



AGENDA

COUNCIL MEETING

21 MARCH 2024

SHIRE OF NORTHAMPTON – COUNCIL MEETING AGENDA**21 March 2024****NOTICE TO ALL COUNCILLORS**

An Ordinary Meeting of Council is called for Thursday 21 March 2024 commencing at 1:00pm in the Council Chambers, Northampton.



**Brian Robinson
ACTING CHIEF EXECUTIVE OFFICER**

14 March 2024

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Northampton for any act, omission, statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff. The Shire of Northampton disclaims any liability for any loss whatsoever and howsoever caused arising out of a reliance by any person or legal entity on any such act, omission, statement or intimation occurring during Council/Committee meetings, discussions or any decision recorded in the unconfirmed minutes of Council or Committee's of Council. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that persons or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for licence, any statement, limitation or approval made by a member or officer of the Shire of Northampton during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Northampton. The Shire of Northampton warns that anyone who has lodged an application with the Shire of Northampton must obtain and should only rely on Written Confirmation of the outcome of the application, and any conditions attaching to the decision made by the Shire of Northampton in respect of the application.

**SHIRE OF NORTHAMPTON COUNCIL MEETING
THURSDAY 21 MARCH 2024 TO BE HELD IN THE
COUNCIL CHAMBERS, NORTHAMPTON COMMENCING
AT 1:00PM**

AGENDA

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS:

2. ANNOUNCEMENTS BY THE PRESIDENT:

Acknowledgement of Country

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

3. ATTENDANCE:

3.1 Apologies:

3.2 Approved Leave of Absence:

4. DECLARATIONS OF INTEREST:

[Part 5, Division 6 of the Local Government Act 1995 requires that a member must disclose the interest of the member and the nature of the interest in writing before the meeting or immediately before the matter is discussed.]

5. PUBLIC QUESTION TIME:

5.1 Response to public questions taken on notice

5.2 Public Question Time

[Under meeting procedure this is the only opportunity for members of the public to ask up to a maximum of two questions of Council. There is no further opportunity to question the Shire of Northampton during the meeting. Questions can be asked on any Shire matter, not just on issues included in the meeting agenda and each person shall have up to 3 minutes to ask their questions which may be extended by an additional 3 minutes where considered appropriate by the Presiding Member. Persons asking questions are entitled to a response unless the question is declared "out of order" by the Presiding Member. If a matter requires further investigation, that response may be in writing. Any person asking questions of Council must state their correct name and address as this will form part of the public record of this meeting]

6. PRESENTATIONS:

6.1 Petitions:

6.2 Presentations:

6.3 Deputations:

6.4 Councillor reports:

- Cr Sudlow (Shire President)
- Cr Horstman (Deputy Shire President)
- Cr K Suckling
- Cr Burges
- Cr Hay
- Cr Pike
- Cr R Suckling

6.5 Conference reports:

7. CONFIRMATION OF PREVIOUS MINUTES:

_____ / _____

That the Minutes of the Ordinary Meeting of the Council held on 15 February 2024 be confirmed.

8. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:**9. OFFICERS' REPORTS:**

MAJORITY	ITEM	COUNCIL OFFICERS' REPORTS	Page No.
OFFICE OF THE CEO			
	9.1.1	Proposed Change to Council Meeting Times 2024	5
	9.1.2	Proposed Motion for Rescue Helicopter Advocacy from Western Australian Local Government Association	8
CORPORATE AND FINANCIAL SERVICES			
	9.2.1	Accounts for Endorsement 21 st March 2024	11
	9.2.2	Monthly Financial Statement ending 29 February 2024	13
	9.2.3	Proposed Budget Review March 2024	16
	9.2.4	Proposed Waiver of Hire and Bond Fees	24
	9.2.5	Proposed Rates Write Off	28
	9.2.6	Proposed Debtors Write Off	31
COMMUNITY, DEVELOPMENT AND REGULATION			
	9.3.1	Nil	
PLANNING SERVICES			
	9.4.1	Proposed Overheight Outbuilding at Lot 62 (No. 9) Ruby Terrace, Kalbarri	35
	9.4.2	Proposed Outbuilding at Lot 82 (No. 18) Fifth Avenue, Northampton	40

9.4.3	Proposed Additional Egg Laying Shed (Animal Husbandry Intensive Agriculture) at Lot 14 (No. 3874) George Grey Drive, Yallabatharra	45
9.4.4	Proposed Overheight Outbuilding at Lot 812 (No. 4) Karina Mews, Kalbarri	55
9.4.5	9.4.5 Delegated Planning Decisions for February 2024	60
9.4.6	Proposed “Kurlaji Wangga” Cultural Tours (Experiential Use) – Commercial Recreational Tourism Activity License Agreement	63
9.4.7	Proposed Delegation to Chief Executive Officer for Renewal of Commercial Recreational Tourism Activity License	69
BUILDING SERVICES		
9.5.1	Building Approval Report for February 2024	72
ENVIRONMENTAL HEALTH SERVICES		
9.6.1	Nil	
RANGER SERVICES		
9.7.1	Nil	
WORKS AND TECHNICAL SERVICES		
9.8.1	Information Items – Maintenance/Construction – Works Program	74
COMMITTEES		
9.9.1	Unconfirmed Minutes of the Community Grants Advisory Committee	77
9.9.2	Unconfirmed Minutes of the Audit and Risk Management Advisory Committee	80
LATE ITEMS		
9.10.1	Nil	

ITEM 9.1.1: Proposed Change to Council Meeting Times 2024

PROPONENT:	Chief Executive Officer
OWNER:	Shire of Northampton
LOCATION / ADDRESS:	Whole of Shire
ZONE:	All
BUSINESS AREA:	Office of CEO
FILE REFERENCE:	4.1.14
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Andrew Campbell
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	1 March 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

On the 15 December 2023 Council resolved to conduct Council meetings in 2024 as follows:

**MOVED: Cr R Horstman SECONDED: Cr D Pike
12/23-02**

That Council:

- 1. Adopt the following Council meeting date schedule for 2024:**

COUNCIL MEETING DATES 2024	LOCATION
15 February	Kalbarri
21 March	Northampton
18 April	Northampton
16 May	Kalbarri
20 June	Northampton
18 July	Northampton
15 August	Kalbarri
19 September	Northampton
17 October	Northampton
21 November	Kalbarri
19 December	Northampton

- 2. Continue to commence Council meetings at 1pm in 2024; and**
- 3. Give local public notice of the 2024 Council meeting schedule in accordance with the requirements of the *Local Government Act 1995*.**

CARRIED: 6/0

At the Information Briefing Session held on 15 February 2024, Council expressed an interest in altering the start time of the Council meetings from 1pm to 2pm to cater for additional business loads that are now appearing, and this is the purpose of this item.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

Amending the time from 1pm to 2pm has the support of the Shire of Northampton's administration as it will enable additional time for strategic discussion, workshops and presentations with Council on the day of Council meetings.

STATUTORY ENVIRONMENT:

It is considered that even though Council has made the decision to commence Council meetings at 1pm in 2024, the change to 2pm does not negate the original intent of the whole motion and therefore no rescission of the previous motion is required.

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
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: Nil.

Economic: Nil.

Social: Nil.

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

That Council

- 1. Change the time of commencement for Council meetings to 2pm in 2024;
and**
- 2. Give local public notice of the remaining 2024 Council meeting schedule
with the new time in accordance with the requirements of the *Local
Government Act 1995*.**

ATTACHMENTS

- 1. Nil.**

APPENDICES

- 1. Nil.**

ITEM 9.1.2: Proposed Motion for Rescue Helicopter Advocacy from Western Australian Local Government Association

PROPONENT:	Chief Executive Officer
OWNER:	N/A
LOCATION / ADDRESS:	Whole of Shire
ZONE:	All
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:	1 March 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Following an issue raised by Cr Trevor Gibb with Council about advocating for a rescue helicopter to be based at the Geraldton Airport, the Shire President enquired with the Northern Country Zone of the Western Australian Local Government Association (WALGA) as to whether this matter could be considered at their meeting held on 26 February 2024. The response was that any motion put to the Northern Country Zone was only permitted with a resolution of a sponsoring Council.

The purpose of this item is for Council to consider a motion for WALGA to advocate to the State Government for a rescue helicopter to be based at Geraldton Airport to service the Mid West region.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

Without dwelling on the limitations of receiving new business by the Northern Country Zone, the next meeting will occur in Geraldton on 22 April 2024, and subject to Council making an appropriate resolution as part of this item, this matter could be considered then. If the Northern Country Zone supports the motion, it will then be presented to the full board of WALGA who would consider the matter and if endorsed, action the item on behalf of the Northern Country Zone.

Rescue helicopters are operated by the State Government through the Department of Fire and Emergency Services usually with third party sponsorship such as RAC or Westpac. The closest rescue helicopter (RAC sponsored) is based in Perth and when required in the Mid West region, is dispatched. Depending on the location of the incident, often the rescue helicopter requires re-fuelling in Geraldton and combined with the flight time already, creates a very significant delay in reaching the incident which absorbs precious time in life threatening emergencies. In the South West of Western Australia there is a rescue helicopter based in Bunbury to service the South West and Great Southern areas, and this arrangement should be considered no different to what should occur in the Mid West.

It is recommended that Council support WALGA advocacy for a rescue helicopter to be permanently located in the Mid West region.

STATUTORY ENVIRONMENT:

Nil.

POLICY / STRATEGIC IMPLICATIONS:

A Mid West based rescue helicopter would considerably benefit the community through a significant reduction time in response in life threatening emergencies.

ORGANISATIONAL RISK MANAGEMENT:

Risk rating of this consideration is considered Level 3 – Moderate as it is an advocacy request rather than a direct action by the Shire of Northampton.

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: Nil.

Economic: Nil.

Social: People who live in a regional area have the right to expect emergency services provision is available at reasonable levels.

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

That the Shire of Northampton:

- 1. Invite the Northern Country Zone of the Western Australian Local Government Association to coordinate the preparation of a draft position statement, in collaboration with member Local Governments, to provide a rescue helicopter permanently based at the Geraldton Airport as a priority commitment for the next State election;**
- 2. Request that the Northern Country Zone of the Western Australian Local Government Association refer the draft position statement to each member Local Government for endorsement; and**
- 3. Subject to the endorsement of the draft position statement by member Local Governments, request the Northern Country Zone of the Western Australian Local Government Association finalise the position statement at the next available meeting, and give consideration to requesting the Western Australian Local Government Association represent the Mid West region's position statement by advocating with the major electoral parties to provide a priority commitment for the next State election for a rescue helicopter permanently based at the Geraldton Airport.**

ATTACHMENTS

- 1. Nil.**

APPENDICIES

- 1. Nil.**

ITEM 9.2.1: Proposed Accounts for Endorsement on 21st March 2024

PROPONENT:	Shire of Northampton
OWNER:	N/A
LOCATION / ADDRESS:	Whole of Shire
ZONE:	All
BUSINESS AREA:	Corporate and Financial Services
FILE REFERENCE:	1.1.1
LEGISLATION:	<i>Local Government (Financial Management) Regulation 1996, Local Government Act 1995</i>
AUTHOR:	Leanne Rowe
APPROVING OFFICER:	Grant Middleton
DATE OF REPORT:	6 March 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

A list of payments submitted to Council on 21st March 2024, 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:

Council is requested to endorse the payments as presented.

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulation 1996 Section 13.

Local Government Act 1995 Section 6.10.

POLICY / STRATEGIC IMPLICATIONS:

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

ORGANISATIONAL RISK MANAGEMENT:

The associated risk would be the failure to comply with Financial Management Regulation 13 (1) is considered moderate as the presentation of payments forms part of the Shires due diligence to ensure payments are presented as required. Risk rating is considered Level 3- Moderate.

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

FINANCIAL IMPLICATIONS:

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

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council note Municipal Fund Cheques 22460 to 22467 inclusive totalling \$20,543.92, Municipal EFT payments numbered EFT25959 to EFT26125 totalling \$1,594,696.04, Direct Debit payments numbered GJ0809 to GJ0815 inclusive, payroll and superannuation totalling \$416,446.77 be declared as authorised expenditure.

ATTACHMENTS

1. Payments list to 29 February 2024.

APPENDICIES

1. Nil.

ITEM 9.2.2: Monthly Financial Statements for the Period Ending 29 February 2024

PROPONENT:	Shire of Northampton
OWNER:	N/A
LOCATION / ADDRESS:	Whole of Shire
ZONE:	All
BUSINESS AREA:	Corporate and Financial Services
FILE REFERENCE:	1.1.1
LEGISLATION:	<i>Local Government (Financial Management) Regulation 1996, Local Government Act 1995</i>
AUTHOR:	Leanne Rowe
APPROVING OFFICER:	Grant Middleton
DATE OF REPORT:	6 March 2024
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 29 February 2024 are detailed from page 1 to page 24 per the attached Monthly Financial report.

A copy of the Monthly Finance Report is attached.

ATTACHMENT 9.2.2 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT:

Council is requested to adopt the monthly Financial Report as presented. The financial implications associated with the monthly report are detailed below.

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulation 34 1996.

Local Government Act 1995 Section 6.4.

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

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

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

FINANCIAL IMPLICATIONS:

The 29 February 2024 financial position is comprised of the following:

- Total operating revenue has a surplus position of \$884,524 and operating expenditure has a surplus position of \$48,628 to the end of February 2024. It is anticipated that operating revenue and operating expenditure variances will align with additional DFES funding associated with Community Benefit and Resilience funding, and Main Roads Black Spot mass action funding for the Kalbarri Road shoulder work.
- Investing and Financing variances will reconcile as the year progresses, and it is anticipated there will be no significant budget variations.

Further explanations of material variations are detailed by reporting program in Note 3 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 29 February 2024 in accordance with ATTACHMENT 9.2.3 (1).

ATTACHMENTS

- 1. Monthly Financial Statements to 29 February 2024.**

APPENDICIES

- 1. Nil.**

ITEM 9.2.3: Proposed Budget Review March 2024

PROPONENT:	Shire of Northampton
OWNER:	N/A
LOCATION / ADDRESS:	Whole of Shire
ZONE:	All
BUSINESS AREA:	Corporate and Financial Services
FILE REFERENCE:	1.1.1
LEGISLATION:	<i>Local Government (Financial Management) Regulation 33A 1996</i>
AUTHOR:	Grant Middleton
APPROVING OFFICER:	Grant Middleton
DATE OF REPORT:	7 March 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Local Government (Financial Management) Regulations 1996 require a budget review to be completed between 1 January and the last day in February each financial year.

The review of an annual budget for a financial year must:

- Consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
- Consider the local government's financial position as at the date of the review; and
- Review the outcomes for the end of the financial year that are forecast in the budget.

The current budget review addresses the change (reduction) in the carryover figure of \$62,283 at 30 June 2023 per the Annual Financial Statements for 2022/2023. Financial Management Regulation 33 (2A) (c) requires the outcomes for the end of the financial year to be part of the budget review process.

The amount included in the 2023/2024 budget as a carryover was estimated at \$3,094,909 whereas the Annual Financial Statements for 2022/2023 recognise a carryover amount of \$3,032,626. The reduced carryover amount of \$62,283 is predominately due to the following:

Payroll and payment accruals (additional compared to budget) = \$87,468
(Payroll Accrual = \$111,244, Payment Accruals = \$26,224 while the 2023/2024 budgeted figure for accruals was \$50,000)

The carryover figure in the budget is an estimate based on the trial balance and other known variables at the time of finalising the budget. Whilst there are not normally any significant changes the final position can vary depending on end of year processes which include accruals.

The summary of the final budget variation position for 2023/2024 is as follows:

Adjustment to carryover figure @ 30 June 2023	\$ 62,383
Increased revenue from operational activities	\$ 56,500
Reduced expenditure from operational activities	\$ 5,350
Increased non-cash amounts excluded form operations	\$ 56,000
Increased inflows from investing activities	\$500,000
Increased outflows from investing activities	\$ 62,000
Decreased inflows from financing activities	<u>\$250,000</u>
Estimated Surplus @ 30 June 2024	\$305,850

The budget review considers all relevant changes in expense and income plus allowing for the change in the carryover figure resulting in an estimated surplus amount of \$305,850.

The budget review items are detailed in the table listed below:

COA/Job No.	COA/Job Description	Adopted Budget	Proposed Revised Budget	Change	Comments
Revenue from Operating activities					
145010.11	General Rates	5,047,928	5,087,928	40,000	Additional Interim Rating due to post cyclone building repairs
164430.20	Diesel Fuel Rebate	36,000	41,000	5,000	Additional Diesel Fuel Rebate
138230.20	Reimburse Advertising Planning	200	6,700	6,500	Advertising Reimbursement Planning Glance Cove etc
133230.14	Refuse Fees	100,000	105,000	5,000	Additional Refuse Fees
Expenses from Operating activities					
171520.01	Superannuation Expenses	(358,398)	(338,398)	20,000	Reduced super contributions
140820.09	Rates legal & recovery expenses	(20,000)	(10,000)	10,000	Predicted reduced rates legal expenses

103720.08	Northampton Office Maintenance Expenses	(14,775)	(20,275)	(5,500)	Cost to remove Rates Office partition & Install Split System Aircon in Library
105020.08	Computer Expenses	(122,662)	(142,662)	(20,000)	Consultancy fees to develop IT Strategic Plan, It Asset Mgt Policy, Align IT Service agreement and check BYOD and Work From Home Policies, Payroll & Debtors email functionality, cabling and IT support costs
132120.02	21 Fitzgerald Street	(500)	(4,000)	(3,500)	Additional Retic fittings, Clothes Line and Bedroom Fan
143020.08	Legal Expenses	(2,500)	(7,500)	(5,000)	Additional Legal Expenses (Planning)
147020.08	RSL HALL Expenses	(25,275)	(29,275)	(4,000)	Install safety drip trays on ceiling aircon units
150720.08	Northampton Community Centre	(57,450)	(13,100)	44,350	Works will not proceed – Brick paving south of commentators box area, Rising damp stadium wall, Wheel chair access ramp to stadium less costs to repair solar HWS
158500.08	Municipal Road Maintenance	(348,378)	(368,378)	(20,000)	Consultancy fees to complete road maintenance 10 year plans

171920.02	Protective Clothing	(20,000)	(25,000)	(5,000)	Additional PPE
173120.02	Fuels and Oils	(325,000)	(275,000)	50,000	Reduced Fuel & Oil
Inflows from investing activities					
166230.18	Capital Grants	0	500,000	500,000	Local Government Resilience Fund
Outflows from investing activities					
158140.99	Capital Land & Building	(0)	(500,000)	(500,000)	Purchase of 17 Richardson St Kalbarri (Men's Shed)
133440.99	Public Amenities	(6,000)	(10,000)	(4,000)	Additional costs NCC ablutions DUP
142140.99	Purchase of Machinery	(594,000)	(244,000)	350,000	Delayed purchase
150600.08 (R335)	Coolcalaya Road	(35,000)	0	35,000	Road survey not progressed
150600.08 (R348)	Anchorage Lane	(10,000)	0	10,000	Engineering consultancy works deferred
150900.08 (R348)	Stephen St DUP	(47,000)	0	47,000	Works will not progress 23/24
Cash inflows from financing activities					
143450.99	Plant Loan	250,000	0	(250,000)	Plant Loan Funds deferred due to delay in plant purchases

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The intention of the legislation is to ensure local governments conduct at least one budget review between six and nine months into the financial year.

The Budget review is a detailed comparison of the year to date actual results with the adopted or amended budget. It establishes whether a local government continues meeting its budget commitments, is in receipt of income and incurs expenditure in accordance with the adopted budget.

The current review is indicating an overall budget surplus of \$305,850. All additional expenditure variations listed in the review are considered to be a priority in nature and need to be funded this financial year.

The Financial Management Regulations require the results of the budget review to be submitted to Council on or before the 31 March each year. Council is then to consider the review and determine whether or not to adopt the review, any part of the review and any recommendations made in the review.

The "Shire of Northampton 2023-24 Budget Review Report" has been provided under separate cover.

ATTACHMENT 9.2.3(1)**STATUTORY ENVIRONMENT:**

Local Government (Financial Management) Regulation 33A 1996

33A.Review of budget

(1)Between 1 January and the last day of February in each financial year a local government is to carry out a review of its annual budget for that year.

(2A)The review of an annual budget for a financial year must —

(a)consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and

(b)consider the local government's financial position as at the date of the review; and

(c)review the outcomes for the end of that financial year that are forecast in the budget; and

(d)include the following —

(i)the annual budget adopted by the local government;

(ii)an update of each of the estimates included in the annual budget;

(iii)the actual amounts of expenditure, revenue and income as at the date of the review;

(iv)adjacent to each item in the annual budget adopted by the local government that states an amount, the estimated end-of-year amount for the item.

(2)The review of an annual budget for a financial year must be submitted to the council on or before 31 March in that financial year.

(3)A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.

*Absolute majority required.

(4)Within 14 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

The risk of not approving the budget review is considered moderate as the budget review is a requirement per the Financial Management Regulations. .Level 3 – Moderate.

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

FINANCIAL IMPLICATIONS:

There will be no significant overall change to the 2023/2024 balanced budget position to accommodate the revised budget allocations listed above.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

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

That Council:

- 1. Adopt by absolute majority the 2023/2024 midyear budget review as provided in ATTACHMENT 9.2.3(1) and note any variances or recommendations.**

2. That Council adopt by absolute majority the following budget amendments to the 2023/2024 adopted annual budget in accordance with the following table:

Budget Item	Current Budget	Proposed Budget	Change
General Rates	5,047,928	5,087,928	40,000
Diesel Fuel Rebate	36,000	41,000	5,000
Reimburse Advertising Planning	200	6,700	6,500
Refuse Fees	100,000	105,000	5,000
Superannuation Expenses	(358,398)	(338,398)	20,000
Rates legal & recovery expenses	(20,000)	(10,000)	10,000
Northampton Office – Expenses	(14,775)	(20,275)	(5,500)
Computer Expenses	(122,662)	(142,662)	(20,000)
21 Fitzgerald Street	(500)	(4,000)	(3,500)
Legal Expenses	(2,500)	(7,500)	(5,000)
RSL Hall	(25,275)	(29,275)	(4,000)
Northampton Community Centre	(57,450)	(13,100)	44,350
Municipal Road Maintenance	(348,378)	(368,378)	(20,000)
Protective Clothing	(20,000)	(25,000)	(5,000)
Fuels and Oils	(325,000)	(275,000)	50,000
Capital Grants	0	500,000	500,000
Capital Land & Building	(0)	(500,000)	(500,000)
Public Amenities NCC DUP	(6,000)	(10,000)	(4,000)
Purchase of Machinery	(594,000)	(244,000)	350,000
Coolcalaya Road	(35,000)	0	35,000
Anchorage Lane	(10,000)	0	10,000
Stephen St DUP	(47,000)	0	47,000
Plant Loan	250,000	0	(250,000)
		Net Change	\$305,850

ATTACHMENTS

1. Shire of Northampton 2023-24 Budget-Review-Template.

APPENDICIES

1. Nil

ITEM 9.2.4: Proposed Waiver of Hire and Bond Fees

PROPONENT:	Shire of Northampton
OWNER:	N/A
LOCATION / ADDRESS:	Whole of Shire
ZONE:	All
BUSINESS AREA:	Corporate and Financial Services
FILE REFERENCE:	1.1.1
LEGISLATION:	<i>Local Government Act 1995 Section 6.12</i>
AUTHOR:	Grant Middleton
APPROVING OFFICER:	Grant Middleton
DATE OF REPORT:	7 March 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Staff have been approached by Chris Henderson (Geraldton Support Independent Living Coach) in relation to utilising the RSL Hall and Council waiving the hiring fee.

The hall will be required from 3 pm - 6pm and vacated by 5.45 pm. There will be a school pick-up which will bring students to the hall around 3.15 pm -3.20 pm. Mr Henderson has indicated that he is happy to skip a session if the facility is required for a function.

The 30 sessions requested are as follows:

February 2024. 13th, 20th, 21st ,28th.
 March 2024. 5th, 6th, 13th, 19th, 20th, 27th.
 April 2024. 2nd, 3rd, 10th, 16th, 17th, 24th, 30th.
 May 2024. 1st, 8th, 14th, 15th, 22, 28th 29th.
 June 2024. 5th 11th, 12th, 19th 25th, 26th.

The initiative involves organising cooking groups and various activities catered to local special needs children and young adults or any persons wishing to engage in the program.

The primary objective behind this initiative is to alleviate the financial burden on families accessing NDIS resources. Many local participants travel to Geraldton to participate in similar programs, significantly impacting their funding budgets as this requires support workers to do a 200km round trip charging the family's NDIS budget for time and fuel expenses. By bringing these services closer to home Mr Henderson aims to make the service more accessible and cost-effective for families in Northampton.

The program has been designed to create a comfortable and inclusive environment where every child can thrive at their own pace. Beyond serving the immediate needs of the participants the program contributes positively to the broader community. This includes initiatives such as cooking for disadvantaged residents or providing meals for aged care facilities using locally sourced produce and donations. Additionally, Mr Henderson has flagged the possibility of offering catering services for the monthly RSL committee meetings that participants could work on, subject to the feasibility and circumstances of the program participants.

Mr Henderson has requested the normal hire fee be waived which will ease the overall financial burden in the short term as the program is being established. The fee listed in the Fees and charges schedule for this type of activity is \$50.00 per booking which equates to \$1,500 if the normal hire fees were applied for the 30 sessions. A bond would be associated with this type of hire.

Council has been requested to approve the waiver of Hire Fees for the RSL Hall totalling \$1,500.

COMMENT (Includes Options):

Staff have considered the request and are unable to recommend the waiving of the hire fee based on the premise that the proponent is a commercial operator. Additionally, the hire fees at the RSL hall are nominal and Council provides a significant contribution to uses via the existing hire fees listed in the “Schedule of Fee’s and Charges 2023/2024” per below. It should be noted that a resolution to support the request must be passed by absolute majority.

SCHEDULE 11 - RECREATION AND CULTURE/LIBRARIES							
DESCRIPTION	COMMENTS	2022/2023 UNIT RATE		2023/2024 UNIT RATE			
		Total		Std Rate	GST	Total	
RSL HALL NORTHAMPTON HIRE CHARGES							
Weddings/Parties/Functions		\$125.00		\$136.36	\$13.64	\$150.00	per booking
Bond for Weddings/Parties/etc...	(No GST)	\$230.00		\$250.00	N/A	\$250.00	per booking
Meetings		\$25.00		\$22.73	\$2.27	\$25.00	per booking
Miscellaneous Use Hire	where use does not fit into other categories	\$20.00		\$45.45	\$4.55	\$50.00	per booking
Travelling Shows/Films		\$65.00		\$68.18	\$6.82	\$75.00	per booking
Local Club/Organisations Meeting		No charge		No charge			
Chair Hire Fee		\$22.00		\$20.00	\$2.00	\$22.00	per 50 chairs min of 50 chairs
Trestle Hire Fee		\$11.00		\$10.00	\$1.00	\$11.00	per trestle
ALLEN CENTRE MEETING ROOM HIRE CHARGES							
Local Club Meeting		No charge		No charge			
Local Club Meeting with drinks/food		\$20.00		\$22.73	\$2.27	\$25.00	per booking/day
Hire of Meeting room by outside groups/organisations		\$65.00		\$68.18	\$6.82	\$75.00	per booking/day
Miscellaneous Use Hire	where use does not fit into other categories	\$20.00		\$45.45	\$4.55	\$50.00	per booking
Bond for Hire (outside groups etc)		N/A		\$250.00	N/A	\$250.00	per booking
Other uses		At discretion of Council		At discretion of Council			

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

STATUTORY ENVIRONMENT:

Local Government Act 1995 – Section 6.12 allows Council waive or grant concessions in relation to any amount of money.

6.12. Power to defer, grant discounts, waive or write off debts.

(1) Subject to subsection (2) and any other written law, a local government may —

(a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or

(b) waive or grant concessions in relation to any amount of money; or

(c) write off any amount of money, which is owed to the local government.

POLICY / STRATEGIC IMPLICATIONS:

Council does not have a current policy pertaining to fee waivers. Any fees which are to be waived need to be approved in accordance with Section 6.12 of the Local Government Act 1995 and require an absolute majority vote.

ORGANISATIONAL RISK MANAGEMENT:

The risk of not approving the request 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:

There will be no significant overall change to the 2023/2024 balanced budget position to accommodate the fee waiver request.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

That Council not approve the waiving of the hire fees for the RSL Hall Northampton as requested for the period 13/2/2024 to 26/6/24 totalling \$1,500 as the proponent is a commercial operator.

ATTACHMENTS

1. Nil.

APPENDICIES

1. Nil.

ITEM 9.2.5: Proposed Rates Write Off

PROPONENT:	Shire of Northampton
OWNER:	N/A
LOCATION / ADDRESS:	Whole of Shire
ZONE:	All
BUSINESS AREA:	Corporate and Financial Services
FILE REFERENCE:	1.1.1
LEGISLATION:	<i>Local Government Act 1995 Section 6.12</i>
AUTHOR:	Grant Middleton
APPROVING OFFICER:	Grant Middleton
DATE OF REPORT:	7 March 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Rates Officer has identified an issue in relation to rates associated with a property sold in July 2021 and the incorrect amounts of rates being considered when the settlement was finalised.

The property in question is 25 Browne Boulevard, Kalbarri and the amount is \$858.80.

The timeline of events is as follows:

- The property was owned by Elizabeth Pett who was a pensioner and had deferred rates of \$858.80.
- The property was sold in July 2021, however due to the rates not being issued until August, the settlement agent was told the rates are “To Be Advised”.
- In August 2021 the rate notice was sent to the settlement agent totalling \$1,575.94 including the deferred rates.
- Elizabeth Pett made the first instalment payment of \$406.24 on 30/9/2021.
- The property settled on 16 November 2021 when the Rates Officer was on leave.
- The settlement agent claimed they received a payout figure of \$1,203.96 which didn't include the deferred rates.
- The settlement agent paid \$1,203.96 on 16/11/2021.
- The error was picked up by the Rates Officer upon returning from leave.
- A letter was sent to Elizabeth Pett on 23/11/2021 and a further reminder letter was sent on 18/7/2022.

The matter was referred to McLeods who sent a letter to Elizabeth Pett demanding payment, however as she is no longer the owner and we are unable to take legal action.

The rates officer has tried on a number of occasions to contact the previous owner. Mail has been returned from the PO Box in Kalbarri and the phone number provided by the settlement agent is not being answered.

Council is requested to approve the write off of Rates Debtors totalling \$858.80 as it is considered highly unlikely that the revenue can be recovered.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

Council is requested to approve the write off of Rates Debtors totalling \$858.80.

STATUTORY ENVIRONMENT:

Local Government Act 1995 – Section 6.12 allows Council write-off any amount of money.

6.12. Power to defer, grant discounts, waive or write off debts

(1) Subject to subsection (2) and any other written law, a local government may —

(a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or

(b) waive or grant concessions in relation to any amount of money; or

(c) write off any amount of money, which is owed to the local government.

POLICY / STRATEGIC IMPLICATIONS:

Council does not have a current policy pertaining to rates write offs. Any debts which are to be written off need to be in accordance with Section 6.12 of the Local Government Act 1995 and require an absolute majority vote.

ORGANISATIONAL RISK MANAGEMENT:

The risk of not approving the write off's is considered minor as the process of addressing rates issues is procedural to ensure long term outstanding amounts are addressed. 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:

There will be no significant overall change to the 2023/2024 financial position associated with the write off's.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council:

That Council write off the outstanding rates for following outstanding rates for Assessment A3818 totalling \$858.80 in accordance with Section 6.12 of the Local Government Act as the revenue is considered un-recoverable.

ATTACHMENTS

1. Nil.

APPENDICIES

1. Nil.

ITEM 9.2.6: Proposed Debtors Write Off

PROPONENT:	Shire of Northampton
OWNER:	N/A
LOCATION / ADDRESS:	Whole of Shire
ZONE:	All
BUSINESS AREA:	Corporate and Financial Services
FILE REFERENCE:	1.1.1
LEGISLATION:	<i>Local Government Act 1995 Section 6.12</i>
AUTHOR:	Grant Middleton
APPROVING OFFICER:	Grant Middleton
DATE OF REPORT:	7 March 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Staff regularly review outstanding items in the Aged Debtors Ledger and follow up on any outstanding debts greater than 30 days. The items listed below have been outstanding for more than 6 months and are considered unrecoverable.

Council is requested to approve the write off of Sundry Debtors totalling \$2,272.92 per the following:

Debtor - DMCV02 Amount - \$1,029.92

Details - Advertising costs in the West Australian totalling \$551.05 and the Geraldton Guardian totalling \$478.87 for assessment A3266 Lot 984 Mainwaring Drive Kalbarri.

Reason – The Debtor is deceased. The account was sent to the administrators in 2020 but there hasn't been any response from the administrators.

Debtor - DBAM01 Amount - \$933.00

Details - Various loads at the Kalbarri Refuse site on 13/2/22, 13/5/22, 19/5/22, 23/5/22, 7/6/22, 10/6/22, 5/7/22, 22/7/22, 20/8/22, 18/8/22 & 16/9/22.

Reason - Email received 12/1/23 advising that "Bricks and Mortar" had ceased trading in November 2022, and were placed into voluntary administration.

Debtor - DBAR11 Amount - \$310.00

Details - Henleys Garden & Landscape Maintenance were engaged to install fires breaks and reduce the fuel load at the property - 113 West Street Northampton. Purchase Order 56008.

Reason - The debtor (Lovinia Barredo) has returned to the Philippines. No contact details exist for the debtor apart from an email address that has not had a reply.

Information obtained in relation to the three unsecured debts indicates that it is considered highly unlikely that the revenue can be recovered.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

Council is requested to approve the write off of the Sundry Debtors totalling \$2,272,92.

DEBTOR NUMBER	DETAILS	AMOUNT	INVOICE RAISED	REASON
DMCV02	A3266 - Lot 984 Mainwaring Drive Kalbarri. Advertising costs in the West Australian on \$551.05 and the Geraldton Guardian on \$478.87	1,029.92	18/2/2020	The Debtor is deceased. The account was sent to the administrators in 2020 with d no response to date.
DBAM01	Various loads at the Kalbarri Refuse site on 13/12/22, 13/5/22, 19/5/22, 23/5/22, 7/6/22, 10/6/22, 5/7/22, 22/7/22, 20/8/22, 18/8/22 & 16/9/22	933.00	16/5/22 – 5/10/22	Email received 12/1.23, Bricks and Mortar ceased trading in November 2022, and were placed into voluntary administration.
DBAR11	Henleys Garden & Landscape Maintenance at 113 West Street Northampton. Purchase Order 56008.	310.00	6/1/2023	The debtor has returned to the Phillipines. No contact details exist for the debtor apart from an email address that has not had a reply
TOTAL		\$2,272.92		

STATUTORY ENVIRONMENT:

Local Government Act 1995 – Section 6.12 allows Council write-off any amount of money.

6.12.Power to defer, grant discounts, waive or write off debts

(1)Subject to subsection (2) and any other written law, a local government may —

(a)when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or

(b)waive or grant concessions in relation to any amount of money; or

(c)write off any amount of money, which is owed to the local government.

POLICY / STRATEGIC IMPLICATIONS:

Council does not have a current policy pertaining to debtor write offs. Any debts which are to be written off need to be in accordance with Section 6.12 of the Local Government Act 1995 and require an absolute majority vote.

ORGANISATIONAL RISK MANAGEMENT:

The risk of not approving the write offs is considered minor as the process of addressing the debtors items is procedural to ensure long term outstanding amounts are addressed. 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:

There will be no significant overall change to the 2023/2024 financial position associated with the write offs.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

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

That Council:

That Council write off the following outstanding accounts totalling \$2,272.92 in accordance with Section 6.12 of the Local Government Act as the revenue is considered un-recoverable.

DMCV02	Adrien Paul Hipper	\$1,029.92
DBAM01	Bricks and Mortar	\$ 933.00
DBAR11	Lovina Palileo Barredo	\$ 310.00

ATTACHMENTS

1. Nil.

APPENDICIES

1. Nil.

ITEM 9.4.1: Proposed Overheight Outbuilding at Lot 62 (No. 9) Ruby Terrace, Kalbarri

PROPONENT:	Action Sheds Australia Pty Ltd
OWNER:	S H Opie
LOCATION / ADDRESS:	Lot 62 (No. 9) Ruby Terrace, Kalbarri
ZONE:	Residential
BUSINESS AREA:	Planning Services
FILE REFERENCE:	10.6.1.1 / A4462
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Michelle Allen
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	8 March 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

A planning application has been received for an overheight outbuilding at Lot 62 (No. 9) Ruby Terrace, Kalbarri. A location plan is shown below.

LOCATION PLAN



The subject property is 660m² in size and currently consists of a dwelling. The proposed outbuilding is 36m² in size and is to be setback 1m off the rear boundary and 0.86m from the eastern side boundary. No other outbuildings exist on the site, despite being proposed on the site plan. The structure will have a skillion roof with the height of the wall on the eastern side to be 4.2m with a maximum height of 4.550m. A copy of the application is attached.

ATTACHMENT: 9.4.1 (1)

The proposed wall height is greater than the variation limits of the deemed to comply requirements for residential outbuildings as outlined in Local Planning Policy *Outbuildings* (the Policy) and therefore the application is presented to Council for determination.

PUBLIC CONSULTATION UNDERTAKEN:

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

The application was advertised for a 14-day period to adjacent landowners and with no comment received in relation to the application.

COMMENT:

The property is zoned Residential with a density coding of R20 by the Scheme. The proposed development is required to comply with the requirements relating to R20 under the State Planning Policy 7.3 – Residential Design Codes Volume 1 (the R-Codes) and the Shire’s Local Planning Policy *Outbuildings*.

To guide Council on the determination of this application, the following comments are offered:

Matters to be considered

In determining an application for planning approval, the local government is required to have regard to various matters outlined within *Clause 67(2) of the Planning and Development (Local Planning Schemes) Regulations 2015*. These matters include, but are not limited to:

- (a) *The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (b) *Any approved State planning policy;*
- (c) *Any policy of the Commission;*
- (f) *Any local planning strategy for this Scheme endorsed by the Commission;*
- (g) *Any local planning policy for the Scheme area;*
- (n) *The amenity of the locality; and*
- (y) *Any submissions received on the application.*

Any assessment against the above criteria is provided within the balance of this agenda.

Residential Design Codes (R-Codes)

The proposed outbuilding is to be setback 1m from the rear boundary and 1.1m from the eastern side boundary.

- (a) Rear Boundary - Table 2a – Boundary Setback – Walls with a major opening, require a setback distance of 2.3m for a wall that is 4m long and has a maximum height of 4.55m.
- (b) Eastern Side Boundary - Table 2a – Boundary Setback – Walls with no major opening require a setback distance of 1.1m for a wall that is 9m long with a maximum height of 4.2m.

Both these variations were advertised to adjoining landowners, who have raised no concern to the proposed setback reduction to the side boundary and the proposed variation to wall height.

Outbuilding Policy Assessment

The Policy outlines the Deemed-to-Comply provisions in the Residential zone replacing section 5.4.3 of the R-Codes due to the construction of outbuildings in the Shire of Northampton being generally greater in terms of floor area and height than those considered appropriate in the metropolitan area.

The Policy outlines that an outbuilding should not exceed 3m in wall height and 4.5m in ridge height. In this instance the outbuilding exceeds the variation by 1.2m in wall height. The proposed outbuilding was advertised to the adjoining landowners and no comment was received raising concern to the proposed variation.

Impact on Amenity

In this instance the increased height of the wall of the outbuilding is 1.2m above the height requirements of the Policy, however, the overall height of the outbuilding complies with the Policy. The outbuilding is to house a boat and trailer (Trailer length is 8.6m and height is 3.2m. The 4.2m wall height is required for access through the roller door.) The lot is located within the Residential zone of Kalbarri and currently the area of open space is 79% well meeting R-Code open space provision which is 50%. The size of the outbuilding at 36m² is well under both R-Code provisions (60m²) and the Policy provisions (120m²) and no other outbuildings exist on the site.

POLICY / STRATEGIC IMPLICATIONS:

Planning and Development Act 2005 and Shire of Northampton Local Planning Scheme No. 11 – Kalbarri.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

The development application fee in accordance with the Shire of Northampton's 2023/2024 Fees and Charges Schedule has been paid.

SUSTAINABILITY:

Environmental: No vegetation is required to be removed for construction of the outbuilding.

Economic: Nil.

Social: Nil.

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

That Council, in accordance with Local Planning Scheme No. 11 – Northampton grant planning approval for an outbuilding on Lot 62 (No. 9) Ruby Terrace, Kalbarri in accordance with the plans and specifications at ATTACHMENT 9.4.1 (1), subject to the following conditions:

- 1 The development hereby approved is to be carried out generally in accordance with the plans and specifications submitted with the application and these shall not be altered and/or modified without the prior knowledge and written consent of the Shire of Northampton:**

Reference	Document Title	Date
1	Site Plan	21 March 2024
2	Elevation Plans	21 March 2024

- 2 The approved shed/outbuilding shall only be used for domestic purposes such as storage, garaging of vehicles or other approved purposes, excluding human habitation, temporary accommodation or camping:**

- 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 The proposed development shall be clad or coloured to complement either the surroundings in which it is located or adjoining developments to the satisfaction of the Shire of Northampton but the use of reflective materials and colours is not permitted;
- 5 All stormwater and drainage runoff is to be retained on the subject property to the approval of the Shire of Northampton;
- 6 Any soils disturbed or deposited on site shall be stabilised to the approval of the Shire of Northampton;
- 7 Access, driveway, manoeuvring and car parking areas to be paved/sealed, drained and thereafter maintained to the approval of the local government; and
- 8 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 This development approval is NOT a building permit. A building permit must be formally applied for and obtained from Building Services BEFORE the commencement of any site and/or development works. (Land clearing to facilitate development and BAL report is permitted).
- 2 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.
- 3 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.
- 4 The Applicant is advised that compliance with any and all governmental legislation and regulations, including but not limited to *Health (Miscellaneous Provisions) Act 1911*, the National Construction Code of Australia and the relevant *Aboriginal Cultural Heritage Act*, is required at all times.
- 5 If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of determination.

ATTACHMENTS

1. Site and Elevation Plans for Lot 62 Ruby Terrace, Kalbarri

APPENDICES

1. Nil.

PUBLIC CONSULTATION UNDERTAKEN:

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

The application was advertised for a 14-day period to an adjacent landowner with one submission received in relation to the application.

COMMENT:

The property is zoned Residential with a density coding of R5 by the Scheme. The proposed development is required to comply with the requirements relating to R5 under the State Planning Policy 7.3 – Residential Design Codes Volume 1 (the R-Codes) and the Shire's Local Planning Policy *Outbuildings*.

To guide Council on the determination of this application, the following comments are offered:

Matters to be considered

In determining an application for planning approval, the local government is required to have regard to various matters outlined within *Clause 67(2) of the Planning and Development (Local Planning Schemes) Regulations 2015*. These matters include, but are not limited to:

- (a) *The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (b) *Any approved State planning policy;*
- (c) *Any policy of the Commission;*
- (f) *Any local planning strategy for this Scheme endorsed by the Commission;*
- (g) *Any local planning policy for the Scheme area;*
- (o) *The amenity of the locality; and*
- (y) *Any submissions received on the application.*

Any assessment against the above criteria is provided within the balance of this agenda.

Residential Design Codes (R-Codes)

The proposed outbuilding is to be setback 1.5m from the northern side boundary, when a setback of 1.6m is normally required for a 4m high wall 16m long.

The variation to side boundary setback was advertised to the adjoining owner on the northern side who raised an objection to the variation.

Outbuilding Policy Assessment

The Policy outlines the Deemed-to-Comply provisions in the Residential zone replacing section 5.4.3 of the R-Codes due to the construction of outbuildings in the Shire of Northampton being generally greater in terms of floor area and height than those considered appropriate in the metropolitan area.

Within the Residential R5 zone, the Policy outlines an outbuilding should not exceed 4m in wall height and 6.5m in ridge height. In this instance the outbuilding meets policy provisions.

The proposed outbuilding was advertised to the adjoining landowner with an objection received raising concern at the location of the existing dividing fence between Lot 82 and

the adjacent lot. Presumption is made by the submitter that the fence is not correctly located on the lot boundary and no objection to the outbuilding would be forthcoming if the fence was repositioned.

This application is seeking a 0.1m variation to setback requirements to the side boundary and building bulk or loss of direct sun or ventilation will not impact the adjoining property.

Impact on Amenity

Lot 82 and the adjoining lot are located within the Residential zone of Northampton with a density coding of R5. The submitter's driveway and outbuilding are located adjacent to Lot 82 and the proposed location of the outbuilding as shown below.

LOCATION PLAN



The size of the outbuilding proposed is 120m² well under the 240m² permitted under the Policy. The lot boundary setback distance of the proposed outbuilding is set 0.1m closer to the side boundary than required with all other setback distances and structure heights meeting LPP provisions. The density of structures on Lot 82 fall well under the density coding R5 provisions and are considered to have minimal impact on the adjacent property.

Whilst the matter of the location of dividing fences is not a relevant planning consideration, the imposition of Advice Note 1 of the approval will address the concern raised.

POLICY / STRATEGIC IMPLICATIONS:

Planning and Development Act 2005 and Shire of Northampton Local Planning Scheme No. 11 – Kalbarri.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

The development application fee in accordance with the Shire of Northampton's 2023/2024 Fees and Charges Schedule has been paid.

SUSTAINABILITY:

Environmental: No vegetation is required to be removed for construction of the outbuilding.

Economic: Nil.

Social: Nil.

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

That Council, in accordance with Local Planning Scheme No. 10 – Northampton grant planning approval for an outbuilding on Lot 82 (No. 18) Fifth Avenue, Northampton, in accordance with the plans and specifications at ATTACHMENT 9.4.2 (1), subject to the following conditions:

- 2 The development hereby approved is to be carried out generally in accordance with the plans and specifications submitted with the application and these shall not be altered and/or modified without the prior knowledge and written consent of the Shire of Northampton:

Reference	Document Title	Date
1	Site Plan	21 March 2024
2	Floor and Elevation Plans	21 March 2024

- 2 The approved shed/outbuilding shall only be used for domestic purposes such as storage, garaging of vehicles or other approved purposes, excluding human habitation, temporary accommodation or camping;
- 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 The proposed development shall be clad or coloured to complement either the surroundings in which it is located or adjoining developments to the satisfaction of the Shire of Northampton but the use of reflective materials and colours is not permitted;
- 5 All stormwater and drainage runoff is to be retained on the subject property to the approval of the Shire of Northampton;
- 6 Any soils disturbed or deposited on site shall be stabilised to the approval of the Shire of Northampton;

- 7 Access, driveway, manoeuvring and car parking areas to be paved/sealed, drained and thereafter maintained to the approval of the local government; and
- 8 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 The development/land use is to be located entirely within the property boundary and it is recommended that the services of a licensed surveyor be employed to verify the exact boundary position.
- 2 This development approval is NOT a building permit. A building permit must be formally applied for and obtained from Building Services BEFORE the commencement of any site and/or development works. (Land clearing to facilitate development and BAL report is permitted).
- 3 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.
- 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 The Applicant is advised that compliance with any and all governmental legislation and regulations, including but not limited to *Health (Miscellaneous Provisions) Act 1911*, the National Construction Code of Australia and the relevant *Aboriginal Cultural Heritage Act*, is required at all times.
- 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.

ATTACHMENTS

1. Site and Elevation Plans for Lot 82 Fifth Avenue, Northampton

APPENDICES

1. Nil.

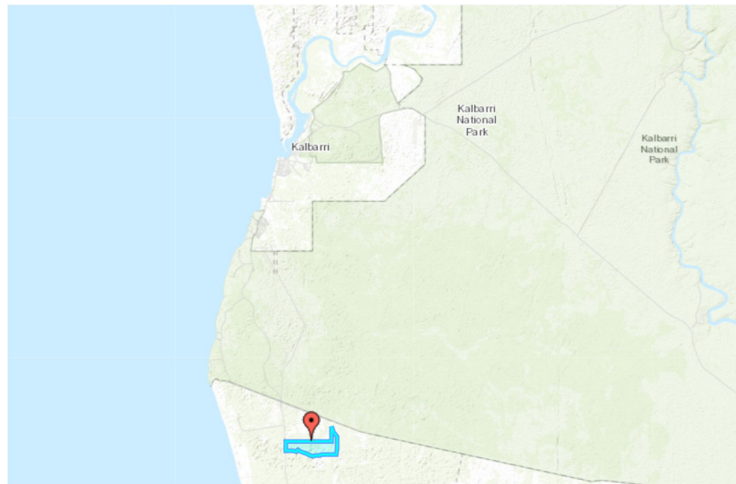
ITEM 9.4.3: Proposed Additional Egg Laying Shed (Animal Husbandry Intensive Agriculture) at Lot 14 (No. 3874) George Grey Drive, Yallabatharra

PROPONENT:	B Burges
OWNER:	RB Burges/Lismortagh Pty Ltd
LOCATION / ADDRESS:	Lot 14 (No. 3874) George Grey Drive, Yallabatharra
ZONE:	Rural
BUSINESS AREA:	Planning Services
FILE REFERENCE:	10.8.1.3 / A3529
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Michelle Allen/Brian Robinson
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	5 March 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

A planning application has been received for an additional egg laying shed at Lot 14 (No. 3874) George Grey Drive, Yallabatharra at the 'Kalbarri Egg Farm'. The property is located 23 km south of Kalbarri. A location plan is shown below.

LOCATION PLAN



The subject property consists of two titles which total 670.96 hectares in size. The lots are located in the Rural zone and currently consist of seven (7) egg laying sheds with 70,000 laying hens. Kalbarri Eggs has operated on the site for over 30 years.

The additional proposed egg laying shed will be free range and include new state of the art technology and have a capacity of 12,500 laying hens taking total capacity on site to 82,500 laying hens. The proposed outbuilding is 1657m² in size and will be setback 485m from the closest property boundary and be situated more than 3km from the nearest dwelling. The structure will have a gable roof with wall height of 3.506m and maximum height of 5.266m. A copy of the Application and Waste Management Plan is attached.

ATTACHMENT 9.4.3 (1)
ATTACHMENT 9.4.3 (2)

Kalbarri Eggs has been operating on the site for over 30 years with the existing sheds operating as follows:

	Layer type	Number of hens
One Shed	Caged	30,000
One Shed	Free range	2,500
Five Sheds	Free range	37,500 (7,500/shed)
	Total	70,000

All existing free range sheds have dirt floors and the existing cage shed has a concrete floor. All sheds are cleaned out using a bobcat, shovels and brooms. Further explanation of existing and proposed structures of the intensive agriculture operation is provided at ATTACHMENT 9.4.3 (3).

ATTACHMENT 9.4.3 (3)

PUBLIC CONSULTATION UNDERTAKEN:

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

The application was advertised for a 28-day period to six adjacent landowners and to seven government departments and authorities with five (5) submissions received in relation to the application as outlined in ATTACHMENT 9.4.3 (4).

ATTACHMENT 9.4.3 (4)

COMMENT:

The property is zoned Rural under Local Planning Scheme No. 10 – Northampton (the Scheme) and is situated approximately 23 kms from the Kalbarri townsite.

The subject land is just over 670 hectares in area and is currently utilised primarily for egg production and small broadacre operations and a wholesale nursery also exists on the property.

The site is located on soil-landscape units known as Tamala North 1, 2, and 4 subsystems and Balline system and described by the landowner as consisting of sand plain and limestone ridges with no waterways existing on the property.

Surrounding development

The immediate surrounding land is privately owned rural zoned properties utilised predominantly as agricultural farm land. The site is bound on the west by George Grey Drive and the closest residential development is approximately 1.4kms to the north where the 'Rural Residential' area is located.

The Proposal

The proposal is to construct an egg laying shed measuring 15.3m wide and 108.3m long to house an additional 12,500 laying hens enabling the business to expand its production capacity to 82,500 birds. The new shed will operate as free range with access to outdoors.

The proposed new shed will have 100mm thick reinforced concrete floor and concrete side walls around the perimeter of the shed will sit 2.9m high and consist of 1m high

concrete and 50mm sandwich panels. The top 1.3m of the wall will be a moveable tarp-like curtain which allows for natural ventilation with curtains fixed horizontally at the top and bottom to a steel pipe that lowers and raises the curtain automatically via a rope pulley system.

The Egg Farm currently consists of seven (7) egg laying sheds (one cage and six free range sheds) with current of 70,000 laying hens. The poultry sheds on the farm are located as follows to the property boundaries as follows:

Property boundary	
Northern	485m
Eastern	2750m
Southern	1005m
Western	955m

The development includes various structures associated with the egg production farm which include seven egg production sheds, machinery, workshop and storage sheds including staff kitchen, farm office, ablutions and caretakers' cottage.

The poultry farm operates 24 hours a day, seven days a week, but operational activities are typically carried out between 7-00am and 3-00pm. The development is accessed via an entrance from George Grey Drive. Seven (7) staff are currently employed and no additional staff will be required with the new shed.

Location of Development and Separation Distances

Both the EPA Guidelines and the Industry Code of Practice detail that poultry farms should be set back a minimum of 1km from the nearest sensitive receptor (ie. residential dwelling.). This proposal is set back more than 3km from the nearest sensitive receptor and therefore is considered to be appropriately sited in accordance with the Guidelines.

Traffic

Traffic volumes to and from the site are not predicted to increase significantly in relation to the additional eggs produced and will be catered for by existing traffic movements employed in the current operation. Approximately 2.8 tonnes of eggs a day are transported to Kalbarri and twice a week eggs are transported to Perth.

Similarly, the trucks handling feed have capacity to handle the extra volume thus improving the economic efficiency of the operation. A total of 2900 tonnes of wheat a year is used for the current operation with an extra 500 tonnes required per year for the additional birds.

It should be noted that post-lodgement of the application, the applicant has provided additional information:

- Waste Management Plan;
- Details of wastewater and drinking water arrangements; and
- Details of composting weights (99 tonnes) which fall well below the threshold level of 1000 tonnes, thereby the operation is not subject to licensing as a Prescribed Premises by DWER.

To guide Council on the determination of this application, the following comments are offered:

Matters to be considered

In determining an application for planning approval, the local government is required to have regard to various matters outlined within *Clause 67(2) of the Planning and Development (Local Planning Schemes) Regulations 2015*. These matters include, but are not limited to:

- (a) *The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (b) *Any approved State planning policy;*
- (c) *Any policy of the Commission;*
- (f) *Any local planning strategy for this Scheme endorsed by the Commission;*
- (g) *Any local planning policy for the Scheme area;*
- (n) *The amenity of the locality; and*
- (y) *Any submissions received on the application.*

Any assessment against the above criteria is provided within the balance of this agenda.

Consultation

The application was advertised to adjacent landowners and government agencies and authorities. The Shire received five (5) submissions as outlined in ATTACHMENT 9.4.3 (4). In summary:

- No submissions were received from the six adjacent landowners.
- The Department of Water and Environmental Regulation (DWER) provided incorrect advice initially with subsequent amendment outlining that the operation was not required to be licensed as a Prescribed Premises
- The Department of Primary Industries and Regional Development (DPIRD) had no objections to the proposal and offered comments in relation to Codes of Practice, Soils and landforms, Waste Management, Composting areas, Burial Pits, Nutrient Management Plan and Manure;
- The Department of Health provided comment in relation to Wastewater management, Drinking water management and Food Practices and sought imposition of a condition on the approval relating to Odour and Pest Management;
- The Department of Biodiversity, Conservation and Attractions raised no objections to the proposal; and
- Mainroads WA (MRWA) sought further information relating to vehicle movement numbers, size of the largest vehicle to be used and direction of travel movements. Subsequently MRWA raised no objection subject to a number of conditions being included on the approval that related to:
 - driveway access upgrade to MRWA requirements;
 - sealing of access driveway from edge of George Grey Drive road surface 50m into the property;
 - a restrictive covenant preventing vehicular access to and from George Grey Drive being lodged on the certificate of title at the expense of the applicant;
 - no stormwater being discharged onto George Grey Drive Reserve or the future widened road reservation;
 - advice relating to damage to verge vegetation; and
 - advertising signage.

Proposed Access

As detailed above, Mainroads WA have requested a number of conditions relating to the current access and prevention of future access points.

In response to the request for 50m of the driveway to be sealed, the Shire's Executive Manager of Works and Technical Services offers the following comments:

- a) No substantial increase in traffic movements is proposed with the expansion of the egg production operation, therefore the impact to the current road surface to the property is considered to be negligible. In this instance, the condition being sought by Mainroads for sealing a length of 50m of the driveway is considered excessive and not in keeping with precedents of other busier intersections in the area.
- b) Supporting information is the proposed increase in grain truck movements which will be less than two (2) additional movements per month, based on a standard 'as of right vehicle' up to 19m in length as permitted on this road network. The increase in movements attributed to transportation of eggs is minimal.
- c) Conditions imposed as part of any consent/approval require further application from the applicant for any change to approved use therefore potential changes to access in the future will be handled at the time of application.
- d) The Shire of Northampton considers that no upgrade to driveway access is required.

In accordance with planning case law, conditions of approval are required to be consistent with the following principles:

- i) The conditions must be fair and reasonable;
- ii) Must have a planning purpose;
- iii) Must relate to the proposal being determined; and
- iv) Must not have the effect of negating the approval.

The proposed development will not result in a substantial increase in vehicle movements, therefore Mainroads request for a condition requiring the sealing of 50m of the driveway is not considered fair and reasonable.

With respect to the request for a restrictive covenant to prevent future access, as access is not being proposed in these areas, the requested condition does not reasonably relate to the current proposal. Rather it seeks to regulate future use/access which are not proposed as part of this application. The power for Mainroads to regulate access to roads under their Roads jurisdiction is provided by the *Local Government Act 1995* and the associated the *Local Government (Uniform Local Provisions) Regulations*. In accordance with clause 14 of the *Regulations*, Main Roads prior approval is required for works within the George Grey Drive road reserve.

Accordingly, Mainroads has the authority and ability to regulate any proposed future access to George Grey Drive. Given this it is considered that the request for a restrictive covenant to be imposed is not considered fair and reasonable, nor does it relate to the proposal or have a planning purpose. On this basis it is recommended that this aspect of the Main Roads submission not be supported.

Conclusion

There are a number of policies, guidelines and documents relevant to the proposal. The application and the site are subject to a range of planning, environmental, bushfire and servicing policies and documents. Following assessment of the application against the

planning and environmental framework, submissions and information provided by the application, the Development Application is considered to be generally consistent with *Local Planning Scheme No. 10 – Northampton*, strategies and policies.

It is recommended that the Council conditionally approve the application given:

- It is overall consistent with the planning framework;
- It supports diversification and growing the local economy and supports job creation;
- No clearing of native vegetation is proposed; and
- There are expected to be manageable environmental impacts given the land is cleared and appropriate setbacks/buffers are provided to sensitive uses (dwellings).

POLICY / STRATEGIC IMPLICATIONS:

Planning and Development Act 2005, State Planning Policy 2.5 Rural Planning, Code of Practice for Poultry in Western Australia, Environmental Code of Practice for Poultry Farms in Western Australia and Shire of Northampton Local Planning Scheme No. 10 – Northampton.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

The development application fee in accordance with the Shire of Northampton's 2023/2024 Fees and Charges Schedule has been paid.

SUSTAINABILITY:

Environmental: No vegetation is required to be removed for construction of the outbuilding (egg laying shed). The proposed land use is compatible within the rural environment mainly due to rural land generally being large in the area and able to provide adequate buffer distances to adjoining properties.

Economic: The proposed extension of the business will provide the landowner with greater economic efficiency of their current intensive agriculture operation.

Social: Management Plans addressing all potential risks associated with the intensification of the subject property need to be appropriately addressed in accordance with the Scheme and other relevant State Policies.

VOTING REQUIREMENTS: ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council:

- A. In accordance with Local Planning Scheme No. 10 – Northampton grant development approval for the egg laying shed (animal husbandry – intensive) on Lot 14 (No. 3874) George Grey Drive, Yallabatharra, in accordance with the plans and specifications at ATTACHMENT 9.4.3(1), subject to the following conditions:**

- 1 The development hereby approved is to be carried out generally in accordance with the plans and specifications submitted with the application and these shall not be altered and/or modified without the prior knowledge and written consent of the Shire of Northampton:**

Reference	Document Title	Date
1 - 3	Site Plans x 3	21 March 2024
4 - 5	Elevation Plans	21 March 2024

- 2 This Approval is for an Animal Husbandry – Intensive (Egg – Production Farm) operation only;**
- 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 The proposed development shall be clad or coloured to complement either the surroundings in which it is located or adjoining developments to the satisfaction of the Shire of Northampton but the use of reflective materials and colours is not permitted;**
- 5 The poultry shed design and management, management of stock feed, water, waste products and all other aspects of poultry farm operation are to comply with the management guidelines set out in the Environmental Code of Practice for Poultry Farms in Western Australia (May 2004);**
- 6 Prior to the commencement of the approved use the following additional information is required to be submitted to and approved by the Shire of Northampton :-**
- a) A site-specific Site and Soil Evaluation (SSE) by a qualified consultant during the wettest seasonal time of the year (mid July/August) as per AS/NZS 1547:2012 to ensure the land application area is adequate.**
 - b) Demonstrate that an adequate water licence to service the development has been obtained from the Department of Water and Environmental Regulation;**
 - c) An Environmental Management Plan (see Advice Note 2);**
 - d) A Bushfire Attack Level (BAL) assessment, in accordance with State Planning Policy 3.7 Planning in Bushfire Prone Areas be undertaken and any further conditions from this assessment addressed, prior to issuance of a Building Permit.**
- 7 The maximum number of laying hens housed in the proposed development (egg laying shed) shall be up to 12,500 at any one time;**

- 8 All stormwater and drainage runoff is to be retained on the subject property and no polluted drainage shall be discharged beyond the boundaries of the land from which it emanates or into watercourse or easement drains, but shall be so treated and/or absorbed on that lot to the satisfaction of the Shire of Northampton;
- 9 Any soils disturbed or deposited on site shall be stabilised to the approval of the Shire of Northampton;
- 10 All internal roadway surfaces and designated car parking areas within the site are to be constructed of a suitable material such as road base, limestone or coarse gravel and compacted to limit dust generation to the approval of the Shire of Northampton; 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 This development approval is NOT a building permit. A building permit must be formally applied for and obtained from Building Services BEFORE the commencement of any site and/or development works. (Land clearing to facilitate development and BAL report is permitted).
- 2 Further to Condition 6 (c), the Environmental Management Plan shall outline how the site will be managed including:
 - Drainage and stormwater
 - Odour and dust management
 - Noise management
 - Waste management and wash-down
 - Biosecurity
 - Nutrient management
 - Fire management (internal and external fire risk)
 - Chemical handling
 - Water usage
- 3 The applicant is advised that commercial uses such as a Poultry Farm may result in the method of rating of the subject property or part thereof being reviewed. The applicant is invited to liaise with the Rates Officer for further advice in respect to this matter.
- 4 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.

- 5 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.
 - 6 The Applicant is advised that compliance with any and all governmental legislation and regulations, including but not limited to *Health (Miscellaneous Provisions) Act 1911*, the National Construction Code of Australia, the *Environmental Protection (Noise) Regulations 1997*, and the relevant *Aboriginal Cultural Heritage Act*, is required at all times.
 - 7 The Applicant is advised that the approved development is subject to the Australian Food Safety Standards Code including *Standard 4.2.5 – Primary production and processing Standards for eggs and egg product* and any relevant Codes of Practice for Poultry in Western Australia that may be issued by the State Government;
 - 8 Prior to commencement of the approved use the Applicant/Landowner should liaise with Mainroads WA with regard to the George Grey Drive road reserve:
 - a) No earthworks are to encroach onto the road reserve;
 - b) No stormwater drainage is to be discharged onto the road reserve; and
 - c) The Landowner/Applicant shall make good any damage to the existing verge vegetation within the road reserve.
 - 9 Any proposed signage for the business activity subject of this approval may require further approvals from the Shire of Northampton.
 - 10 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.
- B. Authorise delegation to the Chief Executive Officer to review and approve additional information outlined in Condition 6 with any disputes to be referred back to Council for their final determination.
- C. Advise Main Roads that the request for imposition of a restrictive covenant is not supported given that it does not reasonably relate to the proposal and Main Roads already has authority to regulate access in accordance with the *Local Government Act 1995*.

ATTACHMENTS

1. Application Information including Site and Elevation Plans.
2. Waste Management Plan.
3. Site Plan – explanation of structures on site.
4. Schedule of Submissions.

APPENDICES

1. Nil.

ITEM 9.4.4: Proposed Overheight Outbuilding at Lot 812 (No. 4) Karina Mews, Kalbarri

PROPONENT:	PA Garth and JJ Lynn
OWNER:	PA Garth and JJ Lynn
LOCATION / ADDRESS:	Lot 812 (No. 4) Karina Mews, Kalbarri
ZONE:	Residential
BUSINESS AREA:	Planning Services
FILE REFERENCE:	10.6.1.1 / A357
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Michelle Allen
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	11 March 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

A planning application has been received for an overheight outbuilding at Lot 812 (No. 4) Karina Mews, Kalbarri. The property is located within the Kalbarri townsite. A location plan is shown below.

LOCATION PLAN



The subject property is 880m² in size and currently contains a dwelling. The proposed outbuilding is 80m² in size and will be setback 1m off the rear boundary and 1m from the southern side boundary. The structure has a gable roof and the height of the walls is 4m with maximum height of 4.617m. The wall height is greater than the variation limits of the deemed to comply requirements for residential outbuildings as outlined in Local Planning Policy *Outbuildings* (the Policy) and approval is being sought to reduce setbacks to the side and rear. A copy of the application is attached.

ATTACHMENT: 9.4.4 (1)

In addition to the variations being sought, during assessment Shire Officers became aware that the structure is replacing one demolished in 2023 which was constructed without planning or building approval. Figure 1 below shows the location of the previous structure and the current site following demolition.

Figure 1 – Location of previous structure and current site**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 Nearby Land' was undertaken.

The application was advertised for a 14-day period to adjacent landowners with no comment received in relation to the application.

COMMENT:

The property is zoned Residential with a density coding of R17.5 by the Scheme. The proposed development is required to comply with the requirements relating to R17.5 under the State Planning Policy 7.3 – Residential Design Codes Volume 1 (the R-Codes) and the Shire's Local Planning Policy *Outbuildings*.

To guide Council on the determination of this application, the following comments are offered:

Matters to be considered

In determining an application for planning approval, the local government is required to have regard to various matters outlined within *Clause 67(2) of the Planning and Development (Local Planning Schemes) Regulations 2015*. These matters include, but are not limited to:

- (a) *The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (b) *Any approved State planning policy;*
- (c) *Any policy of the Commission;*
- (f) *Any local planning strategy for this Scheme endorsed by the Commission;*
- (g) *Any local planning policy for the Scheme area;*
- (n) *The amenity of the locality; and*
- (y) *Any submissions received on the application.*

Any assessment against the above criteria is provided within the balance of this agenda.

Residential Design Codes (R-Codes)

The proposed outbuilding is to be setback 1m from the rear boundary and 1m from the southern side boundary.

(c) Rear Boundary - Table 2a – Boundary Setback – Walls with a major opening, require a setback distance of 1.5m for a wall that is 11.5m long and has a wall height of 4m.

(d) Southern Side Boundary - Table 2a – Boundary Setback – Walls with no major opening require a setback distance of 1.1m for a wall that is 9m long with a maximum height of 4.617m.

Both these variations were advertised to adjoining landowners, who have raised no concern to the proposed setback reduction to the side boundary and the proposed variation to wall height.

Outbuilding Policy Assessment

The Policy outlines the Deemed-to-Comply provisions in the Residential zone replacing section 5.4.3 of the R-Codes due to the construction of outbuildings in the Shire of Northampton being generally greater in terms of floor area and height than those considered appropriate in the metropolitan area.

The Policy outlines that an outbuilding should not exceed 3m in wall height and 4.5m in ridge height. In this instance the outbuilding exceeds the wall height variation by 1m and the maximum height variation by 0.617m. The proposed outbuilding was advertised to the adjoining landowners and no comment was received raising concern to the proposed variation.

Impact on Amenity

In this instance the increased height of the wall of the outbuilding is 1m above the height requirements of the Policy, and the overall height of the outbuilding is 0.617m above the maximum height requirements of the Policy. The lot is located within the Residential zone of Kalbarri and currently the area of open space is 79% well meeting R-Code open space provision which is 50%. The size of the outbuilding at 80m² exceeds the R-Code provisions (60m²) but falls well within the Policy provisions (120m²) and no other outbuildings exist on the site.

Conclusion

The outbuilding has been located to the rear of the subject property and is compliant with the Policy and the Scheme. no objections were received in response to the public consultation. Therefore, the proposal is recommended for conditional approval.

POLICY / STRATEGIC IMPLICATIONS:

Planning and Development Act 2005 and Shire of Northampton Local Planning Scheme No. 11 – Kalbarri.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

The development application fee in accordance with the Shire of Northampton's 2023/2024 Fees and Charges Schedule has been paid.

SUSTAINABILITY:

Environmental: No vegetation is required to be removed for construction of the outbuilding. Economic: Nil.

Social: Nil.

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

That Council, in accordance with Local Planning Scheme No. 11 – Kalbarri grant planning approval to the proposed overheight outbuilding on Lot 812 (No. 4) Karina Mews Kalbarri, in accordance with the plans and specifications at attachment 9.4.2(1), subject to the following conditions and advice:

- 1 The development hereby approved is to be carried out generally in accordance with the plans and specifications submitted with the application and these shall not be altered and/or modified without the prior knowledge and written consent of the Shire of Northampton:

Reference	Document Title	Date
1	Site Plan	21 March 2024
2	Floor Plan	21 March 2024
3	Elevation Plans	21 March 2024

- 2 The approved shed/outbuilding shall only be used for domestic purposes such as storage, garaging of vehicles or other approved purposes, excluding human habitation, temporary accommodation or camping;
- 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 The proposed development shall be clad or coloured to complement either the surroundings in which it is located or adjoining developments to the satisfaction of the Shire of Northampton but the use of reflective materials and colours is not permitted;
- 5 All stormwater and drainage runoff is to be retained on the subject property to the approval of the Shire of Northampton;
- 6 Any soils disturbed or deposited on site shall be stabilised to the approval of the Shire of Northampton;
- 7 Access, driveway, and car parking areas to be paved/sealed, drained and thereafter maintained to the approval of the local government; and

- 8 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 This development approval is NOT a building permit. A building permit must be formally applied for and obtained from Building Services BEFORE the commencement of any site and/or development works. (Land clearing to facilitate development and BAL report is permitted).
- 2 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.
- 3 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.
- 4 The Applicant is advised that compliance with any and all governmental legislation and regulations, including but not limited to *Health (Miscellaneous Provisions) Act 1911*, the National Construction Code of Australia and the relevant *Aboriginal Cultural Heritage Act*, is required at all times.
- 5 If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of determination.
- 7 The Applicant/Owner shall provide a material and colour schedule prior to construction of the outbuilding, which shall be to the approval of the local government. The colours chosen shall be non-reflective and complement either the surroundings in which it is located or adjoining developments to the satisfaction of the Shire of Northampton.
- 8 The roof, gutters and downpipes are to be constructed of coated metal sheeting (i.e. colorbond), the use of uncoated metal sheeting (i.e. zinalume) is not permitted.

ATTACHMENTS

1. Site and Development Plans for Lot 812 Karina Mews, Kalbarri.

APPENDICES

1. Nil.

ITEM: 9.4.5 Delegated Planning Decisions for February 2024

PROPONENT:	Shire of Northampton
OWNER:	Various
LOCATION / ADDRESS:	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
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	8 March 2024
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 February 2024 is attached.

ATTACHMENT 9.4.5 (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 February 2024, five (5) development applications were determined under delegated authority. **Table 1(a)** shows the number and value of development applications determined under both delegated authority and by Council for February 2023 compared to February 2024:

Table 1: Planning Decisions made in February 2024

	February 2023	February 2024
Delegated Decisions	13 - \$2,961,509 **1	5 - \$570,059 **1
Council Decisions	3 – 2,000,000 **2	5 - 1,043,999 **1
Total	16 - \$4,961,509	11 - \$1,614,058

Table 2 compares the Year-To-Date statistics for delegated authority and Council decisions for 2023-24 compared to the previous Financial Year:

Table 2: Planning Decisions Made Year-To-Date 2023 and 2024

	YTD 2023	YTD 2024
Delegated Decisions	16 - \$2,961,509	12 - \$1,384,936 ** 2
Council Decisions	3 - \$2,000,000 **2	5 - \$1,043,999 **1
Total	19 - \$4,961,509	17 - \$2,428,935

** 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 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, 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 February 2024 as detailed in ATTACHMENT 9.4.5(1).

ATTACHMENTS

1. Delegated Planning Decisions February 2024.

APPENDICES

1. Nil.

ITEM 9.4.6: Proposed “Kurlaji Wangga” Cultural Tours (Experiential Use) – Commercial Recreational Tourism Activity License Agreement

PROPONENT:	Colleen Drage (Kurlaji Wangga)
OWNER:	Shire of Northampton/CG Carruth and BJ Sparkhall
LOCATION / ADDRESS:	Reserve 34550 Red Bluff Rd (Wittecarra Creek)/ Reserve 26591 Grey St, Kalbarri (Gidamarra Spring)/ 5618 Ajana-Kalbarri Rd (Murchison House Station)
ZONE:	Reserves (Recreation & Parklands)/ Rural Planning Services
BUSINESS AREA:	Planning Services
FILE REFERENCE:	10.6.1.3 / 10.6.7 / A2536/ A3786 / A2603
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Michelle Allen
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	11 March 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

A planning application has been received from Colleen Drage who wishes to conduct Cultural Tours as “Kurlaji Wangga” upon Reserve 34550 (Wittecarra Creek), Reserve 26591 (Gidamarra Spring) and the private landholding of Murchison House Station. Both Reserves are vested with the Shire of Northampton for the purpose of Recreation and Parklands, whilst Murchison Station is a pastoral lease. The applicant seeks approval for experiential use and a License Agreement with the Shire of Northampton in accordance with Council’s Local Planning Policy *Commercial Recreational Tourism Activity* (the ‘Policy’). The property is located within the Kalbarri townsite. Plans for each location are shown below.

LOCATION PLANS

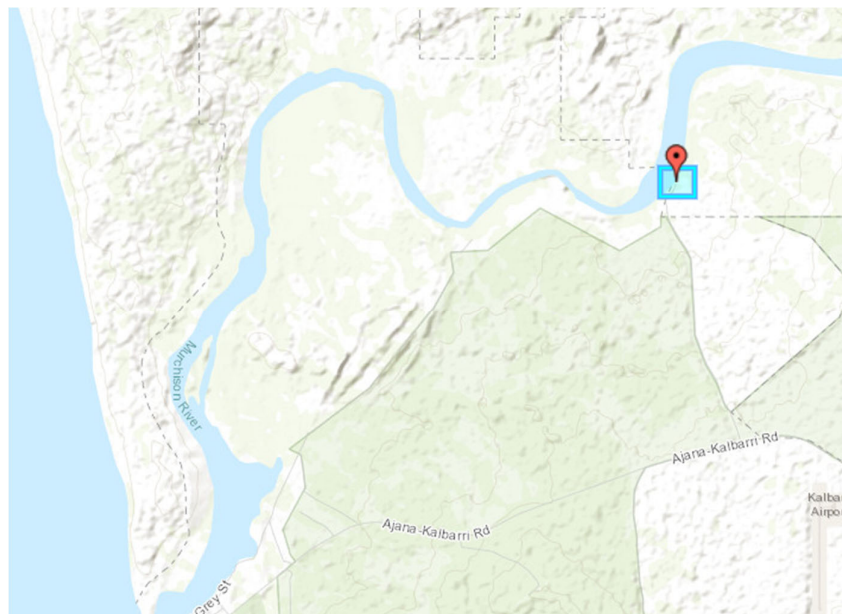
Plan 1 – Reserve 34550 Red Bluff Rd (Wittecarra Creek)



Plan 2 – Reserve 26591 Grey Street (Gidamarra Spring)



Plan 3 – 5618 Ajana-Kalbarri Rd (Murchison House Station)



A copy of the application is attached.

ATTACHMENT: 9.4.6 (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.

The application was advertised for a 14-day period to seven government agencies and authorities and advertisements were placed in the local newspaper and on the Shire's website with no comment received in relation to the application.

COMMENT:

The applicant has operated 'Kurlaji Wangga' for two years working closely with the Department of Biodiversity, Conservation and Attractions conducting tours and working in a Cultural Advisory capacity at the Kalbarri Skywalk.

The proposed Cultural Tours are considered to accord with the Shire of Northampton *Local Planning Scheme No. 11 – Kalbarri*, the Kalbarri Coastal Management Strategy and the Local Planning Policy *Commercial Recreational Tourism Activity*.

The proposal

The guided tours are proposed to operate on Reserve 34550 (Wittecarra Creek), Reserve 26591 (Gidamarra Spring) and a portion of the private landholding of Murchison House Station.

A tour will visit the three locations across a 20-kilometre length taking 2.5 to 3 hours to complete. Whilst visiting each site, the operator/tour guide will share stories of Aboriginal culture and the associated significance of each location. It is proposed to conduct one tour per fortnight between the months of March and July each year on a Saturday or Sunday starting at 8am and finishing at 11am and bookings will be made via the operator's website and through the Kalbarri Visitor Centre.

'Kurlaji Wangga' propose to operate within the recreational reserve area and the private landholding utilising existing and well-established tracks only and will offer only supervised, guided tours. Initially, the applicant will cater for eight (8) tour participants (three ORV's including the guide vehicle) and if interest in the cultural tours grow the business will cater to a maximum of eight (8) Off Road Vehicles on any one tour, including the guide vehicle.

To guide Council on the determination of this application, the following comments are offered:

Matters to be considered

In determining an application for planning approval, the local government is required to have regard to various matters outlined within *Clause 67(2) of the Planning and Development (Local Planning Schemes) Regulations 2015*. These matters include, but are not limited to:

- (a) *The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (b) *Any approved State planning policy;*
- (c) *Any policy of the Commission;*
- (f) *Any local planning strategy for this Scheme endorsed by the Commission;*
- (g) *Any local planning policy for the Scheme area;*
- (n) *The amenity of the locality; and*
- (y) *Any submissions received on the application.*

Any assessment against the above criteria is provided within the balance of this agenda.

Local Planning Scheme

According to the Scheme, Reserves 34550 and 26591 are zoned 'Public Open Space' and are vested with the Shire of Northampton for the purposes of "Recreation and Parklands". The land contained within Murchison House Station's pastoral lease is zoned 'Public Open Space' as well as 'Rural'.

Recreational and Cultural Values

There are a number of strategic documents that provide guidance for the management of coastal and human use impacts within the Scheme area, including Kalbarri Foreshore reserve areas and the Murchison River. Recreational values of the Kalbarri community are addressed with off road vehicle use highlighted as a significant activity. The Shire's Local Planning Strategy highlights concerns regarding environmental and cultural degradation along the Murchison River and Foreshore areas and beach area of Wittecarra Creek that can typically apply with the uncontrolled use and management of ORV's within these areas.

Conclusion

In consideration of the above, it is considered that the operational activities of the business will not pose an unacceptable risk to the environmental or cultural values of the area and any potential risk can be managed through appropriate conditions of approval, including that only existing, well-established tracks are used.

The Applicant is an indigenous local identity who also has experience as a Cultural Advisor in the area which further demonstrates a strong cultural association with the River Reserve and with Murchison House Station areas, used historically by the Nanda people of Kalbarri for recreational and cultural activities.

It is recommended that Council grant approval of the application with a Licence Agreement to be entered into with the applicant requiring the approval of the Minister of Lands. The Licence Agreement contains requirements and conditions considered essential for the operations of the business and to ensure ecologically and sustainable use and protection of Reserves and private landholdings for the benefit and enjoyment of future generations.

POLICY / STRATEGIC IMPLICATIONS:

Planning and Development Act 2005 and Shire of Northampton Local Planning Scheme No. 11 – Kalbarri, Kalbarri Coastal Management Strategy and Local Planning Policy 'Commercial Recreational Tourism Activity'.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

The development application fee in accordance with the Shire of Northampton's 2023/2024 Fees and Charges Schedule has been paid.

SUSTAINABILITY:

Environmental: This project involves operational activities that could pose risks for the environmental and cultural values of the area. The risks can be managed through appropriate conditions of approval to mitigate any potential impacts.

Economic: The development has the potential to diversify the visitor experience and the economic activity (both directly and indirectly) through a controlled commercial recreational tourism activity in the area.

Social: Access to a range of activities and cultural experiences are significant contributors to a community's vibrancy, identity and culture.

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

That Council:

A. In accordance with Local Planning Scheme No. 11 – Kalbarri grant planning approval to the proposed Commercial Recreational Tourism Activity (Cultural Tours of “Kurlaji Wangga”) on Reserve 34550 Red Bluff Road (Wittecarra Creek), Reserve 26591 Grey Street, Kalbarri (Gidamarra Spring) and 5618 Ajana-Kalbarri Road, Kalbarri, in accordance with the plans and specifications at ATTACHMENT 9.4.6 (1), subject to the following conditions and advice:

- 1 The development hereby approved is to be carried out generally in accordance with the plans and specifications submitted with the application and these shall not be altered and/or modified without the prior knowledge and written consent of the Shire of Northampton:**

Reference	Document Title	Date
1	Application Information	21 March 2024

- 2 This Development Approval is an approval for the purposes of the Shire of Northampton’s *Local Planning Scheme No. 11 – Kalbarri* and *Local Planning Scheme No. 10 – Northampton* the Planning and Development Act (2005) only and does not constitute an approval of the proposed use by the Shire in its capacity as Management Body of the Reserve within which the use is proposed to be located:**
- 3 The Approval of the Minister of Lands is required in accordance with the provisions of the *Land Administration Act (1997)*;**
- 4 A Licence Agreement being entered into by the Applicant and the Shire of Northampton in accordance with the Shire of Northampton’s Local Planning Policy *Commercial Recreational Tourism Activity*;**
- 5 This Development Approval shall remain valid whilst the Licence Agreement referred to in Condition 4 remains current and valid, and on the expiration or on the termination of such Licence Agreement, this approval shall cease to be valid;**
- 6 The Applicant shall conduct the tours using existing pathways, roads and tracks only, and shall not negatively impact, degrade or damage the natural amenity or cultural heritage sites within the approved land locations in any way;**
- 7 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;**

- 8 The Applicant shall maintain Public Liability Insurance coverage to a minimum of \$20 million, and forward a copy of this certificate to the Shire of Northampton to comply with the provisions of the Shire of Northampton's Local Planning Policy *Commercial Recreational Tourism Activity*; and
- 9 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 The Applicant is advised that it is not the responsibility of the Shire of Northampton to ensure that all correct approvals are in place and that all conditions contained within said approvals are upheld during the operations of the business;
 - 2 Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
 - 3 The Applicant is advised that compliance with any and all governmental legislation and regulations, including but not limited to *Health (Miscellaneous Provisions) Act 1911*, the *Fire and Emergency Services Act* and the relevant *Aboriginal Cultural Heritage Act*, is required at all times.
 - 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.
- B. Authorise delegation to the Chief Executive Officer for preparation and execution of the License Agreement with any disputes to be referred back to Council for final determination.**

ATTACHMENTS

1. Application Information "Kurlaji Wangga".

APPENDICES

1. Nil.

ITEM 9.4.7: Proposed Delegation to Chief Executive Officer for Renewal of Commercial Recreational Tourism Activity License

PROPONENT:	Shire of Northampton
OWNER:	N/A
LOCATION / ADDRESS:	Whole of Shire
ZONE:	All
BUSINESS AREA:	Community, Development and Regulation
FILE REFERENCE:	10.6.1.1 /
LEGISLATION:	<i>Local Government Act 1995 Section 9.49A(4)</i>
AUTHOR:	Michelle Allen
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	12 March 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

To conduct a commercial recreation activity at any of the Shire of Northampton's parks, reserves or foreshore areas, applicants must apply and be approved for a Commercial Recreation Tourism License.

Council developed a Local Planning Policy *Commercial Recreational Tourism Activity* (Policy) to guide assessment of applications seeking to use public open space to conduct a commercial activity or for personal gain. A copy of the Policy is attached.

APPENDIX 9.4.7 (1)

Historically, following approval granted by Council, the Shire of Northampton has entered into License Agreements with proponents seeking to operate commercial activities on reserve land under the care, control and management of the Shire with each agreement requiring the approval of the Minister of Lands. Several agreements currently exist for a variety of activities.

In the past, the Minister of Lands has authorised approvals to be granted for a three year term with License Agreements issued to applicants for that period and renewal applications required at the expiration of that agreement.

Currently, transition arrangements associated with the implementation of the Yamatji National Indigenous Land Agreement (Yamatji Nation ILUA) are such that license agreements are only being issued to applicants on an annual basis from the Minister of Lands.

In the interest of facilitating an effective renewal process for applicants during this transitional period associated with the Yamatji Nation ILUA, the report recommends delegated authority for application renewals for the first and second year be granted to the Chief Executive Officer. Third year renewals will be undertaken as a full application renewal to Council for their determination.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT:

The *Local Government Act (1995)* the Act) permits Delegations of Authority to be made to the Chief Executive Officer by absolute majority decision. The aim of the delegated authority is to assist with improving the time taken to make decisions within constraints allowed by the relevant legislation. A copy of the relevant Delegation is attached.

APPENDIX 9.4.7 (2)

To guide Council on the determination of this matter, the following comments are offered:

Matters to be considered

All delegations are subject to the following conditions:

- In exercising a delegation, the Chief Executive Officer is to comply with any, and all laws and regulations in force in Western Australia and the requirements of any, and all laws and policies of the Shire of Northampton.
- Delegated authority cannot be exercised where a financial interest or interest affecting impartiality is evident.
- In exercising a delegation, the Chief Executive Officer is to exercise the delegation in accordance with any budget authority where applicable.

It is recommended that Council authorise delegated authority to the Chief Executive Officer to manage first and second year application renewals for Commercial Recreation Activity Licenses, subject to no issues arising within the previous year.

POLICY / STRATEGIC IMPLICATIONS:

Planning and Development Act 2005 and Shire of Northampton *Local Planning Scheme No. 10 and 11 – Kalbarri*, and Local Planning Policy *Commercial Recreation Tourism Activity*..

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

There will be no significant overall change to the 2023/2024

SUSTAINABILITY:

Environmental: Nil.

Economic: Effecting a timely and practical renewal process for applicants during the transitional period associated with implementation of the Yamatji Nation ILUA, is consistent with the Shire's commitment to a strong customer service focus.

Social: Commercial Recreational Tourism provides a range of diverse activities and cultural experiences which are significant contributors to a community's vibrancy, identity and culture.

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

That Council, in accordance with *Local Planning Scheme No. 10 – Northampton* and *No. 11 – Kalbarri* and *Local Planning Policy Commercial Recreational Tourism Activity* authorise delegation to the Chief Executive Officer for preparation and execution of annual and bi-annual renewal applications of Commercial Recreational Tourism License Agreements in accordance with APPENDICES 9.4.7 (1) and 9.4.7 (2) with any disputes to be referred back to Council for their determination.

ATTACHMENTS

1 Nil.

APPENDICES

- 1 *Local Planning Policy Commercial Recreational Tourism Activity.*
- 2 Council appointed Authorised Persons and Officers Delegation Record.

ITEM 9.5.1: Building Approvals Report February 2024

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:	8 th March 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

This report has been produced to assist Council understand the Building and Demolition Permits approved and issued for the period of 01 February 2024 to 29 February 2024.

A copy of the Building Approvals Report February 2024 is attached.

ATTACHMENT 9.5.1(1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

During February 2024, twelve (12) building and demolition applications were determined under delegated authority.

STATUTORY ENVIRONMENT:

Nil.

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

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

FINANCIAL IMPLICATIONS:

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

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council receive the Building Approvals Report February 2024 in accordance with ATTACHMENT 9.5.1(1).

ATTACHMENTS

1. Building Approvals Report February 2024.

APPENDICIES

1. Nil.

ITEM 9.8.1: Information Items – Maintenance/Construction – Works Program

PROPONENT:	Executive Manager of Works and Technical Services
OWNER:	N/A
LOCATION / ADDRESS:	Whole of Shire
ZONE:	All
BUSINESS AREA:	Office of Executive Manager of Works and Technical Services
FILE REFERENCE:	N/A
LEGISLATION:	N/A
AUTHOR:	Neil Broadhurst
APPROVING OFFICER:	Neil Broadhurst
DATE OF REPORT:	12 March 2024
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 Ajana Back, Parker, Wundi, Burges, Pigeon Well, Rifle Range, Larrard, Oakabella, Hatch, Starling, Iseeka East, Isachar Back and Frosty Gully Road/s.
- Gravel Patching/Sheeting/Verge works carried out on Wundi Road.

Maintenance Items

- General – Various signage and road furniture works.
- General – Potholes and edges various locations.
- General - Northampton and Kalbarri. Various tree lopping/vegetation works for western power line clearance.
- Kalbarri – Reticulation replacement/maintenance work at southern subdivisions.
- Kalbarri – Extensive sand drift clearance works to southern subdivisions.
- Balla Whelarra Road – Shoulder Grading for 2024 reseal area plus pavement repairs and general maintenance.
- Port Gregory – Town Maintenance work.
- Port Gregory – Extensive issues and repairs associated with Port Gregory water supply.
- Horrocks – Community toilet works, replacement of bowls/cistern and general works.
- Rubbish tip site/s – Pushup and associated tip management works.
- Road verge mowing works – Binu East Road and Kalbarri Road, selected sections.

Other Items (Budget)

- Northampton – Gwalla Street / Second Avenue works sealed with concrete kerb installed. site tidy up and fence replacement works outstanding.
- Kalbarri widening – Main Roads WA full funding (Blackspot funding) to the 10-12 kilometers of widening immediately to the east of Kalbarri as far as the Skywalk lookout turnoff. Culvert works complete. Earthworks and roadworks to commenced with completion by the end of March 2024.

- Binnu East Road – Municipal funding, Complete Road overlay to failed section. Earthworks and roadworks commenced. Culvert installation works to be carried out. Detour in place. Completion by mid-April 2024.
- Kalbarri Road – Reseal works

Plant Items

- Backhoe – New backhoe arrived. Incorrect specification machine supplied by Westrac. New machine ordered. Replacement approximately end of April 2024.
- EMWTS – Replacement vehicle has been ordered – Ford Ranger, Delivery end of April 2024.
- Grader P263 – Extensive works to tandem drive assembly including housing assembly and internal works. – Westrac.

Staff Items

- Vacant positions filled.
 - 1 x Grader Operator. (Northampton)
 - 1 x Maintenance Operator/Labourer (Northampton)
- Vacant positions to be advertised.
 - 1 x Water Custodian. (Port Gregory)
 - 1 x Tip Supervisor. (Kalbarri)
 - 1 x Gardener (Northampton)
 - 1 x Administration Assistant (Works and Technical Service)

A copy of the Executive Manager of Works and Technical Services – Works Crew Budget – Program and Progress Report (2023/2024), March 2024 is attached.

ATTACHMENT 9.8.1(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

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:

Works in accordance maintenance and construction budget.

SUSTAINABILITY:

Environmental: Activities of the Executive 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 Executive 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 Executive 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 Executive Manager of Works and Technical Services Information Items – Maintenance/Construction Works Crew Budget and Progress Report for March 2024 in accordance with ATTACHMENT 9.8.1(1).

ATTACHMENTS

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

APPENDICES

1. Nil.

ITEM 9.9.1: Unconfirmed Minutes of the Community Grants Advisory Committee

PROPONENT:	Shire of Northampton
OWNER:	Shire of Northampton
LOCATION / ADDRESS:	Whole of Shire
ZONE:	All
BUSINESS AREA:	Office of CEO
FILE REFERENCE:	4.1.14
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Andrew Campbell
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	5 March 2024
DECLARATION OF INTEREST:	The author of this report is a member of this Committee.

BACKGROUND:

The inaugural meeting of the Community Grants Advisory Committee was held on 15 February 2024 at the Allen Centre, Kalbarri.

The purpose of this report is for Council to receive the minutes of the meeting and consider any recommendations arising from the Committee. The minutes of the meeting are attached.

ATTACHMENT 9.9.1(1)**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

COMMENT (Includes Options):

There were two actions or recommendations of the Committee requiring Councils endorsement of consideration:

Committee Recommendation	Officer Comment
Shire President Liz Sudlow is accepted as Chairperson of the Committee.	This Committee action is supported.
That Councillors Roslyn Suckling and Richard Burgess are recommended to be appointed to the Community Grants Advisory Committee.	This Committee recommendation is supported, and the Terms of Reference will need amendment including membership and quorum if Council supports the recommendation.

As a result of the Committee's recommendation, if Council chooses to support the inclusion of additional members, the Terms of Reference will require amendment as per the attachment.

ATTACHMENT 9.9.1(2)**STATUTORY ENVIRONMENT:**

The *Local Government Act 1995* and subsidiary legislation prescribe the requirements of creating an Advisory Committee in a Local Government organisation in Western Australia.

POLICY / STRATEGIC IMPLICATIONS:

The Community Grants Advisory Committee will enable a Council to strategically approach requests community grants for implementation through the Annual Budget process.

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:

Minor financial consequences may occur from the payment of meeting fees to committee members however this is considered not material to the overall budget.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

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

That Council:

- 1. Confirm the election of Shire President as Chairperson of the Community Grants Advisory Committee;**
- 2. Endorse the addition of Councillor Roslyn Suckling and Councillor Richard Burgess to the Community Grants Advisory Committee; and**
- 3. Amend the Community Grants Advisory Committee Terms of Reference in accordance with ATTACHMENT 9.9.1(2).**

ATTACHMENTS

1. Unconfirmed Minutes of the Community Grants Advisory Committee held 15 February 2024.
2. Proposed Community Grants Advisory Committee Terms of Reference detailing additional membership.

APPENDICES

1. Nil.

ITEM 9.9.2: Unconfirmed Minutes of the Audit and Risk Management Advisory Committee

PROPONENT:	Shire of Northampton
OWNER:	Shire of Northampton
LOCATION / ADDRESS:	Whole of Shire
ZONE:	All
BUSINESS AREA:	Office of CEO
FILE REFERENCE:	1.1.1
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Grant Middleton
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	6 March 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Audit and Risk Management Advisory Committee meeting was held on 15 February 2024 at the Allen Centre, Kalbarri.

The purpose of this report is for Council to receive the minutes of the meeting and consider any recommendations arising from the Committee. The minutes of the meeting are attached.

ATTACHMENT 9.9.2(1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

There were two actions or recommendations of the Committee requiring Councils endorsement of consideration:

Committee Recommendation	Officer Comment
1. That the minutes of the Audit and Risk Management Advisory Committee meeting held on the 17 February 2023 be received as a true and correct record.	This is an administrative matter requiring no decision of Council.
2. That the Compliance Audit Return for 2023 as presented be received and recommended for presentation to Council.	This Committee recommendation is supported.
3. That the Audit and Risk Management Committee recommends that Council receive the Risk Management Compliance Calendar as presented	This is an administrative matter requiring no decision of Council.

ATTACHMENT 9.9.2(2)
ATTACHMENT 9.9.2(3)

STATUTORY ENVIRONMENT:

The *Local Government Act 1995* and subsidiary legislation prescribe the requirements of creating an Advisory Committee in a Local Government organisation in Western Australia.

POLICY / STRATEGIC IMPLICATIONS:

The Audit and Risk Management Advisory Committee has a statutory function to provide guidance and assistance to the local government as to the carrying out of its functions in relation to audits carried out under the Local Government Act 1995.

In addition, the Audit and Risk Management Advisory Committee undertakes management of the audit process, discussion of audit outcomes, monitoring action taken on Audit Reports, preparation of Annual Report on audit function, review of the Statutory Compliance Return and oversight of organisational risk.

ORGANISATIONAL RISK MANAGEMENT:

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:

No financial impact on the budget as the 2023/2024 budget includes a provision for members to attend the associated committee meetings.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

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

1. Receive the minutes of the Audit and Risk Management Advisory Committee meeting held 15 February 2024;
2. Adopt the Compliance Audit Return for 2023 and recommend the report be submitted to the Department of Local Government, Sport and Cultural Industries in accordance with ATTACHMENT 9.9.2.(2); and
3. Receive the Risk Management Compliance Calendar as presented in accordance with ATTACHMENT 9.9.2(3).

ATTACHMENTS

1. Unconfirmed Minutes of the Audit and Risk Management Advisory Committee held 15 February 2024.
2. Compliance Audit Return 2023
3. Risk Management Compliance Calendar.

APPENDICES

1. Nil.

- 10. LATE REPORTS:**
- 11. QUESTIONS FROM MEMBERS:**
 - 11.1 Response to questions from members taken on notice.
 - 11.2 Questions from members.
- 12. MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING:**
- 13. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING:**
- 14. APPLICATIONS FOR LEAVE OF ABSENCE:**
- 15. CLOSURE:**