (3)	Medical type injuries	\$10,001 - \$50,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact, moderate news profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies
Major (4)	Lost time injury	\$50,001 - \$150,000	Prolonged interruption of services – additional resources; performance affected < 1 month	Non-compliance results in termination of services or imposed penalties	Substantiated, public embarrassment, high impact, high news profile, third party actions	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Catastrophic (5)	Fatality, permanent disability	More than \$150,000	Indeterminate prolonged interruption of services – non- performance > 1 month	Non-compliance results in litigation, criminal charges or significant damages or penalties	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions	Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment & building	Uncontained, irreversible impact

FINANCIAL IMPLICATIONS:

The Chinamans Drive Reinstatement project will be predominantly funded under DRFAWA with an additional amount of external discretionary funding provided by the State Government to complete works. Final funding provided is likely to be known in 2023 and included as an amendment to the 2023/24 budget.

SUSTAINABILITY:

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

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

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

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

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

COUNCIL RESOLUTION:

MOVED: Hay, T

SECONDED: Pike, D

07/23-07

That Council:

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

CARRIED: 7/0

ITEM 9.1.5: Temporary Workers Caravan Accommodation Facility Concept Plan

PROPONENT:	Shire of Northampton / Department of Fire and Emergency Services
OWNER:	State of Western Australia (leased by the Shire of Northampton)
LOCATION / ADDRESS:	25 Anchorage Lane, Kalbarri
WARD:	Kalbarri
ZONE:	Public Purpose
BUSINESS AREA:	Office of CEO
FILE REFERENCE:	5.1.8
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Andrew Campbell
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	6 July 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

On 11 April 2021 Severe Tropical Cyclone Seroja (cyclone) crossed the Western Australian coastline just south of Kalbarri at approximately 8pm bringing extreme conditions with damaging winds and heavy rainfall resulting in widespread and significant damage to private and public infrastructure across the region in the order of hundreds of millions of dollars.

Since the cyclone event the Shire of Northampton (Shire) has been systematically addressing public infrastructure damage under its direct control through insurance and Disaster Relief Funding Arrangements Western Australia (DRFAWA) initiated after a natural disaster. Consultants GHD have recently been engaged to assist the Shire with addressing the significant public infrastructure damage resulting from the cyclone in Kalbarri including Chinamans Drive, Blue Holes, Jacques Point and to a much lesser extent, Red Bluff. In addition to this GHD are also engaged by the Shire to assist with the creation of a Temporary Workers Caravan Accommodation Facility site off Anchorage Lane, Kalbarri as an ancillary project funded by the State Government.

On 31 March 2023 the Shire's Acting Chief Executive Officer, Mr Maurice Battilana sent an email to Department of Fire and Emergency Services (DFES) confirming the need for the facility after consultation with local businesses, and that the Council was aware of the type of accommodation facility and asset disposal process when the facility was no longer required.

The purpose of this report is for Council to endorse GHD's Temporary Workers Caravan Accommodation Facility Concept Plan to enable detailed design, approval, procurement and works completion to occur. In addition to this the procurement of a temporary transportable ablution facility has commenced with quotes sourced from several companies and is also provided to Council as a concept in an attachment.

ATTACHMENT 9.1.5(1)
ATTACHMENT 9.1.5(2)

PUBLIC CONSULTATION UNDERTAKEN:

On behalf of the Shire, the Mid West Chamber of Commerce and Industry surveyed thirty five Kalbarri Chamber of Commerce and Industry members with sixteen responses received, fifteen for and one against the proposal.

COMMENT (Includes Options):

The Temporary Workers Caravan Accommodation Facility is a partnership between the DFES and the Shire. It is intended to provide temporary accommodation in worker supplied caravans for workers rebuilding and supporting Kalbarri as a result of the cyclone.

Under the proposal there are fifteen caravan bays / campsites, an ablution facility and a camp kitchen. The site is intended to be serviced by reticulated water, power and sewerage and will be compliant with the *Caravan Parks and Camping Grounds Act 1995*. The ablution facilities are likely to be selected on the “best value for money” principle which will be assessed and submitted to DFES as part of the overall concept for approval.

As the proposal is considered “temporary” in nature to address an accommodation issue for construction and supporting workers resulting from a natural disaster, development approval under the Shire of Northampton Local Planning Scheme No:11 – Kalbarri Townsite is not considered necessary. If at any stage in the future permanent use as a caravan park or camping ground (or similar use) was desired, or an alternate use is proposed, a development application would be required. It is also understood that the Shire of Northampton may be required to meet the costs of infrastructure improvements if the use extends beyond the temporary nature of the proposal.

It is recommended that Council give consideration to the endorsement of the Temporary Workers Caravan Accommodation Facility Concept Plan to enable the project to progress further.

STATUTORY ENVIRONMENT:

The proposal is subject to meeting the requirements of the *Caravan Parks and Camping Grounds Act 1995*.

POLICY / STRATEGIC IMPLICATIONS:

As a procurement strategy it is likely that the Shire will package all cyclone impact public infrastructure works together to maximise economies of scale and scope by attracting large competent contract companies, whilst also reducing the administration burden required to oversee multiple projects at the same time.

ORGANISATIONAL RISK MANAGEMENT:

The risk rating is considered Level 3 – Moderate as there would likely be some reputational damage and a financial opportunity lost for the Shire if the project does not proceed.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response
Minor (2)	First aid injuries	\$1,001 - \$10,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response
Moderate (3)	Medical type injuries	\$10,001 - \$50,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact, moderate news profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies
Major (4)	Lost time injury	\$50,001 - \$150,000	Prolonged interruption of services – additional resources; performance affected < 1 month	Non-compliance results in termination of services or imposed penalties	Substantiated, public embarrassment, high impact, high news profile, third party actions	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies
Catastrophic (5)	Fatality, permanent disability	More than \$150,000	Indeterminate prolonged interruption of services – non-performance > 1 month	Non-compliance results in litigation, criminal charges or significant damages or penalties	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions	Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment & building	Uncontained, irreversible impact

FINANCIAL IMPLICATIONS:

The funding of the Temporary Workers Caravan Accommodation Facility will be met by the State Government via the Department of Fire and Emergency Services. Any permanency to the arrangement in favour of the Shire of Northampton may require meeting the cost of provided infrastructure. Once the project is approved, funding will be available to the Shire to complete the project.

The ongoing operation of the project is likely to be facilitated by the Shire of Northampton including bookings, maintenance and facility cleaning. The cost of managing the facility will be offset by the revenue generated from the accommodation. Council will receive a further report on this matter in preparation of the facility opening.

SUSTAINABILITY:

Environmental: The proposal will improve localised environmental impacts by being connected to reticulated sewerage as compared to the existing onsite wastewater disposal system which will now be removed.

Economic: Recovering from a natural disaster takes time and human resources. Providing an accommodation facility such as this will assist in expediting outcomes.

Social: Community recovery from the cyclone is a priority for the Shire.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. Endorse the Temporary Workers Caravan Accommodation Facility Concept Plan in accordance with ATTACHMENT 9.1.5(1);
2. Agree for the Chief Executive Officer to proceed with Temporary Workers Caravan Accommodation Facility project procurement when appropriate in accordance with the requirements of the *Local Government Act 1995*, Council Policy and delegation;
3. Authorise the Chief Executive Officer to proceed with procurement process of the temporary transportable ablution facilities in accordance with the requirements of the *Local Government Act 1995*, Council Policy and delegation;
4. Annually review the operational use and effectiveness of the Temporary Workers Caravan Accommodation Facility once in operation; and
5. Publicly advertise the Temporary Workers Caravan Accommodation Facility Concept Plan to the Kalbarri community for information purposes only.

COUNCIL RESOLUTION:

MOVED: Pike, D

SECONDED: Gibb, T

07/23-08

THAT COUNCIL:

- 1) Endorse the Temporary Workers Caravan Accommodation Facility Concept Plan in accordance with ATTACHMENT 9.1.5(1);
- 2) Agree for the Chief Executive Officer to proceed with Temporary Workers Caravan Accommodation Facility project procurement when appropriate in accordance with the requirements of the *Local Government Act 1995*, Council Policy and delegation;
- 3) Authorise the Chief Executive Officer to proceed with procurement process of the temporary transportable ablution facilities in accordance with the requirements of the *Local Government Act 1995*, Council Policy and delegation;
- 4) Annually review the operational use and effectiveness of the Temporary Workers Caravan Accommodation Facility once in operation; and
- 5) Publicly advertise the Temporary Workers Caravan Accommodation Facility Concept Plan to the Kalbarri community for information purposes only.

CARRIED: 7/0

ITEM 9.1.6: Election Transition Arrangements – Local Government Reform

PROPONENT:	Shire of Northampton
OWNER:	N/A
LOCATION / ADDRESS:	Whole of Shire
WARD:	N/A
ZONE:	N/A
BUSINESS AREA:	Office of CEO
FILE REFERENCE:	4.1.2
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Andrew Campbell
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	6 July 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

At the Council meeting 21 October 2022, the following resolution was made:

“That Council informs the Minister for Local Government that having recently completed a Ward & Representation Review (i.e. public submissions closed on 9 October 2022), it will use the outcomes of this Review to implement the “Voluntary Pathway” process for the introduction of election transition arrangements and:

- 1. Agrees to abolish Wards and revert to a “No Ward” structure for the Shire of Northampton.***
- 2. Agrees to reducing the number of Elected Member positions on the Shire from nine (9) to seven (7), being effective for the October 2023 Ordinary Local Government Elections.***
- 3. Will transition to the reduced number of seven (7) Elected Members by:***
 - i. 2023 Ordinary Election***
Five (5) Elected Member position spill i.e.
 - Four (4) existing positions scheduled to expire in 2023, plus***
 - One (1) existing vacant position scheduled to expire in 2025, which has current Ministerial approval to be filled in 2023.******and only three (3) vacancies advertised to be filled.***
 - ii. 2025 Ordinary Election***
Remaining Four (4) existing positions due to expire in 2025 spill and all four (4) vacancies advertised to be filled.”

The deadline for submission to the Local Government Advisory Board (LGAB) for the “Voluntary Pathway” was clearly indicated in correspondence issued to all local government in Western Australian as 14 October 2022. As Council’s resolution and subsequent submission by the Acting Chief Executive Officer exceeded that timeframe, LGAB’s advice on 24 February 2023 indicated the

Shire of Northampton (Shire) would be directed down the “Reform Election Pathway”.

As part of the Election Transition Arrangements, an Order was made under the *Local Government Act 1995* and this was published in the Government Gazette, WA on 30 June 2023 in preparation for the 2023 Ordinary Local Government Election.

ATTACHMENT 9.1.6(1)

The purpose of this report is to identify to Council that as a result of LGAB’s deliberations of the Shire’s situation in this matter, the outcome is now significantly different from Council’s resolution.

PUBLIC CONSULTATION UNDERTAKEN:

The Shire of Northampton conducted a Ward and Representation Review to inform Council’s decision on the Election Transition Arrangements for the Shire, however due to failure to meet the deadline, Council’s resolution has been altered by the Minister for Local Government (Minister).

COMMENT (Includes Options):

The major change to Council’s resolution by the consideration of LGAB and the Minister’s decision is the timing of the change from nine Councillors to seven Councillors. This involves having a total number of positions from the 2023 Ordinary Local Government Election being eight Councillors and then the total number of Councillors at the 2025 Ordinary Local Government Election being seven Councillors. Council’s resolution was to have seven Councillors effective from the 2023 Ordinary Local Government Election. Wards will be abolished at the 2023 Ordinary Local Government Election which is the same outcome as Council’s resolution.

At the 2023 Ordinary Local Government Election there will now be four vacancies to be elected for four year terms and one vacancy to be elected for a two year term. At the 2025 Ordinary Local Government Election four vacancies will occur however only three vacancies will be filled for four year terms to meet the reduction in Councillor numbers.

There are several potential issues associated with the “extra” Councillor position between for a two-year period from the 2023 Ordinary Local Government Election including:

- Additional election costs associated with the 2023 Ordinary Local Government Election;
- Additional Councillor costs including sitting fees, training, administration and other professional development;
- Whether Councillor positions will be able to be filled and if not what that means for Absolute Majority decisions of Council and quorums;
- The potential for tied voting in Council decisions with an even number of Councillors and the greater reliance on the Presiding Member to use a casting vote; and

- Additional time taken to administer the changes by the Chief Executive Officer with the Western Australian Electoral Commission who are conducting the 2023 Ordinary Local Government Election.

STATUTORY ENVIRONMENT:

The Election Transition Arrangements – Local Government Reform were made under the provisions of the *Local Government Act 1995*.

POLICY / STRATEGIC IMPLICATIONS:

It is disappointing that the LGAB were not able to extend the deadline for submission by the Shire however it was clearly broadcast to local government that extensions were simply not possible due to the timing of the 2023 Ordinary Local Government Election and the time it takes to generate an Order under the *Local Government Act 1995* to effect the change.

ORGANISATIONAL RISK MANAGEMENT:

Risk rating is considered Level 3 – Moderate primarily due to the greater than expected financial impacts.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response
Minor (2)	First aid injuries	\$1,001 - \$10,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response
Moderate (3)	Medical type injuries	\$10,001 - \$50,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact, moderate news profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies
Major (4)	Lost time injury	\$50,001 - \$150,000	Prolonged interruption of services – additional resources; performance affected < 1 month	Non-compliance results in termination of services or imposed penalties	Substantiated, public embarrassment, high impact, high news profile, third party actions	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies
Catastrophic (5)	Fatality, permanent disability	More than \$150,000	Indeterminate prolonged interruption of services – non-performance > 1 month	Non-compliance results in litigation, criminal charges or significant damages or penalties	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions	Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment & building	Uncontained, irreversible impact

FINANCIAL IMPLICATIONS:

The additional cost to the Shire of an “extra” Councillor for a two year period is approximated to be in the order of \$15,000 over a two year period depending on individual circumstances.

SUSTAINABILITY:

Environmental: Nil

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS:**SIMPLE MAJORITY****OFFICER RECOMMENDATION:**

That Council note that the State Government decision on Election Transition Arrangements – Local Government Reform will result in:

- 1) The abolition of Shire of Northampton Wards effective from the 2023 Ordinary Local Government Election;**
- 2) Eight Councillor positions effective from the 2023 Ordinary Local Government Election;**
- 3) Four Councillor vacancies with terms of four years each and one Councillor vacancy with a term of two years at the 2023 Ordinary Local Government Election;**
- 4) Seven Councillor positions effective from the 2025 Ordinary Local Government Election; and**
- 5) Three Councillor vacancies with terms of four years each at the 2025 Ordinary Local Government Election.**

COUNCIL RESOLUTION:**MOVED: Horstman, R****SECONDED: Sudlow, L****07/23-09**

That Council note that the State Government decision on Election Transition Arrangements – Local Government Reform will result in:

- 1) The abolition of Shire of Northampton Wards effective from the 2023 Ordinary Local Government Election;**
- 2) Eight Councillor positions effective from the 2023 Ordinary Local Government Election;**
- 3) Four Councillor vacancies with terms of four years each and one Councillor vacancy with a term of two years at the 2023 Ordinary Local Government Election;**
- 4) Seven Councillor positions effective from the 2025 Ordinary Local Government Election; and**
- 5) Three councillor vacancies with terms of four years each at the 2025 ordinary local government election.**

CARRIED: 7/0

ITEM 9.1.7: Northampton Doctors Surgery – Request for Financial Assistance

PROPONENT:	MediBloom Group
OWNER:	MediBloom Group – Northampton Doctors Surgery (Business Owner) / Shire of Northampton (Building Owner)
LOCATION / ADDRESS:	51 Robinson Street, Northampton
WARD:	Northampton
ZONE:	Residential
BUSINESS AREA:	Office of CEO
FILE REFERENCE:	4.1.8
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Andrew Campbell
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	11 July 2023
DECLARATION OF INTEREST:	A closely associated person to the Manager of Works and Technical Services is employed by the proponent. The Manager of Works and Technical Services was not involved in the creation of this agenda report.

BACKGROUND:

The Shire of Northampton (Shire) has been approached by the MediBloom Group who provide Doctors Surgeries in both Kalbarri and Northampton seeking financial assistance to ensure the business remains viable as a going concern.

Whilst the Shire is awaiting further information and a detailed formal request from the MediBloom Group, an urgent request for financial assistance toward travel for doctors to service the Northampton Doctors Surgery from Kalbarri has been received. MediBloom Group have indicated if they are unable to receive assistance by the end of July 2023, they may have to permanently close the Northampton Doctors Surgery.

The purpose of this report is for Council to determine if they are prepared to fund the urgent request for financial assistance from the MediBloom Group.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

It is not uncommon for regional local governments in Western Australia to operate their own medical services or provide financial assistance for privately owned medical service particularly where there is a strong history of failing to attract doctors to country towns. The Shire of Northampton already provides leased Doctors Surgeries and housing in Northampton and Kalbarri.

On 11 July 2023 the Shire President, Deputy Shire President and Chief Executive Officer met with representatives of the MediBloom Group who outlined their serious concern about having to close the Northampton Doctors

Surgery by the end of July 2023 if they were unable to at least find financial assistance for doctors to travel to Northampton from Kalbarri. From the discussion there appears to be a broader range financial concerns with the MediBloom Group and the Shire is anticipating more information and a formal detailed request within the next two weeks for future consideration of Council.

As a show of goodwill to the MediBloom Group, the Shire President and Deputy Shire President have requested the Chief Executive Officer prepare a report to Council recommending that Council support a contribution to travel for a period of time to maintain the Northampton Doctors Surgery until the Shire is in a better position to assess the entire situation.

STATUTORY ENVIRONMENT:

The *Local Government Act 1995* prescribes the way public funds can be expended.

POLICY / STRATEGIC IMPLICATIONS:

If Council elects not to support the request from the MediBloom Group, it may result in the closure of the Northampton Doctors Surgery at the end of July 2023. It is considered that Council should at least try and prevent this from occurring in the short term until the broader financial issues of MediBloom Group can be assessed as part of any further request to the Shire for substantial financial assistance.

ORGANISATIONAL RISK MANAGEMENT:

Risk rating is considered Level 3 – Moderate. The Shire is expected to incur a cost of financially supporting a private business however if it elects not to, it may be subject to reputational damage arising from the closure of the Northampton Doctors Surgery.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response
Minor (2)	First aid injuries	\$1,001 - \$10,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response
Moderate (3)	Medical type injuries	\$10,001 - \$50,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact, moderate news profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies
Major (4)	Lost time injury	\$50,001 - \$150,000	Prolonged interruption of services – additional resources; performance affected < 1 month	Non-compliance results in termination of services or imposed penalties	Substantiated, public embarrassment, high impact, high news profile, third party actions	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies
Catastrophic (5)	Fatality, permanent disability	More than \$150,000	Indeterminate prolonged interruption of services – non-performance > 1 month	Non-compliance results in litigation, criminal charges or significant damages or penalties	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions	Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment & building	Uncontained, irreversible impact

FINANCIAL IMPLICATIONS:

Current travel claims to the MediBloom Group are between \$300 and \$600 per week. It is recommended that if Council wishes to support the request, funding is capped to a maximum of \$600 per week for actual claims for a period of time up to 31 December 2023. Funding to support the proposal may be sourced from the 2023/24 budget (yet to be set by Council) which is contemplating quarantining a portion of a proposed rate increase in 2023/24 to future proof health services in the district.

SUSTAINABILITY:

Environmental: Nil.

Economic: The cost of the proposal will be borne by ratepayers of the entire Shire district.

Social: The impact of not having a Doctors Surgery in a country town can be devastating for community, particularly those individuals that have difficulty travelling for medical appointments.

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

That Council:

- 1. Fund the request for travel assistance from the MediBloom Group for doctors to travel from Kalbarri to Northampton and return to operate the Northampton Doctors Surgery subject to the following conditions:**
 - a) The funding is capped to up to a maximum of \$600 per week up until the 31 December 2023 or any lesser period as determined by the Shire of Northampton;**
 - b) The funding is to be paid on receipt of evidence attached to each invoice to the Shire of Northampton demonstrating that travel has actually occurred in every claim instance; and**
 - c) The Shire of Northampton reserves the right to amend or retract this decision at any stage and for any reason.**
- 2. Await additional information and a formal proposal from the MediBloom Group for further consideration of Council relating to medical services in the Shire district.**

Mr Neil Broadhurst remained at the meeting by decision of Shire President, Cr Liz Sudlow as he is not eligible to vote on councils resolutions.

COUNCIL RESOLUTION:

MOVED: Sudlow, L

SECONDED: Suckling, R

07/23-10

That Council:

- 1. Fund the request for travel assistance from the MediBloom Group for doctors to travel from Kalbarri to Northampton and return to operate the Northampton Doctors Surgery subject to the following conditions:
 - a) The funding is capped to up to a maximum of \$600 per week up until the 31 December 2023 or any lesser period as determined by the Shire of Northampton;**
 - b) The funding is to be paid on receipt of evidence attached to each invoice to the Shire of Northampton demonstrating that travel has actually occurred in every claim instance; and**
 - c) The Shire of Northampton reserves the right to amend or retract this decision at any stage and for any reason.****
- 2. Await additional information and a formal proposal from the MediBloom Group for further consideration of Council relating to medical services in the Shire district.**

CARRIED BY ABSOLUTE MAJORITY: 7/0

ITEM 9.2.1: Accounts for Payment From 17 June 2023 to 21 July 2023

PROPONENT:	Chief Executive Officer
OWNER:	N/A
LOCATION / ADDRESS:	Whole of Shire
WARD:	Northampton and Kalbarri
ZONE:	All
BUSINESS AREA:	Corporate and Financial Services
FILE REFERENCE:	1.1.1
LEGISLATION:	<i>Local Government (Financial Management) Regulation 1996, Local Government Act 1995</i>
AUTHOR:	Leanne Rowe
APPROVING OFFICER:	Grant Middleton
DATE OF REPORT:	7 July 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

A list of payments submitted to Council on 21st July 2023, for confirmation in respect of accounts already paid or for the authority to those unpaid.
A copy of the Payment Listing is attached.

ATTACHMENT 9.2.1(1)**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

COMMENT (Includes Options):

Council is required to note to payments made under delegation.as presented.

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulation 1996 - Section 13.
Local Government Act 1995 - Section 6.10.

POLICY / STRATEGIC IMPLICATIONS:

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

ORGANISATIONAL RISK MANAGEMENT:

The associated risk would be the failure to comply with Local Government Financial Regulations. It is essential that strong financial practices are in place to ensure all payments are made in accordance with budget and best practice. Risk rating is considered Level 3- Moderate

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response
Minor (2)	First aid injuries	\$1,001 - \$10,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response
Moderate (3)	Medical type injuries	\$10,001 - \$50,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact, moderate news profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies
Major (4)	Lost time injury	\$50,001 - \$150,000	Prolonged interruption of services – additional resources; performance affected < 1 month	Non-compliance results in termination of services or imposed penalties	Substantiated, public embarrassment, high impact, high news profile, third party actions	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies
Catastrophic (5)	Fatality, permanent disability	More than \$150,000	Indeterminate prolonged interruption of services – non-performance > 1 month	Non-compliance results in litigation, criminal charges or significant damages or penalties	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions	Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment & building	Uncontained, irreversible impact

FINANCIAL IMPLICATIONS:

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

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council note Municipal Fund Cheques 22386 to 22396 inclusive totalling \$53,468.58, Municipal EFT payments numbered EFT25033 to EFT25143 totalling \$382,050.29, Direct Debit payments numbered GJ1203 to GJ1209 inclusive totalling \$256,524.69 be passed for payment and the items therein be declared authorised expenditure.

COUNCIL RESOLUTION:

MOVED: Horstman, R

SECONDED: Hay, T

07/23-11

That Council note Municipal Fund Cheques 22386 to 22396 inclusive totalling \$53,468.58, Municipal EFT payments numbered EFT25033 to EFT25143 totalling \$382,050.29, Direct Debit payments numbered GJ1203 to GJ1209 inclusive totalling \$256,524.69 be passed for payment and the items therein be declared authorised expenditure.

CARRIED 7/0

ITEM 9.2.2: Monthly Financial Statements for Period Ending 30 June 2023

PROPONENT:	Chief Executive Officer
OWNER:	N/A
LOCATION / ADDRESS:	Whole of Shire
WARD:	Northampton and Kalbarri
ZONE:	All
BUSINESS AREA:	Corporate and Financial Services
FILE REFERENCE:	1.1.1
LEGISLATION:	<i>Local Government (Financial Management) Regulation 1996, Local Government Act 1995</i>
AUTHOR:	Leanne Rowe
APPROVING OFFICER:	Grant Middleton
DATE OF REPORT:	7 July 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

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

The Monthly Statements of Financial Activity for the period ending 30 June 2023 are detailed from page 1 to page 22 per the attached Monthly Financial report.

A copy of the Monthly Finance Report is attached.

ATTACHMENT 9.2.2(1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

Council to adopt the monthly Financial Report for 30 June 2023 as presented.

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulation - 34 1996.
Local Government Act 1995 - Section 6.4.

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

The associated risk would be the failure to comply with Local Government Financial Regulations requiring monthly reporting of Financial Activity. Risk rating is considered Level 3 – Moderate

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response
Minor (2)	First aid injuries	\$1,001 - \$10,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response
Moderate (3)	Medical type injuries	\$10,001 - \$50,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact, moderate news profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies
Major (4)	Lost time injury	\$50,001 - \$150,000	Prolonged interruption of services – additional resources; performance affected < 1 month	Non-compliance results in termination of services or imposed penalties	Substantiated, public embarrassment, high impact, high news profile, third party actions	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies
Catastrophic (5)	Fatality, permanent disability	More than \$150,000	Indeterminate prolonged interruption of services – non-performance > 1 month	Non-compliance results in litigation, criminal charges or significant damages or penalties	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions	Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment & building	Uncontained, irreversible impact

FINANCIAL IMPLICATIONS:

The 30 June 2023 financial position is comprised of the following:

- Total operating revenue has a surplus position of \$3,453,550 and operating expenditure has a deficit position of \$950,209 to the end of June 2023. The surplus revenue position is largely due to the receipt of \$750,000 for Insurance, LRCI2 & LRCI3 grant revenue component and the early receipt of the 2023/2024 Financial Assistance Grants.
- The expenditure variances are largely related to Cyclone Seroja building repair works that are offset by insurance payout revenue whilst the additional depreciation expenses are associated with the increased building valuations associated with the revaluation of Land and Buildings in 2021/2022.
- The Investing variance is largely associated with the lag in completing capital infrastructure works and the delay in receiving the invoice for the Grey Street asphalt works. While the Financing variance is due to the payout of the CEO housing loan and the deferral of the plant loan due to the delay in the delivery of the backhoe.

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

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

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

COUNCIL RESOLUTION:

MOVED: Suckling, R

SECONDED: Burges, R

07/23-12

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

CARRIED 7/0

ITEM 9.2.3: Corporate Business Plan 2023 to 2026

PROPONENT:	Deputy Chief Executive Officer
OWNER:	N/A
LOCATION / ADDRESS:	Whole of Shire
WARD:	Northampton and Kalbarri
ZONE:	All
BUSINESS AREA:	Corporate and Financial Services
FILE REFERENCE:	4.1.1
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Grant Middleton
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	7 July 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Council undertook a review of the Corporate Business Plan (CBP) which included all Asset Management Plans at the ordinary meeting held on 19 May 2023 and 16 June 2023. All amendments from both reviews have now been made to the CBP.

The amended Asset Management Plans for Transport, Buildings, Recreation, Roads, Footpaths, Car Parking areas Plant and Equipment are all incorporated into the CBP and Long Term Financial Plan (LTFP). All new assets proposed within the plans which have been funded via grant funding or Council cash.

In the preparation of the Corporate Business Plan 2023 to 2026 (2023/2024 – 2026/2027) and the LTFP (2023/2024 to 2032/2033) there have been a number of assumptions made in relation to the application of cost increases and the expenditure out-turn for 2022/2023. A summary of the cost index assumptions is listed below and detailed in the Corporate Business Plan on page 19.

The CBP includes a \$200,000 loan for the purchase of a second backhoe, This loan was included in the 2022/2023 budget and has been carried over as the delivery of the backhoes has been delayed until July 2023. While no new loans other than the backhoe loan are included in the current CBP/LTFP it is anticipated that there may be the requirement for future loan funds for major plant purchases and this will need to be determined when adopting the annual budget for each year.

A copy of the Corporate Business Plan 2023 – 2026 is attached.

ATTACHMENT 9.2.3(1)Cost Index/Drivers

Based on projects proposed the CBP has an annual rate increase of 4% for 2023/2024 to 2026/2027 and then a 2.5 % increase modelled from 2027/2028 to 2032/2033.

Employee costs have been modelled on an increase of 5.8% for 2023/2024 and 3.0% from 2024/2025 to 2026/2027 with 2.5% from 2027/2028. Wage increases post 2023/2024 will be dependent on annual CPI and National Wage Case increases.

Further variable cost index assumptions are detailed on page 19 of the Corporate Business Plan document.

PUBLIC CONSULTATION UNDERTAKEN:

Public consultation is conducted via the Community Strategic Plan process and the Budget request process that is facilitated each year prior to formal budget adoption by Council.

COMMENT (Includes Options):

Council is requested to formally adopt the revised Corporate Business Plan 2023 to 2026 which includes the Long Term Financial Plan as presented.

STATUTORY ENVIRONMENT:

Local Government Act 1995 - Section 5.56

POLICY / STRATEGIC IMPLICATIONS:

The corporate Business Plan process forms part of the Shires Integrated Planning Framework.

ORGANISATIONAL RISK MANAGEMENT:

The associated risk would be the failure to comply with Local Government Financial Regulations requiring monthly reporting of Financial Activity. Risk rating is considered Level 2 - Minor

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response
Minor (2)	First aid injuries	\$1,001 - \$10,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response
Moderate (3)	Medical type injuries	\$10,001 - \$50,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact, moderate news profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies
Major (4)	Lost time injury	\$50,001 - \$150,000	Prolonged interruption of services – additional resources; performance affected < 1 month	Non-compliance results in termination of services or imposed penalties	Substantiated, public embarrassment, high impact, high news profile, third party actions	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies
Catastrophic (5)	Fatality, permanent disability	More than \$150,000	Indeterminate prolonged interruption of services – non-performance > 1 month	Non-compliance results in litigation, criminal charges or significant damages or penalties	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions	Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment & building	Uncontained, irreversible impact

FINANCIAL IMPLICATIONS:

The Corporate Business Plan is used to drive development of the Annual Budget. The plan accesses any relevant external trends or key issues that will impact on the objectives of the Shire over the ensuing financial year. The plan where possible seeks to align with the Strategic Community Plan and includes Council priorities for short, medium and long term aspirations.

SUSTAINABILITY:

Environmental: Nil

Economic: Nil

Social: Nil

VOTING REQUIREMENTS:**SIMPLE MAJORITY****OFFICER RECOMMENDATION:**

That Council adopts the Corporate Business Plan 2023 to 2026 including the Long Term Financial Plan 2023/2024 – 2032/2033 in accordance with ATTACHMENT 9.2.3(1).

COUNCIL RESOLUTION:**MOVED: Sudlow, L****SECONDED: Horstman, R****07/23-13**

That Council adopts the Corporate Business Plan 2023 to 2026 including the Long Term Financial Plan 2023/2024 – 2032/2033 in accordance with ATTACHMENT 9.2.3(1) with minor corrections.

CARRIED 7 /0

ITEM 9.3.1: Renewal of Mobile Food Vehicle Application – ‘Bean Drifting’

PROPONENT:	M & J Phyland
OWNER:	M & J Phyland, Department of Planning, Lands and Heritage, Shire of Northampton
LOCATION / ADDRESS:	Lot 179 (No.13) Glass Street, Kalbarri, Reserves 25307 & 34550 and Red Bluff Road sealed carpark
WARD:	Kalbarri
ZONE:	Residential
DIRECTORATE:	Planning Services
FILE REFERENCE:	10.6.1.3 / 10.6.4 / BD-MFV (A134) R25307, R34550
LEGISLATION:	<i>Planning and Development Act 2005 Local Government Act 1995</i>
AUTHOR:	Michelle Allen
DATE OF REPORT:	11 July 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Council is in receipt of a development application for the renewal of the operation of a mobile food vehicle at specified locations in and around the townsite of Kalbarri, and the storage of the van at Lot 179 (No.13) Glass Street, Kalbarri. The food van has been in operation for ten (10) years, commencing operations in October 2013, and the Applicants are now seeking approval to renew their application to continue operations.

Figure 1. Location of Lot 179 (No. 13) Glass Street, Kalbarri - Storage of van when not in use

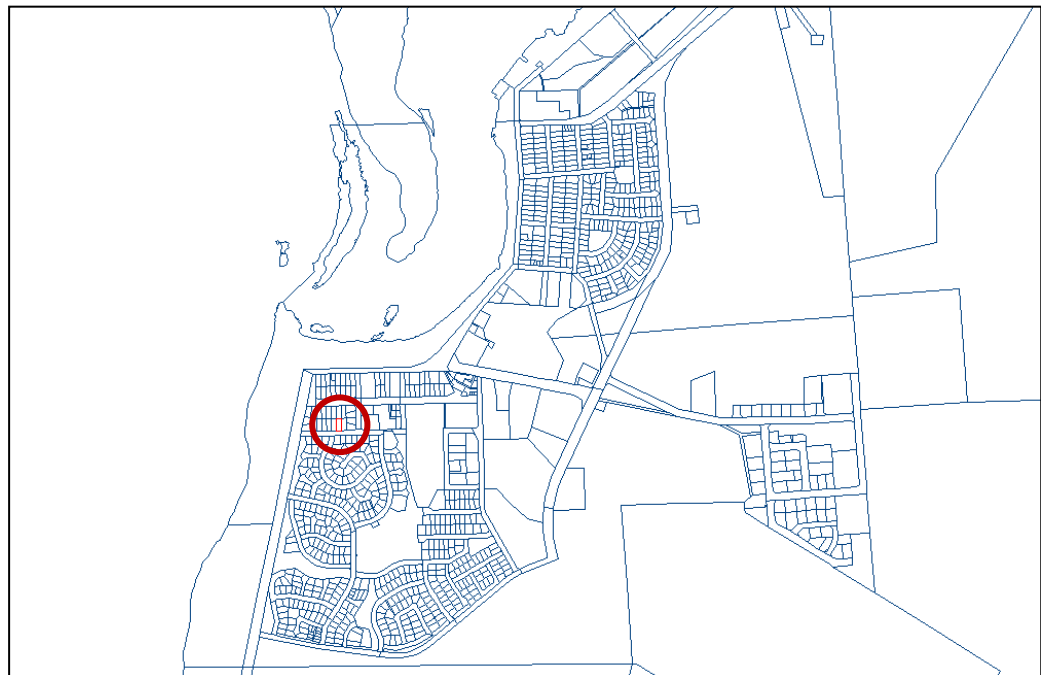


Figure 2. – View looking north towards Lot 179 (No.13) Glass Street, Kalbarri



The proposed Mobile Food Vehicle has been advertised for a period of fourteen days, with advertising concluding on Friday 7th July 2023. The report details submissions received and provides a recommendation to Council for this proposed continued use.

The Proposal

The existing Development Approval D/A 2020-053 for the Mobile Food Vehicle will expire on the 25 September 2023, and therefore the Applicant is seeking to renew their Development Approval, and obtain a subsequent License Agreement, for the operation of their food van at the following locations across Kalbarri:

- Jacques Point gravel carpark (Reserve 34550);
- Red Bluff Road sealed carpark (Road Reserve) adjacent to Bridgeman Road, Kalbarri;
- Carparking area opposite to the Kalbarri Beach Resort (Reserve 25307) after hours between 6:30pm and 12:30am; and
- Sally's Tree (Reserve 25307) after hours between 6:30pm and 12:30am.

Figure 3 – Proposed location - Jacques Point gravel carpark

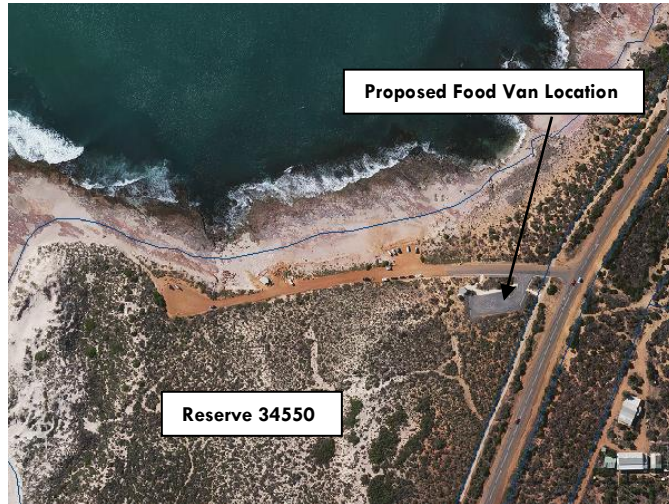


Figure 4 – Proposed location - Red Bluff Road sealed carpark

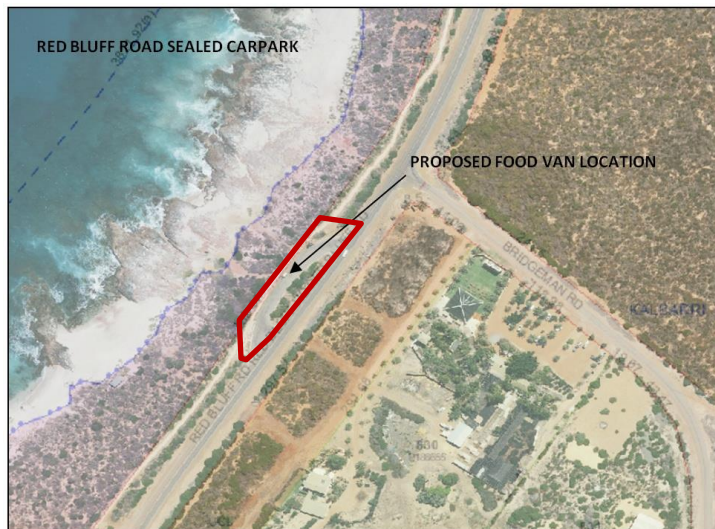


Figure 5 – Proposed location - carpark adjacent to the Kalbarri Beach Resort



Figure 6 - Proposed location - carpark near Sally's Tree

The Applicant proposes to continue to store the food van at Lot 179 (No.13) Glass Street, Kalbarri when not in use, where the van will be cleaned, connected to mains power and the food stored appropriately when the van is not in use.

Council previously, at their Ordinary Meeting held on 20 July 2020, resolved to renew the food van's approval, for operation at four (4) locations around Kalbarri (two locations being unrestricted, and two having restricted trading hours due to being within close proximity to other similar businesses). The existing Development Approval D/A 2020-053 for the Mobile Food Vehicle will expire on the 25 September 2023, and therefore the Applicant is seeking to renew their Development Approval, and obtain a subsequent License Agreement, for a number of locations across Kalbarri, as outlined earlier within the report.

ATTACHMENT: 9.3.1(1)

PUBLIC CONSULTATION UNDERTAKEN:

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

"Where a proposed land use or development is determined by the local government as having the potential to impact on not only the use or enjoyment of land adjoining the application site but also other neighbouring land, the owners/occupiers of those neighbouring properties will be consulted.

a. Method of Consultation

- i. *The owners/occupiers of properties determined as being potentially affected by a development proposal (generally owners of all land within a radius of 60m of the boundary of the application site for land within an urban area or within an existing settlement) will be consulted in writing providing a minimum of 14 days (or such other period as may be prescribed by the relevant legislation) for the lodgement of any submissions.*

- ii. *Dependent upon the level of impact in the area, the local government may also publish a notice of the development proposal in a newspaper circulating in the area inviting comment within a specified period."*

The application was forwarded to fourteen (14) adjacent and adjoining landowners and seven (7) government agencies for a period of fourteen (14) days. The advertising period commenced on 23 June 2023 and concluded on Friday 7 July 2023 with one submission received supporting the proposed application.

During the advertising period the following actions were undertaken:

- Notice of the development placed in the Geraldton Guardian;
- Letters to relevant governmental agencies and adjacent landowners;
- Notice on the Shire website;
- Notice in local newsletter publications, 'Kalbarri Town Talk' and 'Northampton News'.
- Notice of the development advertised at each of the Shire's administration buildings.

COMMENT (Includes Options):

It is considered that the proposed development complies with the requirements of the *Local Planning Scheme No. 11* and the *Local Planning Policy Mobile Food Vehicles*.

It is noted that this application has been received as a renewal of a Commercial Recreational User 3-year License Agreement renewal, and therefore the fee of \$672 was requested and paid. However, this Application falls under the adopted *Local Planning Policy – Mobile Food Vehicles*, and therefore the new permit fee structure and annual renewal process should apply.

When considering the previous renewal application, Council approved a license agreement period of three years with an Advice Note made upon the development approval that when that License Agreement period lapsed, the use would thereafter fall under the provisions and fee structure of the new *Local Planning Policy for Mobile Food Vehicles*.

Storage of Mobile Food Vehicle at Lot 179 (No. 13) Glass Street, Kalbarri

The Applicant utilises Lot 179 Glass Street to store the Mobile Food Vehicle when not in use and has reapplied for this to continue for a further approved period. No submissions were received in relation to this proposed use and no reported complaints have been received in relation to this use in previous years, therefore support for the storage of the van at this location is considered appropriate.

Jacques Point gravel carpark

Given the requirements of the Scheme and the Shire of Northampton's Local Planning Policy '*Commercial Recreational Tourism Activity on Crown Reserves*' the following guidance is provided:

Zoning: Reserve 34550

Management Order: Shire of Northampton

The area is 3.5km from the Kalbarri commercial areas and 500m from Rainbow Jungle, which recently recommenced operations as a movie cinema. No submission was received from this landowner during the most recent round of consultation/advertising stating any objection to the proposal. No other submissions were received directly relating to this reserve.

Given the above, this location is considered to meet the objectives and requirements of the Shire's Policy's, Local Laws and Scheme, and support for the operation of the Mobile Food Vehicle upon this site is considered appropriate.

Red Bluff Road sealed carpark (Road Reserve) adjacent to Bridgeman Road, Kalbarri

Given the requirements of the Town Planning Scheme, the following guidance is provided:

Zoning: Road Reserve

Control: Shire of Northampton

The area is 3.5km from the Kalbarri commercial areas and less than 500m from Rainbow Jungle. As noted above, no objection has been received from the operators of Rainbow Jungle as a result of recent advertising. Furthermore, the location is not under Main Roads jurisdiction and it is considered that there would be no detrimental impact for users of the existing Main Roads network.

Given the above, this location is considered to meet the objectives and requirements of the Shire's Policy's, Local Laws and Scheme and support for the operation of the Mobile Food Vehicle upon at this site is considered appropriate.

Carparking areas opposite to the Kalbarri Beach Resort and adjacent to Sally's Tree (with restricted trading hours between 6:30pm and 12:30am)

Given the requirements of the Scheme and the Shire of Northampton's Local Planning Policy '*Commercial Recreational Tourism Activity on Crown Reserves*' the following guidance is provided:

Zoning:Reserve 25307
Management Order:Shire of Northampton

The application seeks to operate the Mobile Food Vehicle upon Reserve 25307 in the car parking area adjacent to the Kalbarri Beach Resort as well as adjacent to Sally's Tree, between the hours of 6.30pm to 12.30am (NB. The most recent approval was granted for amended trading hours to be 8.30pm – 12.30am in those locations).

No objection was received during the advertising period, regarding the potential impacts the proposal might have upon existing businesses offering similar products for sale. However, the proposed location of Sally's Tree is located within approximately 350m of a commercial business offering similar products.

Council Policy 8.5 provides some guidance in relation to these matters, with the Policy stating that an application should not be approved to operate within 500 metres of any business offering similar produce for sale, and excepting where specifically approved, shall not operate within a Townsite during the normal trading hours of any business within that Townsite which is offering similar produce for sale.

With regard to the proposed extended trading hours (with the commencement time proposed to be brought forward from 8:30pm to 6:30pm), it is noted that there are a number of restaurants who are open beyond 6:30pm on a regular basis. It is therefore considered that allowing the Food Van to operate from 6:30pm would be in conflict with the provisions of Council Policy 8.5, and it is recommended to Council that the trading hours (should they be approved) be restricted to 8:30pm until 12:30am.

It is further noted that the application proposes the use of a generator to provide the Mobile Food Vehicle power requirements whilst in operation. It is noted that Council, in recent times, has required other foreshore users to connect to mains power within Reserve 25307 and has not approved the use of generators because of potential noise impacts. It is additionally noted that this application proposes to operate during evening hours and the two subject sites proposed within this application are located in close proximity to accommodation businesses (particularly the Kalbarri Beach Resort), and therefore potential noise impacts are likely to be increased during evening hours whilst guests are trying to sleep. It is noted that the distance from the proposed site and the edge of the Kalbarri Beach Resort development is approximately 60 metres.

It is therefore recommended that Council consider the suitability of the use of a generator upon the two Reserve 25307 locations (i.e. opposite Kalbarri Beach Resort and adjacent to Sally's Tree) and the requested trading hours upon those sites. It is proposed that any approval for use of those two sites should be tied to the requirement to connect to an approved onsite power source, and that the use of a generator upon Reserve 25307 shall not be permitted except in exceptional circumstances such as a power outage, in keeping with the requirement of other reserve users to do the same. This is likely to come at an extra cost to the applicant, as connection to a power source may require a

metred connection or negotiation with existing vendors to access their power source.

STATUTORY ENVIRONMENT:

State: Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

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

Shire of Northampton Local Planning Scheme No. 11

In relation to the parking of the Mobile Food Vehicle at Lot 179 (No.13) Glass Street, Kalbarri, the lot is zoned 'Residential' under the Scheme. The objectives for the 'Residential' zone as prescribed in Section 3.1 of the Scheme:

Zone Name	Objectives
Residential	<ul style="list-style-type: none"> • 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.

In relation to the parking of commercial vehicles Section 4.8.11 of the Scheme states:

- (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.*

In relation to the operation of Mobile Food Vehicle upon land zoned 'Reserve', Section 2.2 of the Scheme relates to Local Reserves and states the Reserve Name and Objectives.

Reserve 25307 is vested with the Shire of Northampton for 'Recreation' purposes and forms part of the Kalbarri Foreshore Reserve. The objective of the Reserve are as follows:

Reserve Name	Objectives
Public Open Space	<ul style="list-style-type: none"> •To set aside areas for public open space, particularly those established under the <i>Planning and Development Act 2005</i> 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.

“2.2.1A person shall not use or commence or carry out development on reserved land without first having obtained the planning approval of Council under Part VI of the Scheme, and in determining an application for planning approval Council shall have regard to:

- (a)the matters set out in Clause 6.5; and*
- (b)the ultimate purpose intended for the reserved land,*

and Council shall, in the case of land reserved for the purposes of a public authority, confer with that authority before giving its approval.”

POLICY / STRATEGIC IMPLICATIONS:

Applications for Development Approval must be assessed against requirements of the Scheme and Local Planning Policies that have been adopted in accordance with the Scheme. These policies include Local Planning Policy *Mobile Food Vehicles*.

APPENDIX 9.3.1(1)

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.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

Previous approvals have always been by means of issuing a three-year License Agreement to the Applicant. Under the *Commercial Recreational Tourism Activity Local Planning Policy*, a total application fee of \$672 is payable (being \$375 advertising fee and \$297 application fee), as well as a Reserve User Fee of \$500 per year (payable upfront for three years), together with a License Agreement preparation fee of \$150.

However, this application will be dealt with under the *Mobile Food Vehicles Local Planning Policy*, and a total renewal application fee of \$405 is required (being \$30 renewal application fee and \$375 advertising fee), with the annual fee for a Mobile Vehicle Permit being \$1,000 per annum plus the application fee.

To date, total fees of \$672 have been paid by the applicant, being an overpayment of \$267 which will be refunded to the applicant.

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.

SUSTAINABILITY:

Environmental:

Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council grant development approval for the Applicant to operate the 'Bean Drifting' Mobile Food Vehicle, subject to the following conditions:

- 1) Development/use shall be in accordance with the attached approved plans dated 21 July 2023 and subject to any modifications required as a consequence of this approval. The endorsed plan(s) shall not be modified or altered without prior written approval of the local government;**
- 2) 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;**
- 3) This Development Approval and Mobile Food Vehicle Permit is valid until 30 June 2024, after which further renewal of the approval by the local government is required annually. It is the responsibility of the operator to apply in good time before expiration, and the local government will not automatically re-issue approvals;**
- 4) That Council determines the application renewal fee of \$30 plus mobile food vehicle permit fee of \$1,000 for a twelve month period (as per Local Planning Policy – *Mobile Food Vehicles* including a pro-rata fee basis to afford annual renewal expiry date of 30 June each year) as the appropriate fee for this application;**
- 5) That it is the responsibility of the operator to pay the appropriate mobile food vehicle permit fee in good time before the expiration, and the local government will not automatically issue renewal notices;**
- 6) That the annual payment fee of \$1000 can be scheduled as a quarterly payment fee of \$250 per three month period to be due and payable on the following dates:**

- 30 September 2023;
 - 30 December 2023;
 - 30 March 2024; and
 - 30 June 2024.
- 7) Should payment of the permit fee not be received by the due date, the current application will become void and no longer valid:
 - 8) The Mobile Food Vehicle Permit issued shall be displayed on the dash or another prominent visible location of the approved vehicle at all operating times;
 - 9) This approval is for one (1) Mobile Food Vehicle only;
 - 10) The Mobile Food Vehicle and associated services shall not obstruct, or cause obstruction to, the access or traffic flow of car parking areas at any time;
 - 11) Should substantiated ongoing complaints be received in relation to Condition No. 10 the Shire of Northampton reserves the right to review and/or revoke this Development Approval;
 - 12) The Application 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 – *Mobile Food Vehicles*;
 - 13) The Mobile Food Vehicle is ONLY to be operated at the following locations:
 - (i) Jacques Point (Reserve 34550);
 - (ii) Red Bluff Road (sealed carpark) Road Reserve;
 - (iii) Carparking area adjacent Kalbarri Beach Resort (Reserve 25307); and
 - (iv) Sally's Tree (Reserve 25307).
 - 14) That the Mobile Food Vehicle shall ONLY operate at locations defined at condition 13(iii) and 13(iv) as per above, between the hours of 8:30pm-12:30am.
 - 15) This approval is issued only to Martin & Judy Phyland and is NOT transferable to any other person or to any other land parcel, without further application and approval of the Shire of Northampton. Should there be any change in respect of which this development approval is issued this approval shall no longer be valid;
 - 16) The Mobile Food Vehicle is only approved to sell the following items only:
 - Hot, cold and frozen beverages (i.e. coffee, tea, slushies, cool drink cans)
 - Soft serve icecream
 - Toasted sandwiches
 - Pastry items (i.e. pies, sausage rolls)
 - Muffins & cakes
 - Bags of potato chips.
 - 17) 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, vibrations, waste product or otherwise;
 - 18) 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;

- 19) The Mobile Food Vehicle is required to be removed from the area at the close of business each day. The Mobile Food Vehicle is not permitted to be stored within the approved operating areas;
- 20) The Mobile Food Vehicle is permitted to be stored at Lot 179 (No.13) Glass Crescent, Kalbarri subject to the vehicle being stored within the property boundaries and the vehicle 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;
- 21) This approval is issued only to Martin & Judy Phyland and is NOT transferable to any other person or to any other land parcel. Should there be any change in respect of which this development approval is issued this approval shall no longer be valid;
- 22) No freestanding signs or hoardings advertising the operation of the Mobile Food Vehicle are permitted to be erected whether temporary or permanent in nature;
- 23) The use of mechanical chimes or amplified music which could cause a noise nuisance is not permitted. The Mobile Food Vehicle shall at all times comply with the Environmental Protection (Noise) Regulations 1997;
- 24) The parking of the Mobile Food Vehicle is not permitted upon road reserves, road verges or other carriageways with the exception of those approved areas indicated upon the approved plans dated 21 July 2023;
- 25) The use of a generator upon Reserve 25307 is only allowed during power outages or when the on-site power source is not accessible (as approved by the Local Government). At all other times, the Applicant shall utilise an onsite power connection and source, which shall be to the approval of the Local Government;
- 26) The Applicant shall be wholly financially responsible for the connection and/or use of electricity accessed via metred outlet(s) upon Reserve 25307.

Advice Notes:

- 1) Where an approval has so lapsed, no development/land use shall be carried out without the further approval of the local government having first been sought and obtained.
- 2) 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.
- 3) The Applicant is advised that compliance with any and all governmental legislation and regulations, including but not limited to the Health Act and Regulations, the Food Act and Regulations and the Environmental Protection (Noise) Regulations, is required at all times;

- 4) 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.
- 5) Should a new food premise be established within 500m of any of the approved locations the applicant is advised that the future approval and use of the said location would be unlikely.
- 6) If a commercial vehicle owner/driver, who has been granted approval to park a vehicle on a lot, wishes to replace the vehicle in a different location to that approved, a new application is required to be lodged with that local government.

COUNCIL RESOLUTION:

MOVED: Pike, D

SECONDED: Burges, R

07/23-14

That Council grant development approval for the Applicant to operate the 'Bean Drifting' Mobile Food Vehicle, subject to the following conditions:

- 1) Development/use shall be in accordance with the attached approved plans dated 21 July 2023 and subject to any modifications required as a consequence of this approval. The endorsed plan(s) shall not be modified or altered without prior written approval of the local government;
- 2) 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;
- 3) This Development Approval and Mobile Food Vehicle Permit is valid until 30 June 2024, after which further renewal of the approval by the local government is required annually. It is the responsibility of the operator to apply in good time before expiration, and the local government will not automatically re-issue approvals;
- 4) That Council determines the application renewal fee of \$30 plus mobile food vehicle permit fee of \$1,000 for a twelve month period (as per Local Planning Policy – *Mobile Food Vehicles* including a pro-rata fee basis to afford annual renewal expiry date of 30 June each year) as the appropriate fee for this application;
- 5) That it is the responsibility of the operator to pay the appropriate mobile food vehicle permit fee in good time before the expiration, and the local government will not automatically issue renewal notices;
- 6) That the annual payment fee of \$1000 can be scheduled as a quarterly payment fee of \$250 per three month period to be due and payable on

the following dates:

- 30 September 2023;
 - 30 December 2023;
 - 30 March 2024; and
 - 30 June 2024.
- 7) Should payment of the permit fee not be received by the due date, the current application will become void and no longer valid:
 - 8) The Mobile Food Vehicle Permit issued shall be displayed on the dash or another prominent visible location of the approved vehicle at all operating times;
 - 9) This approval is for one (1) Mobile Food Vehicle only;
 - 10) The Mobile Food Vehicle and associated services shall not obstruct, or cause obstruction to, the access or traffic flow of car parking areas at any time;
 - 11) Should substantiated ongoing complaints be received in relation to Condition No. 10 the Shire of Northampton reserves the right to review and/or revoke this Development Approval;
 - 12) The Application 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 – *Mobile Food Vehicles*;
 - 13) The Mobile Food Vehicle is ONLY to be operated at the following locations:
 - (i) Jacques Point (Reserve 34550);
 - (ii) Red Bluff Road (sealed carpark) Road Reserve;
 - (iii) Carparking area adjacent Kalbarri Beach Resort (Reserve 25307);
 - and
 - (iv) Sally's Tree (Reserve 25307).
 - 14) That the Mobile Food Vehicle shall ONLY operate at locations defined at condition 13(iii) and 13(iv) as per above, between the hours of 8:30pm-12:30am.
 - 15) This approval is issued only to Martin & Judy Phyland and is NOT transferable to any other person or to any other land parcel, without further further application and approval of the Shire of Northampton. Should there be any change in respect of which this development approval is issued this approval shall no longer be valid;
 - 16) The Mobile Food Vehicle is only approved to sell the following items only:
 - Hot, cold and frozen beverages (i.e. coffee, tea, slushies, cool drink cans)
 - Soft serve icecream
 - Toasted sandwiches

- Pastry items (i.e. pies, sausage rolls)
- Muffins & cakes
- Bags of potato chips.

- 17) 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, vibrations, waste product or otherwise;
- 18) 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;
- 19) The Mobile Food Vehicle is required to be removed from the area at the close of business each day. The Mobile Food Vehicle is not permitted to be stored within the approved operating areas;
- 20) The Mobile Food Vehicle is permitted to be stored at Lot 179 (No.13) Glass Crescent, Kalbarri subject to the vehicle being stored within the property boundaries and the vehicle 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;
- 21) This approval is issued only to Martin & Judy Phyland and is NOT transferable to any other person or to any other land parcel. Should there be any change in respect of which this development approval is issued this approval shall no longer be valid;
- 22) No freestanding signs or hoardings advertising the operation of the Mobile Food Vehicle are permitted to be erected whether temporary or permanent in nature;
- 23) The use of mechanical chimes or amplified music which could cause a noise nuisance is not permitted. The Mobile Food Vehicle shall at all times comply with the Environmental Protection (Noise) Regulations 1997;
- 24) The parking of the Mobile Food Vehicle is not permitted upon road reserves, road verges or other carriageways with the exception of those approved areas indicated upon the approved plans dated 21 July 2023;
- 25) The use of a generator upon Reserve 25307 is only allowed during power outages or when the on-site power source is not accessible (as approved by the Local Government). At all other times, the Applicant shall utilise an onsite power connection and source, which shall be to the approval of the Local Government;
- 26) The Applicant shall be wholly financially responsible for the connection and/or use of electricity accessed via metred outlet(s) upon Reserve 25307.

Advice Notes:

- 1) Where an approval has so lapsed, no development/land use shall be carried out without the further approval of the local government having first been sought and obtained.**
- 2) 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.**
- 3) The Applicant is advised that compliance with any and all governmental legislation and regulations, including but not limited to the Health Act and Regulations, the Food Act and Regulations and the Environmental Protection (Noise) Regulations, is required at all times;**
- 4) 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.**
- 5) Should a new food premise be established within 500m of any of the approved locations the applicant is advised that the future approval and use of the said location would be unlikely.**
- 6) If a commercial vehicle owner/driver, who has been granted approval to park a vehicle on a lot, wishes to replace the vehicle in a different location to that approved, a new application is required to be lodged with that local government.**

CARRIED 7/0

ITEM 9.3.2: Amendment to Development Application 2022-057 – Proposed Repurposed Dwelling – Lot 184 (No. 7) Porana Place, Kalbarri

PROPONENT:	W Stevenson and HC Ash
OWNER:	W Stevenson and HC Ash
LOCATION / ADDRESS:	Lot 184 (No. 7) Porana Place, Kalbarri
WARD:	Kalbarri
ZONE:	Residential
DIRECTORATE:	Planning
FILE REFERENCE:	10.6.1.1 (A4106)
LEGISLATION:	<i>Planning and Development Act 2005</i> <i>Local Government Act 1995</i>
AUTHOR:	Michelle Allen
DATE OF REPORT:	11 July 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Council is in receipt of a request seeking a twelve-month time extension to complete modifications applied in Development Approval 2022-057, placed upon Lot 184 (No. 7) Porana Place, Kalbarri for the purpose of residential accommodation. As the proposal was for an unauthorised second-hand repurposed dwelling that had visual amenity impacts upon the residential area, it was referred to Council for consideration.

At the Council meeting held 15 July 2022 Council resolved:

MOVED: Cr L SUDLOW	SECONDED: Cr T GIBB
<p>The application for development approval is <u>APPROVED</u> subject to the following:</p>	
<p>1 Development shall be in accordance with the attached approved plan(s) dated 15 July 2022 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;</p>	
<p>2 If the development/use the subject of this approval is not substantially completed within a period of two (2) years after the date of this determination the approval shall lapse and be of no further effect;</p>	
<p>3 Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and development approval for that use/addition;</p>	
<p>4 A building permit shall be issued by the local government prior to the commencement of any work on site;</p>	

- 5 All stormwater is to be disposed of on-site to the specifications and approval of the local government;**
- 6 Any soils disturbed or deposited on site shall be stabilised to the approval of the local government;**
- 7 Access, driveway, manoeuvring and car parking areas to be paved/sealed, drained and thereafter maintained to the approval of the local government;**
- 8 Installation of crossing places and verge gradients shall be to the standards and specification of the local government;**
- 9 Bin storage and clothes drying areas shall be provided to the rear of the dwelling or screened from the view of the street, to the approval of the local government;**
- 10 The storage of building materials associated with the relocated dwelling shall be to the rear of the dwelling or screened from public view. No long term storage of building materials shall be located forward of the dwelling;**
- 11 The space between the ground level and the floor level of the relocated dwelling shall be suitably enclosed to the approval of the local government;**
- 12 A materials and colour schedule for the dwelling shall be submitted prior to construction of the dwelling, and be to the approval of the local government. The materials and colours chosen shall be non-reflective and in keeping with the natural environment so as to lessen the visual impact of the repurposed dwelling on the amenity of the area;**
- 13 All verandah posts, rafters, downpipes, gutters and fascias are to be painted in colours, to the approval of the local government;**
- 14 The Applicant shall undertake all of the building modifications and requirements as specified below;**
 - i) The verandah/patio structure to be constructed on the northern elevation comprising steel uprights and solid colorbond roof cladding; and**
 - ii) The verandah/patio structure to include wooden floor decking for the entire length and width of the north facing elevation.**
 - iii) Screening on a portion of the front (northern) and the full eastern side of the verandah/patio to be constructed utilising merbau timber battens on steel frame.**

- iv) Screening of air conditioner and hot water system on the western side of the dwelling to be constructed utilising merbau timber battens.
 - v) The external walls of the dwelling will be clad in Colorbond cladding in the colour 'Surfmist'
 - vi) The roof of the dwelling and verandah will be clad in Colorbond Custom Orb in the colour 'Classic Cream'.
- 15 Prior to the commencement of the development/land use a formal landscaping plan shall be submitted to and approved by the local government. The approved landscaping plan is to be implemented in full prior to the commencement of the approved use and maintained thereafter to the approval of the local government and will include:
- i) The provision of two (2) car parking spaces to be provided forward of the dwelling, such that the carparking spaces are provided in direct association with the house and pedestrian path area, and be paved/sealed, drained and thereafter maintained to the approval of the local government;
 - ii) The landscaped area surrounding the repurposed dwelling to be landscaped effectively and maintained thereafter as shown on the attached approved plans dated 15 July 2022 and to include tree and shrub locations and varieties in relation to pedestrian path, retaining walls, driveway and roadway.
- 16 The Applicant shall lodge a Statutory Declaration with the Shire of Northampton prior to a Building Permit being issued, that provides a written and signed commitment to complete the required modifications to the approval of the local government and in accordance with, and acceptance of, Conditions 14, 15 and 17 of this approval;
- 17 A bond of \$10,000 shall be lodged with the Shire of Northampton prior to the issuance of a Building Permit, with the bond money to be repaid to the Applicant when the modifications as specified at Condition 14 and 15 are deemed to be completed (also refer to Condition 18 and Advice Note 5);
- 18 Should the works as specified at Conditions 14 and 15 not be undertaken or completed to the satisfaction of the local government within a period of 12 months from the date of this approval, being on or before the 15 July 2023, the Applicant will have forfeited their right to recover the bond as described within Condition 17; and
- 19 The Applicant/Owner shall include the minimum tree requirement, being one (1) tree with a minimum tree planting area of 2 metres by 2

metres within the street setback area of Lot 184 Porana Place, Kalbarri, so as to address the requirements of Clause 5.3.2 of the Residential Design Codes (2021).

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.** Assessment of the application was based on the use of the dwelling for residential purposes and any changes to this use (eg. for tourist/holiday accommodation) purposes requires further application and development approval for that use.
- Note 3.** With regard to Condition No. 19, the minimum planting area is to be provided for each tree and shown on the site plan. The tree planting area is to be free of impervious surfaces and roof cover.
- Note 4.** 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 5:** Should the Applicant fail to commence or complete the modifications specified at Condition 14 and 15 within the timeframes specified in Condition 18 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, removal orders of the outbuilding and/or removal orders of the occupants. The Applicant is advised that, should delays to the modification works 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 6.** 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.

Following notification of an unauthorised structure being placed on Lot 184 Porana Place, Kalbarri, and subsequent submission of an Application for

Development Approval by the landowners in October 2021, Shire staff worked with the landowners to effect retrospective approval of the second-hand structure which included remediation works to address provisions associated with the placement of a second-hand repurposed dwelling on a residential lot.

It is noted that Lot 184 was a vacant lot that had no dwelling or structures existing on site until the unauthorised placement of the present structure in 2021.

The one-bedroom transportable structure is clad in colorbond and was built in January 2021 before being placed on a lot within Kalbarri from where it was relocated to Porana Place. Building modifications were proposed for the 3m x 12m (36m²) dwelling and included a 3.0m wide steel framed verandah and timber decking area to be constructed on the northern (front) elevation. The application plans detailed that Colorbond Custom Orb in the colour 'Classic Cream' would clad the external walls of the dwelling. Landscaping was to be installed in the surrounding area to further address the amenity of the development and included car parking and pedestrian access to the proposed dwelling.

In October 2021, to support the retrospective application, the Applicant provided the following:

- A completed Application for Development Approval with landowner's signature;
- Payment of the \$320 Development Application fee;
- Site and Building Plans; and
- Photos of repurposed dwelling.

ATTACHMENT 9.3.2(1)
ATTACHMENT 9.3.2(2)

As a result of the unauthorised placement of the structure on lot 184, including building materials conditions were imposed within Development Approval 2022-057 ensuring modifications were undertaken to the structure within a one year period which will expire on 15 July 2023. As the structure had historically been in-situ for some time, this condition was imposed to ensure modifications were applied within a strict timeframe with opportunity for the Applicant to seek an extension for a further twelve month period if not completed.

The Applicants have outlined extenuating circumstances which has prevented them from undertaking modification works within the set time frame, which included recovery measures following the impact of Tropical Cyclone Seroja and the lack of availability of builders and building materials.

ATTACHMENT: 9.3.2 (3)

PUBLIC CONSULTATION UNDERTAKEN:

Given the potential for amenity impacts from the proposed development, advertising of the original proposal was conducted to seven adjoining and adjacent landowners. Advertising of the application has been conducted in accordance with Section 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015* at the time the application was submitted in 2022. No comment was received from adjoining and adjacent landowners at that time

COMMENT (Includes Options):

It is considered that the proposed development complies with the requirements of the *Local Planning Scheme No. 11* and associated Local Planning Policies.

Whilst the development is proposed to be located within the Residential area on the southern side of the Kalbarri townsite, it is in keeping with the Schemes objective “to provide for a range of housing and choice of residential densities to meet the needs of the community”.

The need to provide appropriate forms of housing for all household types within a locality including one or two person households is recognised, however, the unauthorised placement of the single bedroom dwelling on the residential lot has necessitated retrospective consideration of a structure not built in the first instance for permanent residential purposes. Structures of this design and size are constructed for the purpose of short term and/or workforce accommodation and require considerable remediation works to meet Residential Design Code provisions and be fit for long term residential accommodation.

Whilst the development partially addresses the principles relating to repurposed dwellings, street surveillance and landscaping, there is an exception relating to streetscape.

The proposal can be considered in terms of three factors, being

- (i) the proposed dwelling is a repurposed second-hand single bedroom dwelling,
- (ii) the impact on streetscape amenity and
- (iii) the proposed use of the dwelling for residential accommodation following the

impacts of Cyclone Seroja and the subsequent shortfall of available accommodation that has arisen for residents of Kalbarri.

Each of these factors is considered separately below.

Repurposed Dwelling

The Shire's *Local Planning Scheme No. 11* requires that repurposed dwelling proposals are able to meet the relevant zone's objectives, are able to complement the character of the locality by means of enhancing built form using a mixture of materials and architectural detail, and that the modified design is able to effectively mitigate any potential adverse visual impacts.

The Applicant will endeavor to modify the appearance of the building such that it takes on the appearance of a single dwelling, albeit one of limited size. The following repurposing measures are proposed for the repurposed dwelling:

- A verandah structure on the northern (front) elevation, as per the attached plans, comprising steel uprights and Colorbond metal roof sheeting;

- Timber decking on the floor area of the front verandah;
- Screening measures to be installed on one side of the front verandah and to hide the air conditioner and hot water system from view at the front of the dwelling;
- Colour palette of the structure to be provided prior to issue of building permit;
- Landscaping measures are informally proposed to soften the development; and
- Installation of a vehicle access driveway.

The proposed location of the repurposed dwelling is on a Residential zoned lot with a density coding of R20, on the southern side of the townsite. The lot is 515m² in area and the dwelling is proposed to sit diagonally on the southern side of the lot which is located at the end of a cul-de-sac. The proposed development is setback 10 metres from the street.

Streetscape

The proposed development seeks to vary the requirements that contribute to the streetscape of the area.

Streetscape is the term given to the collective appearance of all buildings, footpaths, gardens and landscaping along a street. The streetscape is the visual identity of a neighbourhood and whilst it is acknowledged that a number of lots remain vacant, there are also a number of lots that contain developments which form the character of the local area. Elements of good streetscape design include houses that may have unique designs but fit together in a consistent pattern so that no single house is dominant or subordinate and they look like they belong in the neighbourhood.

Creating a sympathetic building that can fit in or complement the streetscape can be easily achieved when designing a new home or renovation and it could be argued that this was not achieved due to the unauthorised placement of the structure on the lot and the pressure to provide available accommodation options within Kalbarri.

To address the shortfalls of the development in the context of streetscape amenity, it is recommended that a formal landscaping plan be developed to include tree and shrub locations and varieties in relation to the pedestrian path, retaining wall, driveway and roadway.

Impacts of Cyclone Seroja

The Applicant seeks approval for the repurposed dwelling to be placed on Lot 184 as a direct consequence of the lack of available rental accommodation in Kalbarri. The applicant stated previously that retaining staff for their businesses was being greatly impacted by the lack of available accommodation options within the town.

It is acknowledged that the availability of rental accommodation within Kalbarri is limited due to the number of properties damaged by Cyclone Seroja and the increased demand associated with rebuilding and recovery works in the area.

Summary

It is recommended that Council grant approval to amend the development approval to the proposed repurposed dwelling development upon Lot 184 (No. 7) Porana Place, Kalbarri, subject to the conditions outlined below which includes a time extension to 15 July 2024 to undertake the required modifications.

These conditions aim to reduce the visual impact of the proposed development upon the amenity of the area and place appropriate control measures over the proposed development.

STATUTORY ENVIRONMENT:

State: Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

State Planning Policy 7.3 – Residential Design Codes Vol 1 – 2 July 2021

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

Shire of Northampton Local Planning Scheme No. 11 – Kalbarri

The land is zoned *Residential* under Local Planning Scheme No. 11 – Kalbarri.

The objectives of the 'Residential' zone under Scheme No. 11 are:

- *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 arrange of non-residential uses, which are compatible with and complementary to residential development.*

Under the Scheme, a "Repurposed dwelling" is defined as:

"a building or structure not previously used as a single house which has been repurposed for use as a dwelling".

Under Residential Design Code provisions, the definition of a 'Single Bedroom Dwelling' is:

"a dwelling that contains a living room and no more than one other habitable room that is capable of use as a bedroom".

POLICY / STRATEGIC IMPLICATIONS:

Local: Community Strategic Plan 2016 – 2026

Local: Shire of Northampton Local Planning Policy – Repurposed and Second-hand Dwellings

APPENDIX 9.3.2(1)

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

The estimated cost of the development is \$100,000 and the applicant has paid a development application fee of \$320.00.

The Applicant has recently paid the required bond of \$10,000 on 4 July 2023 and following Council's consideration, the updated Statutory Declaration will be sought from the applicant.

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.

SUSTAINABILITY:

Environmental:

Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council grants approval to amend Condition 18 of Development Approval 2022-057 to increase the time expiry period for completion of works to 15 July 2024 for the Repurposed Dwelling – Lot 184 (No. 7) Porana Place, Kalbarri as detailed in Attachment: 9.3.2, subject to the following conditions:

- 1) Development shall be in accordance with the attached approved plan(s) dated 15 July 2022 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) If the development/use the subject of this approval is not substantially completed within a period of two (2) years after the date of this determination the approval shall lapse and be of no further effect;**
- 3) Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and development approval for that use/addition;**
- 4) A building permit shall be issued by the local government prior to the commencement of any work on site;**

- 5) All stormwater is to be disposed of on-site to the specifications and approval of the local government;
- 6) Any soils disturbed or deposited on site shall be stabilised to the approval of the local government;
- 7) Access, driveway, manoeuvring and car parking areas to be paved/sealed, drained and thereafter maintained to the approval of the local government;
- 8) Installation of crossing places and verge gradients shall be to the standards and specification of the local government;
- 9) Bin storage and clothes drying areas shall be provided to the rear of the dwelling or screened from the view of the street, to the approval of the local government;
- 10) The storage of building materials associated with the relocated dwelling shall be to the rear of the dwelling or screened from public view. No long term storage of building materials shall be located forward of the dwelling;
- 11) The space between the ground level and the floor level of the relocated dwelling shall be suitably enclosed to the approval of the local government;
- 12) A materials and colour schedule for the dwelling shall be submitted prior to construction of the dwelling, and be to the approval of the local government. The materials and colours chosen shall be non-reflective and in keeping with the natural environment so as to lessen the visual impact of the repurposed dwelling on the amenity of the area;
- 13) All verandah posts, rafters, downpipes, gutters and fascias are to be painted in colours, to the approval of the local government;
- 14) The Applicant shall undertake all of the building modifications and requirements as specified below;
 - i) The verandah/patio structure to be constructed on the northern elevation comprising steel uprights and solid colorbond roof cladding;
 - ii) The verandah/patio structure to include wooden floor decking for the entire length and width of the north facing elevation;
 - iii) Screening on a portion of the front (northern) and the full eastern side of the verandah/patio to be constructed utilising merbau timber battens on steel frame;

- iv) **Screening of air conditioner and hot water system on the western side of the dwelling to be constructed utilising merbau timber battens;**
 - v) **The external walls of the dwelling will be clad in Colorbond cladding in the colour 'Surfmist'; and**
 - vi) **The roof of the dwelling and verandah will be clad in Colorbond Custom Orb in the colour 'Classic Cream'.**
- 15) Prior to the commencement of the development/land use a formal landscaping plan shall be submitted to and approved by the local government. The approved landscaping plan is to be implemented in full prior to the commencement of the approved use and maintained thereafter to the approval of the local government and will include:**
- i) **The provision of two (2) car parking spaces to be provided forward of the dwelling, such that the carparking spaces are provided in direct association with the house and pedestrian path area, and be paved/sealed, drained and thereafter maintained to the approval of the local government;**
 - ii) **The landscaped area surrounding the repurposed dwelling to be landscaped effectively and maintained thereafter as shown on the attached approved plans dated 15 July 2022 and to include tree and shrub locations and varieties in relation to pedestrian path, retaining walls, driveway and roadway.**
- 16) The Applicant shall lodge a Statutory Declaration with the Shire of Northampton prior to a Building Permit being issued, that provides a written and signed commitment to complete the required modifications to the approval of the local government and in accordance with, and acceptance of, Conditions 14, 15 and 17 of this approval;**
- 17) A bond of \$10,000 shall be lodged with the Shire of Northampton prior to the issuance of a Building Permit, with the bond money to be repaid to the Applicant when the modifications as specified at Condition 14 and 15 are deemed to be completed (also refer to Condition 18 and Advice Note 5);**
- 18) Should the works as specified at Conditions 14 and 15 not be undertaken or completed to the satisfaction of the local government , being on or before the 15 July 2024, the Applicant will have forfeited their right to recover the bond as described within Condition 17; and**
- 19) The Applicant/Owner shall include the minimum tree requirement, being one (1) tree with a minimum tree planting area of 2 metres by 2 metres within the street setback area of Lot 184 Porana Place,**

Kalbarri, so as to address the requirements of Clause 5.3.2 of the Residential Design Codes (2021).

Advice Notes:

- 1) If the development/use the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.**
- 2) Assessment of the application was based on the use of the dwelling for residential purposes and any changes to this use (eg. for tourist/holiday accommodation) purposes requires further application and development approval for that use.**
- 3) With regard to Condition No. 19, the minimum planting area is to be provided for each tree and shown on the site plan. The tree planting area is to be free of impervious surfaces and roof cover.**
- 4) 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.**
- 5) Should the Applicant fail to commence or complete the modifications specified at Condition 14 and 15 within the timeframe specified in Condition 18 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, removal orders of the outbuilding and/or removal orders of the occupants. The Applicant is advised that, should delays to the modification works 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.**
- 6) If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of determination.**

COUNCIL RESOLUTION:**MOVED: Horstman, R****SECONDED: Sudlow, L****07/23-15**

That Council grants approval to amend Condition 18 of Development Approval 2022-057 to increase the time expiry period for completion of works to 15 July 2024 for the Repurposed Dwelling – Lot 184 (No. 7) Porana Place, Kalbarri as detailed in Attachment: 9.3.2, subject to the following conditions:

- 1) Development shall be in accordance with the attached approved plan(s) dated 15 July 2022 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) If the development/use the subject of this approval is not substantially completed within a period of two (2) years after the date of this determination the approval shall lapse and be of no further effect;**
- 3) Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and development approval for that use/addition;**
- 4) A building permit shall be issued by the local government prior to the commencement of any work on site;**
- 5) All stormwater is to be disposed of on-site to the specifications and approval of the local government;**
- 6) Any soils disturbed or deposited on site shall be stabilised to the approval of the local government;**
- 7) Access, driveway, manoeuvring and car parking areas to be paved/sealed, drained and thereafter maintained to the approval of the local government;**
- 8) Installation of crossing places and verge gradients shall be to the standards and specification of the local government;**
- 9) Bin storage and clothes drying areas shall be provided to the rear of the dwelling or screened from the view of the street, to the approval of the local government;**
- 10) The storage of building materials associated with the relocated dwelling shall be to the rear of the dwelling or screened from public view. No long term storage of building materials shall be located forward of the dwelling;**

- 11) The space between the ground level and the floor level of the relocated dwelling shall be suitably enclosed to the approval of the local government;
- 12) A materials and colour schedule for the dwelling shall be submitted prior to construction of the dwelling, and be to the approval of the local government. The materials and colours chosen shall be non-reflective and in keeping with the natural environment so as to lessen the visual impact of the repurposed dwelling on the amenity of the area;
- 13) All verandah posts, rafters, downpipes, gutters and fascias are to be painted in colours, to the approval of the local government;
- 14) The Applicant shall undertake all of the building modifications and requirements as specified below;
 - i) The verandah/patio structure to be constructed on the northern elevation comprising steel uprights and solid colorbond roof cladding;
 - ii) The verandah/patio structure to include wooden floor decking for the entire length and width of the north facing elevation;
 - iii) Screening on a portion of the front (northern) and the full eastern side of the verandah/patio to be constructed utilising merbau timber battens on steel frame;
 - iv) Screening of air conditioner and hot water system on the western side of the dwelling to be constructed utilising merbau timber battens;
 - v) The external walls of the dwelling will be clad in Colorbond cladding in the colour 'Surfmist'; and
 - vi) The roof of the dwelling and verandah will be clad in Colorbond Custom Orb in the colour 'Classic Cream'.
- 15) Prior to the commencement of the development/land use a formal landscaping plan shall be submitted to and approved by the local government. The approved landscaping plan is to be implemented in full prior to the commencement of the approved use and maintained thereafter to the approval of the local government and will include:
 - i) The provision of two (2) car parking spaces to be provided forward of the dwelling, such that the carparking spaces are provided in direct association with the house and pedestrian path area, and be paved/sealed, drained and thereafter maintained to the approval of the local government;

- ii) The landscaped area surrounding the repurposed dwelling to be landscaped effectively and maintained thereafter as shown on the attached approved plans dated 15 July 2022 and to include tree and shrub locations and varieties in relation to pedestrian path, retaining walls, driveway and roadway.
- 16) The Applicant shall lodge a Statutory Declaration with the Shire of Northampton prior to a Building Permit being issued, that provides a written and signed commitment to complete the required modifications to the approval of the local government and in accordance with, and acceptance of, Conditions 14, 15 and 17 of this approval;
 - 17) A bond of \$10,000 shall be lodged with the Shire of Northampton prior to the issuance of a Building Permit, with the bond money to be repaid to the Applicant when the modifications as specified at Condition 14 and 15 are deemed to be completed (also refer to Condition 18 and Advice Note 5);
 - 18) Should the works as specified at Conditions 14 and 15 not be undertaken or completed to the satisfaction of the local government , being on or before the 15 July 2024, the Applicant will have forfeited their right to recover the bond as described within Condition 17; and
 - 19) The Applicant/Owner shall include the minimum tree requirement, being one (1) tree with a minimum tree planting area of 2 metres by 2 metres within the street setback area of Lot 184 Porana Place, Kalbarri, so as to address the requirements of Clause 5.3.2 of the Residential Design Codes (2021).

Advice Notes:

- 1) If the development/use the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.
- 2) Assessment of the application was based on the use of the dwelling for residential purposes and any changes to this use (eg. for tourist/holiday accommodation) purposes requires further application and development approval for that use.
- 3) With regard to Condition No. 19, the minimum planting area is to be provided for each tree and shown on the site plan. The tree planting area is to be free of impervious surfaces and roof cover.
- 4) 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.

- 5) Should the Applicant fail to commence or complete the modifications specified at Condition 14 and 15 within the timeframe specified in Condition 18 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, removal orders of the outbuilding and/or removal orders of the occupants. The Applicant is advised that, should delays to the modification works 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.**
- 6) If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of determination.**

CARRIED 7/0

ITEM 9.3.3: Proposed Outbuilding (R-Code and Local Planning Policy variations – Lot 97 (No. 12) Mortimer Street, Kalbarri

PROPONENT:	WJ & RG Lee
OWNER:	WJ & RG Lee
LOCATION / ADDRESS:	Lot 97 (No. 12) Mortimer Street, Kalbarri
WARD:	Kalbarri
ZONE:	Residential R12.5/R30
DIRECTORATE:	Planning Services
FILE REFERENCE:	10.6.1.1 / (A4311)
LEGISLATION:	<i>Planning and Development Act 2005 Local Government Act 1995</i>
AUTHOR:	Michelle Allen
DATE OF REPORT:	11 July 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

An Application for Development Approval has been received for an outbuilding upon Lot 97 (No. 12) Mortimer Street, Kalbarri.

The Application for Development Approval has been referred to Council because the outbuilding exceeds Local Planning Policy provisions with regard to the aggregate size of the building and two objections being received in relation to the proposed structure.

Locality Plans

Figure 1. Location of Lot 97 (No. 12) Mortimer Street, Kalbarri

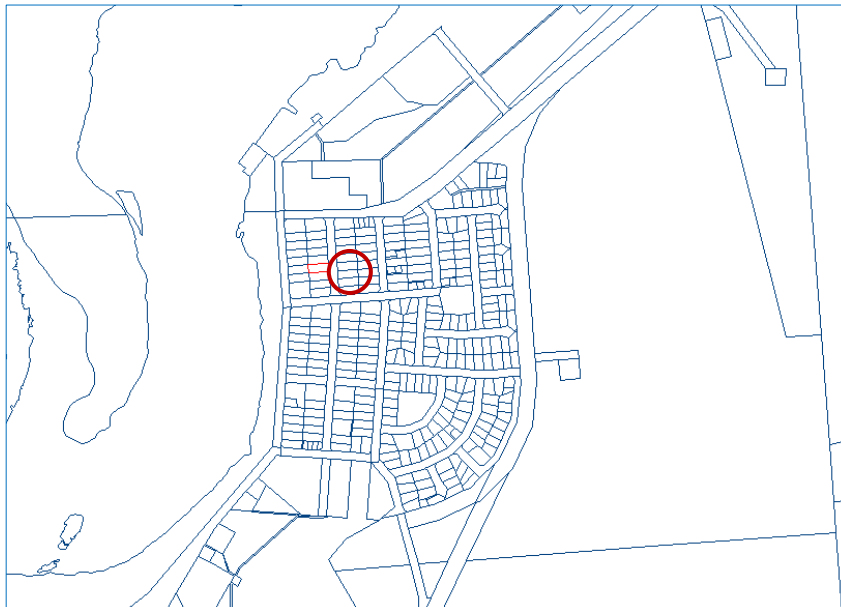


Figure 2. Site Plan Lot 97 (No. 12) Mortimer Street, Kalbarri showing location of proposed outbuilding



Lot 97 is located at the northern side of the townsite of Kalbarri as shown in **Figure 1** and has an existing dwelling located upon the lot.

The Application proposes to construct an outbuilding which includes at the rear of the lot with the structure exceeding aggregate provisions of the Shire's Local Planning Policy (LPP) *Outbuildings*.

The Proposal

The proposed outbuilding structure is separate to the dwelling and is to be located within the western (rear) portion of the lot (shown in blue on the site plan at **Figure 2**), with the following proposed setbacks:

Side (N)	2 metres
Side (S)	4 metres
Front (E)	35 metres
Rear (W)	4 metres

The building is proposed to be a gable roof structure with a wall height of 3.5 metres and a maximum overall/ridge height of 4.372 metres. The total floor area of the outbuilding is 126m². The outbuilding structure is proposed to be constructed of Colorbond steel sheeting and timber posts with three roller doors on the eastern elevation and a personal access door on the southern elevation of the outbuilding. No other openings are included in the structure.

Details of the outbuilding and carport dimensions are provided below:

	R-Code	LPP Provisions	Outbuilding
Aggregate	60m ²	120m ²	126m ²
Wall Height	3m	3m	3.5m
Ridge Height	4.5m	5m	4.372m
Setback (Rear)	1m		4m
Setback (Side N)	1.1m		2m
Setback (Side S)	2.3m		4m
Setback (Front E)	7.5m		35m

Copies of the applicant's site, floor and elevation plans have been included as:

ATTACHMENT: 9.3.3(1)

In consideration of the application the following information is provided:

Lot Size	1,012m ²
Existing Development	Dwelling, Residential R12.5 zoning
Access & Frontage	Access via Mortimer Street
Services	Water, Telephone, Sewerage and Power
Topography	Flat
Vegetation	Cleared
Surrounding Land Uses	Residential R12.5/Residential R30

PUBLIC CONSULTATION UNDERTAKEN:

Given the increased wall height of the outbuilding and the aggregate provisions which exceed Local Planning Policy provisions, the application was advertised to four (4) adjacent and adjoining landowners with two (2) submissions being received raising objections to the proposal.

A schedule of submissions is attached.

ATTACHMENT 9.3.3(2)

COMMENT:

The proposed development is considered to comply with the requirements of the *Shire of Northampton Local Planning Scheme No. 11 – Kalbarri*.

Matters to be considered

There is, however, a variation being sought to the "Deemed-to-Comply" provisions of the *Residential Design Codes (R-Codes) and the Local Planning Policy (LPP) – Outbuildings* which allows a regional variation to provisions of the *R-Codes* in relation to Outbuildings.

Submissions

Two (2) submissions raised objections to the proposal as follows:

- Submitter 1 raised no objection to the increased aggregate area from 120m² to 126m² but raised objection to the increased wall height from 3m to 3.5m on the basis that the structure would overshadow their property. Overshadowing calculations in accordance with clause 5.4.2

of the R-Codes do not support this submission and therefore this is not considered a valid planning objection.

- Submitter 2 raised an objection to the visual impact of a rural sized outbuilding in a non-rural residential area and the increased aggregate area to 126m². No objection was raised to the increased wall height but request was included for the setback distance on the southern side to be increased from 2 metres to 4 metres. In accordance with clause 5.1.3 *Lot boundary setback*, it is noted that R-Code provisions require a minimum setback distance of 1.1 metres for a structure of this size, thereby the proposed setback distance of 2 metres is in excess of requirements and an increase to 4 metres is not considered a valid planning objection.

Local Planning Policy Outbuildings

LPP provisions can be supported by application of the R-Code design principles, however, the exception includes aggregate size of the structure which exceeds LPP provisions by 6m² and exceeds wall height from 3m to 3.5m. The applicant has advised that the reason for the variation request is to provide an adequate undercover area for existing vehicles, including a caravan and other assets.

Amenity

Setback distances in excess of *Residential Design Code* provisions has been included on all lot boundaries and whilst the wall height exceeds provisions by 0.500m the overall height of the structure is well within provisions at 4.372 metres. Thereby, reduction to open space, sunlight or ventilation upon the site or adjoining landholdings is not considered to be impacted.

Recommendation

Given all of the above, it is not considered that the building scale or bulk will have a detrimental impact upon the privacy, views, natural sunlight or open space of the site or adjoining property/s, rather that impact to the amenity of adjoining properties will be minimal due to the increased lot boundary setbacks being proposed by the applicant.

Based upon the above, it is therefore recommended that Council approve the Application for Development Approval subject to the conditions provided.

STATUTORY ENVIRONMENT:

State: Planning and Development Act 2005

State Planning Policy 7.3 – Residential Design Codes

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

APPENDIX 9.3.3(1)

POLICY/STRATEGIC IMPLICATIONS:

Applications for Development Approval must be assessed against requirements of the Scheme and Local Planning Policies that have been adopted in accordance with the Scheme. These policies include Local Planning Policy *Repurposed and Second-hand Dwellings*.

APPENDIX 9.3.3(2)

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.

ORGANISATIONAL RISK MANAGEMENT:

Nil

FINANCIAL IMPLICATIONS:

The applicant has paid a total sum of \$147 in respect of the application.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS:SIMPLE MAJORITY**OFFICER RECOMMENDATION:**

That Council grant development approval for the proposed Outbuilding upon Lot 97 (No. 12) Mortimer Street, Kalbarri subject to the following conditions:

- 1) Development shall be in accordance with the attached approved plan(s) dated 21 July 2023 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 planning approval for that use/addition;
- 3) A building permit shall be issued by the local government prior to the commencement of any work on the site;
- 4) All stormwater is to be disposed of onsite to the approval of the local government;
- 5) Any soils disturbed or deposited on site shall be stabilised to the approval of the local government;
- 6) The Applicant shall provide a colour schedule for the outbuilding prior to construction of the outbuilding which shall be to the approval of the local government. The colours chosen shall be non-reflective and in keeping with the natural coastal environment;

- 7) The roof of the outbuilding shall be constructed using coated metal sheeting (Colorbond) and the use of Zinalume is not permitted;
- 8) Any lighting installed on the building, yard areas or car parking areas shall be located and designed in a manner that ensures:
 - (a) all illumination is confined within the boundaries of the property;
and
 - (b) There shall not be any glare nuisance caused to adjoining residents or passing traffic, to the approval of the local government.
- 9) The development/land use is to be located entirely within the property boundary;
- 10) The approved outbuilding is only to be used for general and vehicle storage purposes and minor maintenance upon vehicles housed therein to the approval of the local government and shall NOT be used for habitation, commercial or industrial purposes; and
- 11) The 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.

Advice Notes

- 1) If the development/use the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.
- 2) Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
- 3) With regard to Condition No. 10 it is recommended that the services of a licensed surveyor be employed to verify the exact boundary position.
- 4) If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of determination.

COUNCIL RESOLUTION:

**MOVED: Pike, D
07/23-16**

SECONDED: Burges, R

That Council grant development approval for the proposed Outbuilding upon Lot 97 (No. 12) Mortimer Street, Kalbarri subject to the following conditions:

- 1) Development shall be in accordance with the attached approved plan(s) dated 21 July 2023 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 planning approval for that use/addition;
- 3) A building permit shall be issued by the local government prior to the commencement of any work on the site;
- 4) All stormwater is to be disposed of onsite to the approval of the local government;
- 5) Any soils disturbed or deposited on site shall be stabilised to the approval of the local government;
- 6) The Applicant shall provide a colour schedule for the outbuilding prior to construction of the outbuilding which shall be to the approval of the local government. The colours chosen shall be non-reflective and in keeping with the natural coastal environment;
- 7) The roof of the outbuilding shall be constructed using coated metal sheeting (Colorbond) and the use of Zinalume is not permitted;
- 8) Any lighting installed on the building, yard areas or car parking areas shall be located and designed in a manner that ensures:
 - (a) All illumination is confined within the boundaries of the property;
 - and
 - (b) There shall not be any glare nuisance caused to adjoining residents or passing traffic, to the approval of the local government.
- 9) The development/land use is to be located entirely within the property boundary;
- 10) The approved outbuilding is only to be used for general and vehicle storage purposes and minor maintenance upon vehicles housed therein to the approval of the local government and shall NOT be used for habitation, commercial or industrial purposes; and
- 11) The 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.

Advice Notes

- 1) If the development/use the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.
- 2) Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
- 3) With regard to Condition No. 10 it is recommended that the services of a licensed surveyor be employed to verify the exact boundary position.
- 4) If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of determination

CARRIED 7/0

ITEM: 9.3.4 Delegated Planning Decisions for June 2023

PROPONENT:	Shire of Northampton
OWNER:	Various
LOCATION / ADDRESS:	Various
WARD:	Various
ZONE:	Various
DIRECTORATE:	Planning Services
FILE REFERENCE:	10.4.1
LEGISLATION:	<i>Planning and Development Act 2005</i> <i>Local Government Act 1995</i>
AUTHOR:	Michelle Allen
DATE OF REPORT:	11 July 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

In order to ensure the efficient and timely processing of planning related applications, Council delegates authority to the Chief Executive Officer to conditionally approve applications for Development Approval that meet the requirements of both Local Planning Schemes being *No. 10 – Northampton* and *No. 11 - Kalbarri* (the Scheme) and adopted Planning Policies.

Delegated planning decisions are reported to Council on a monthly basis to ensure that Council has an appropriate level of oversight on the use of this delegation. The updated statistics are shown below.

A register of Delegated Development Approvals, detailing those decisions made under delegated authority in June 2023 is attached.

ATTACHMENT: 9.3.4(1)

PUBLIC CONSULTATION UNDERTAKEN:

Where required applications were advertised in accordance with the Scheme and Council's adopted Local Planning Policy as detailed in the Policy/Strategic Implications section below.

COMMENT (Includes Options):

During June 2023 five (5) development applications were determined under delegated authority. **Table 1** shows the number and value of development applications determined under both delegated authority and by Council for June 2023 compared to June 2022:

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

	June 2022	June 2023
Delegated Decisions	9 - \$1,339,236	5 - \$650,000 **3
Council Decisions	3 - \$Nil **3	1 (\$369,125)
Total	13 - \$1,339,236	7 - \$1,019,125

Table 2 compares the Year-To-Date statistics for delegated authority and Council decisions for 2022-23 compared to the previous Financial Year:

Table 2: Planning Decisions Made Year-To-Date 2021-22 and 2022-23

	YTD 2022	YTD 2023
Delegated Decisions	41 - \$5,497,371	36 - \$5,495,484 ** 15
Council Decisions	12 - \$255,000	6 - \$2,384,125 **3
Total	53 - \$5,752,371	42 - \$7,879,609

** Includes administrative applications which are attributed no value in Delegated and Council decisions and include Commercial Vehicle Parking, Mobile Food Vehicle, Commercial Recreational Tourism License and Temporary and Exemption Approval Applications.

STATUTORY ENVIRONMENT:

The *Local Government Act 1995* creates and gives powers to local governments. The Act then empowers the local government to delegate its powers to the CEO and committees (1) which gives the CEO the authorisation to exercise power on behalf of the local government.

Scheme/s is a Local Planning Scheme, made in accordance with the *Planning and Development Act 2005* and associated regulations, sets out procedures for the assessment and determination of development applications.

Council, under *Delegation Number TP01*, has delegated a number of planning powers to the Chief Executive Officer and/or Principal Planner who can deal with those town planning issues that are not of a contentious nature. All other items shall be referred to Council.

In accordance with Regulation 19 of the *Local Government (Administration) Regulations 1996*, a written record of each delegated decision is kept.

POLICY / STRATEGIC IMPLICATIONS:

Applications for Development Approval must be assessed against requirements of the Schemes and Local Planning Policies that have been adopted in accordance with the Schemes. These policies include Local Planning Policy *Consultation for Planning Proposals*, which details the level and scope of advertising required for Applications for Development Approval.

Each application processed under delegated authority has been processed and advertised, where required, and has been determined to be consistent with the requirements of all adopted Local Planning Policies.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

The required planning fees have been paid for all applications for Development Approval processed under delegated authority.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council receives the report on Delegated Development Approvals for June 2023 as detailed in Attachment: 9.3.4(1).

COUNCIL RESOLUTION:

MOVED: Horstman, R

SECONDED: Suckling, R

07/23-17

That Council receives the report on Delegated Development Approvals for June 2023 as detailed in Attachment: 9.3.4(1).

CARRIED 7/0

ITEM 9.4.1: Building Approvals Report June 2023

PROPONENT:	Shire of Northampton
OWNER:	N/A
LOCATION / ADDRESS:	Whole of Shire
WARD:	Northampton and Kalbarri
ZONE:	All
BUSINESS AREA:	Building
FILE REFERENCE:	N/A
LEGISLATION:	<i>Local Government Act 1995</i> <i>Building Act 2011</i> <i>Building Regulations 2012</i>
AUTHOR:	Michaela Simpson
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	11 July 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

This report has been produced to assist Council understand the Building and Demolition Permits approved and issued for the monthly period of 1 June 2023 to 30 June 2023.

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

ATTACHMENT 9.4.1(1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

During June 2023 eight (8) building and demolitions applications were determined under delegated authority.

STATUTORY ENVIRONMENT:

Nil

POLICY / STRATEGIC IMPLICATIONS:

Nil

ORGANISATIONAL RISK MANAGEMENT:

Nil

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response
Minor (2)	First aid injuries	\$1,001 - \$10,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Moderate (3)	Medical type injuries	\$10,001 - \$50,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact, moderate news profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies
Major (4)	Lost time injury	\$50,001 - \$150,000	Prolonged interruption of services – additional resources; performance affected < 1 month	Non-compliance results in termination of services or imposed penalties	Substantiated, public embarrassment, high impact, high news profile, third party actions	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies
Catastrophic (5)	Fatality, permanent disability	More than \$150,000	Indeterminate prolonged interruption of services – non-performance > 1 month	Non-compliance results in litigation, criminal charges or significant damages or penalties	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions	Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment & building	Uncontained, irreversible impact

FINANCIAL IMPLICATIONS:

The required building fees have been paid for all Building and Demolition applications processed under delegated authority.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

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

COUNCIL RESOLUTION:

MOVED: Hay, T

SECONDED: Suckling, R

07/23-18

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

CARRIED 7/0

ITEM 9.7.1 Information Items – Maintenance/Construction – Works Program

PROPONENT:	Manager of Works and Technical Services
OWNER:	N/A
LOCATION / ADDRESS:	Whole of Shire
WARD:	Northampton and Kalbarri
ZONE:	All
BUSINESS AREA:	Office of Manager of Works and Technical Services
FILE REFERENCE:	N/A
LEGISLATION:	N/A
AUTHOR:	Neil Broadhurst
APPROVING OFFICER:	Neil Broadhurst
DATE OF REPORT:	11 July 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

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

Specific Road Works

- Maintenance grading carried out on Halfway, Ogilvie West, Balline, Teakle, Isseka East, Isachar Back, Erriarry, Von Bibra, Bishop Gully, Yerina Springs, Routledge, Frosty Gully, Normans Well, and Isseka East Road/s.
- Gravel Patching/Sheeting/Verge works carried out on Halfway and Frosty Gully Road/s. Shoulder Grading carried out on Horrocks Road.

Maintenance Items

- General – Various signage and road furniture works.
- General – Potholes and Edges various locations.
- Northampton – Northampton Community Centre water leak investigations continuing.
- Northampton – General winter and Western Power tree lopping requirements.
- Northampton – Bateman Street stormwater drainage clearance.
- Kalbarri – Reticulation upgrades/maintenance.
- Kalbarri – Eco Flora area – Replacement of damaged concrete dual use pathway.
- Northampton / Kalbarri / Port Gregory / Binu – Waste disposal sites.
- Extensive works regarding overall maintenance and general routine push up works.

Other Items (Budget)

- Northampton – Gwalla Street / Second Avenue works sealed with concrete kerb installed. Backfilling and site tidy up works progressing.
- Parker Road/Wundi Road – Construction works completed to 2 coat seal. Small Drainage/Culvert installation works remaining. Road furniture installation to be carried out.
- Kalbarri airstrip – CASA inspection/s undertaken.
- Kalbarri asphalt, Grey and Smith Street's – Works completed.

- Kalbarri widening – Works advertised, and tenders reviewed. Initial funding allocation falls short of received tender prices. Approach Main Roads WA for further funding.

Plant Items

- Backhoe – New Backhoe ordered, approximate delivery August 2023.

Staff Items

- Manual handling training undertaken.
- Dial Before Dig training undertaken.
- Skin Cancer screening offered and undertaken with all staff.
- Code of Conduction training/induction undertaken.

A copy of the Manager of Works and Technical Services – Works Crew Budget – Program and Progress Report (2022/2023), June 2023 is attached.

ATTACHMENT 9.7.1(1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

Nil.

STATUTORY ENVIRONMENT:

Nil.

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

Risk rating is considered Level 1 – Insignificant.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response
Minor (2)	First aid injuries	\$1,001 - \$10,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response
Moderate (3)	Medical type injuries	\$10,001 - \$50,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact, moderate news profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies
Major (4)	Lost time injury	\$50,001 - \$150,000	Prolonged interruption of services – additional resources; performance affected < 1 month	Non-compliance results in termination of services or imposed penalties	Substantiated, public embarrassment, high impact, high news profile, third party actions	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Catastrophic (5)	Fatality, permanent disability	More than \$150,000	Indeterminate prolonged interruption of services – non- performance > 1 month	Non-compliance results in litigation, criminal charges or significant damages or penalties	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions	Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment & building	Uncontained, irreversible impact

FINANCIAL IMPLICATIONS:

Works in accordance maintenance and construction budget.

SUSTAINABILITY:

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

Economic: Part of the Manager of Works and Technical Services role is to improve local economies and often activities are associated with economic development initiatives and opportunities.

Social: The Manager of Works and Technical Services plays a key role in the development of community via community leadership, infrastructure provision and community support.

VOTING REQUIREMENTS:**SIMPLE MAJORITY****OFFICER RECOMMENDATION:**

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

COUNCIL RESOLUTION:**MOVED: Horstman, R****SECONDED: Suckling, R****07/23-19**

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

CARRIED 7/0

10. LATE REPORTS: Nil

11. QUESTIONS FROM MEMBERS:

11.1 Response to questions from members taken on notice: Nil

11.2 Questions from members:

Cr Trevor Gibb asked “Is the current government being held to account regarding the Wood St, Workers Accommodation Facility?”

Cr Liz Sudlow replied “There is no further update”

12. MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING:

Nil.

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

14. APPLICATIONS FOR LEAVE OF ABSENCE: Nil

15. CLOSURE:

There being no further business to discuss the Shire President thanked those in attendance and closed the meeting at 2.07pm.

SIGNED:.....DATE:

**Liz Sudlow
Shire President**