



MINUTES

COUNCIL MEETING

20 JUNE 2024

## TABLE OF CONTENTS

1.	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS: .	5
2.	ANNOUNCEMENTS BY THE PRESIDENT: .....	5
3.	ATTENDANCE: .....	5
4.	DECLARATIONS OF INTEREST: .....	6
5.	PUBLIC QUESTION TIME: .....	6
6.	PRESENTATIONS: .....	7
7.	CONFIRMATION OF MINUTES: .....	8
8.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN: .....	8
9.	OFFICERS' REPORTS: .....	9
<b>06/24-40</b>	9.1.1 .....Kalbarri Development Association Request for Funding for Proposed .....	11
<b>06/24-41</b>	9.1.2 .. Proposed Collaboration with Mid West Development Commission and Tourism Western Australia to Fund Kalbarri Tourism Accommodation Study .....	15
<b>06/24-42</b>	9.1.3 Proposal to Loan Funds for the Establishment of Shire of Northampton Housing.....	19
<b>06/24-43</b>	9.1.4 ..... Request to Land Private Helicopter on Kalbarri Oval.....	24
<b>06/24-44</b>	9.1.5 ..... Proposed Award of Tender RFT 08/2023 Kalbarri Disaster Recovery Works AGRN965.....	27
<b>06/24-45</b>	9.1.6 ..... Proposed Award of Tender RFT 09/2023 Kalbarri Sewer Mains Extension AGRN965.....	32
<b>06/24-46</b>	9.1.7 .....Major Review of the Shire of Northampton Policy Manual 2022.....	37
<b>06/24-47</b>	9.1.8 .....Review of Policy - Purchasing and Tender Guide Purchasing .....	52
<b>06/24-48</b>	9.1.9 ..... Review of Policy - Tender Procedure.....	55
<b>06/24-49</b>	9.1.10 ..... Proposed New Policy - Community Grants Program.....	58
<b>06/24-50</b>	9.1.11 ..... Review of Policy - Senior Staff.....	62
<b>06/24-51</b>	9.1.12 ..... Review of Policy - Appointment of Acting Chief Executive Officer .....	65
<b>06/24-52</b>	9.1.13 .....Review of Policies - Gifts plus Attendance at Events .....	68
<b>06/24-53</b>	9.1.14 .....Review of Policy - Public Relations - Media Releases .....	71
<b>06/24-54</b>	9.1.15 ..... Review of Policy - Local Purchase .....	74
<b>06/24-55</b>	9.1.16 ..... Review of Policy - Investment of Surplus Funds .....	77
<b>06/24-56</b>	9.1.17 ..... Review of Policy - Related Party Disclosures.....	80
<b>06/24-57</b>	9.1.18 ..... Review of Policy - Execution of Documents .....	83

<b>06/24-58</b>	9.1.19 .....	Proposed New Policy - Fraud Management .....	86
<b>06/24-59</b>	9.1.20 .....	Review of Policy - Superannuation Contribution .....	89
<b>06/24-60</b>	9.1.21 ..	Review of Policy - Standards for CEO Recruitment, Performance and Termination .....	92
<b>06/24-61</b>	9.1.22 .....	Review of Policy - Elected Member Training and Professional Development.....	95
<b>06/24-62</b>	9.1.23 .....	Proposed New Policy - Internal Control.....	98
<b>06/24-63</b>	9.2.1 .....	Proposed Accounts for Endorsement on 20 June 2024 .....	101
<b>06/24-64</b>	9.2.2 ...	Monthly Financial Statements for the Period Ending 31 May 2024.....	104
<b>06/24-65</b>	9.2.3 ..	Proposed 2024/25 Fees and Charges, and Minimum Rates .....	107
<b>06/24-66</b>	9.2.4 .....	Proposed Operational Subsidy and Specified Area Rate Requests.....	113
<b>06/24-67</b>	9.4.1 .....	Delegated Planning Decisions for May 2024 .....	117
<b>06/24-68</b>	9.4.2	Proposed Holiday House - Lot 51 Port Gregory Road, Port Gregory.....	120
<b>06/24-69</b>	9.4.3 ...	Retrospective Approval for a Patio at Unit 8/Lot 474 (No. 116) Nanda Drive, Kalbarri .....	135
<b>06/24-70</b>	9.4.4 ....	Proposed Single House and Retaining Walls at Lot 178 (No. 20) Wurmbea Way, Kalbarri .....	142
<b>06/24-71</b>	9.4.5 .	Proposed Residential Development - Lot 100 (No 18) Mortimer Street, Kalbarri .....	150
<b>06/24-72</b>	9.4.6 .....	Request for Local Planning Scheme Amendment - Proposed Hydrogen Processing Facility on Murchison House Station .....	162
<b>06/24-73</b>	9.4.7 .....	Retrospective Approval for Single House and Outbuilding at Lot 45 (No. 44) Carson Street, Isseka .....	170
<b>06/24-74</b>	9.4.8	Amendment to Development Application 2022-105 for Single House, Outbuilding and Retaining Walls at Lot 260 (No. 54) Centrolepis Circuit, Kalbarri .....	179
<b>06/24-75</b>	9.5.1 .....	Building Approvals Report May 2024 .....	189
<b>06/24-76</b>	9.7.1	Proposed Introduction of Parking Local Laws for Shire of Northampton.....	192
<b>06/24-77</b>	9.8.1	Information Items - Maintenance/Construction - Works Program.....	197
<b>06/24-78</b>	9.9.1 .....	Unconfirmed Minutes of the Community Grants Advisory Committee Meeting Held 20 May 2024.....	200
<b>06/24-79</b>	9.9.2 .....	Proposed Formation of Kalbarri Foreshore Redevelopment Advisory Committee .....	203
10.	LATE REPORTS:.....		211
11.	QUESTIONS FROM MEMBERS:.....		211
12.	MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING .....		211

13. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY  
DECISION OF THE MEETING: .....211

14. APPLICATIONS FOR LEAVE OF ABSENCE: .....212

15. CLOSURE:.....212

## SHIRE OF NORTHAMPTON

Minutes of the Ordinary Meeting of Council held in the Council Chamber, Hampton Road, Northampton, Thursday, 20 June 2024.

### 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS:

The Shire President declared the meeting open at **2.00pm**.

### 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:

#### **PRESENT:**

##### **Councillors**

Cr Liz Sudlow (Shire President)  
 Cr Rob Horstman (Deputy Shire President)  
 Cr Richard Burges  
 Cr Trevor Gibb  
 Cr Tim Hay  
 Cr Des Pike  
 Cr Roslyn Suckling

##### **Staff**

Mr Andrew Campbell (Chief Executive Officer)  
 Mr Brian Robinson (Executive Manager of Community, Development and Regulation)  
 Mr Neil Broadhurst (Executive Manager of Works and Technical Services)  
 Mrs Michelle Allen (Planning Officer)  
 Mrs Leanne Rowe (Finance Officer)  
 Ms Sonya Hasleby (Executive Support Officer)

##### **Gallery**

Gayle Gawey, Deborah Coulthard, Melanie Cuomo, Raina Robinson, Phillipa Saunders.

3.1 Apologies: Cr Karl Suckling is an apology for the 20 June 2024 Council Meeting.

3.2 Leave Of Absence: Nil.

#### 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.]*

Cr Richard Burges declared a Financial Interest in Items 9.1.5 and 9.1.6 as he is a potential supplier.

#### 5. PUBLIC QUESTION TIME:

5.1 Response to public questions taken on notice: Nil.

5.2 Public Question Time

**Deborah Coulthard** – Has the Shire considered the impact of truck traffic bringing concrete aggregate from the Chapman Valley and modular process plant sections, construction materials etc from Geraldton Port to the proposed Muchison Hydrogen Project Site now that the company has announced it is in negotiations with Geraldton port to use one of their berths?

**Brian Robinson** – The Shire has not been advised of expected traffic volumes. Neither the Construction Management or Traffic management plans are available yet. Shire is only able to deal with Scheme Amendment which does not include wind turbines, workers accommodation etc.

**Deborah Coulthard** – I wasn't talking about parts for the wind farm, the company is now talking about bringing in prefabricated, modular sections of the desalination, ammonia and hydrogen parts through Geraldton – how does the Shire feel about them being trucked through Northampton?

**Brian Robinson** – Nothing has been communicated to us. Anything that is brought north from Bunbury Port up uses the North West Coastal Highway within the Shire of Northampton which is under management of Main Roads.

**Raina Robinson** – Is the Shire satisfied that private company, Murchison Hydrogen Resources Pty Ltd has the financial resources to honour its commitments to the community benefit sharing plan and any other contracts with the Shire or would it be prudent for the parent company CIP be joined as a party and guarantor?

**Andrew Campbell** – It is not our role to determine if the proponent is financially viable however we will have legal avenues to pursue proponent if required.

**Raina Robinson** – Is the Shire satisfied with clause 13.3 of the draft development agreement which allows Murchison Hydrogen Resources to assign its rights and obligations to anyone it likes without permission from the Shire?

**Brian Robinson** – The Deed is in draft form and needs further review. Feedback has been obtained from the Shire's solicitors and we will be working toward acceptable solutions.

**Melanie Cuomo** – How will rezoning Murchison Green Hydrogen's proposed 3,881ha industrial site from General Agricultural to Industrial right down to the high water line impact on the Shire's proposed long term plan of creating a coastal tourist road from Kalbarri to Shark Bay?

**Andrew Campbell** – This concept is contained within the Shire's Community plan. Traditional ownership could become problematic if the project was not acceptable this has not been tested yet. Best advice is although the coastal road is a good concept it is questionable that it will actually go ahead.

**Melanie Cuomo** – Is the Shire satisfied that Murchison Green Hydrogen needs the full width of its proposed industrial area all the way down to the high water line now that the company has announced it will no longer be building a tug haven at the base of the cliffs?

**Brian Robinson** – The application must be assessed as submitted, with documentation indicating that an ocean interface will be required. If it was to proceed there are a lot of government agencies that will also come into play. Examples being Department of Transport, Environmental Protection Agency. There is a long way to go to even know if it would be suitable. Not the Shire's call at this point.

**Phillippa Saunders** – We notice that in the draft Development agreement Murchison Hydrogen Resources is emphasising need for joint funding of additional community services and infrastructure needed to support the extra workers during construction and permanent workforce to be accommodated within the Shire – Where is the funding for this supposed to come from, and will rates charged to existing shire ratepayers increase because of the green ammonia export project?

**Andrew Cambell** – Not sure where the community benefit comes from at this point. This is why it is so important to have the Social Impact Assessment completed.

**Brian Robinson** – The Western Australian Planning Commissions State Planning Strategy 2050 acknowledges the issues of remote camps and that community investment is required on a number of levels. We want to hear from the company as to what their commitment to the Community Benefit Fund actually is.

## 6. PRESENTATIONS:

6.1 Petitions: Nil.

6.2 Presentations: Nil.

6.3 Deputations: Nil.

6.4 Councillor reports:

Since the last Council meeting **Cr L Sudlow** reported on their attendance at:

- 20/05/2024 – Community Grants Meeting at Northampton Chambers.
- 20/05/2024 – Budget Workshop at Northampton Chambers.
- 31/05/2024 – Farewell function for Grant Middleton.
- 04/06/2024 – Meeting with Jess Shaw, Parliamentary Secretary to Premier; Sandra Carr, MLA; Garry Cosgrove, President of Mingenew;

Gavin Robins, CEO Shire of Moora; re Large Scale developments in LGs and Community Benefit/ESG.

- 04/06/2024 – 2024 Audit Entrance Meeting at Northampton Chambers.
- 05/06/2024 – Attended Midwest Chamber of Commerce and Industry Economic Summit. Contributed to LG panel.
- 07/06/2024 – PR for Electric Vehicle Charging Station at Kalbarri.
- 07/06/2024 – Signed Lease agreement with Kalbarri Men’s Shed Group.
- 18/06/2024 – Attended Kalbarri Visitors Centre meeting in Kalbarri.

Since the last Council meeting **Cr R Horstman** reported on their attendance at:

- 20/05/2024 – Community Grants Meeting at Northampton Chambers.
- 20/05/2024 – Budget Workshop at Northampton Chambers

Since the last Council meeting **Cr D Pike** reported on their attendance at:

- 20/05/2024 – Budget Workshop at Northampton Chambers.
- 29/05/2024 – Kalbarri Development Association Meeting.
- 30/05/2024 – Met with Brian Robinson in Kalbarri to discuss the Foreshore project.

Since the last Council meeting **Cr T Gibb** reported on their attendance at:

- 20/05/2024 – Community Grants Meeting at Northampton Chambers.

Since the last Council meeting **Cr T Hay** reported on their attendance at:

- 20/05/2024 – Budget Workshop at Northampton Chambers

Since the last Council meeting **Cr R Burges** reported on their attendance at:

- 30/05/2024 – Kalbarri Development Association Meeting.
- 30/05/2024 – Met with Brian Robinson in Kalbarri to discuss the Foreshore project.

Since the last Council meeting **Cr R Suckling** reported on their attendance at:

- 20/05/2024 – Budget Workshop at Northampton Chambers.
- 20/05/2024 – Community Grants Meeting at Northampton Chambers.
- 04/06/2024 – 2024 Audit Entrance Meeting at Northampton Chambers.

6.5 Conference reports: Nil.

## 7. CONFIRMATION OF MINUTES:

**MOVED: Pike, D**

**SECONDED: Gibb, T**

**06/24-39**

**That the Minutes of the Ordinary Meeting of the Council held on 16 May 2024 be confirmed.**

**CARRIED: 7/0**

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

Nil.



## 9. OFFICERS' REPORTS:

9.1.1	Kalbarri Development Association Request for Funding for Proposed "Kalbarri Staying in Place" Project Initiative
9.1.2	Proposed Collaboration with Mid West Development Commission and Tourism Western Australia to Fund Kalbarri Tourism Accommodation Study
9.1.3	Proposal to Loan Funds for the Establishment of Shire of Northampton Housing
9.1.4	Request to Land Private Helicopter on Kalbarri Oval
9.1.5	Proposed Award of Tender RFT 08/2023 Kalbarri Disaster Recovery Works AGRN965
9.1.6	Proposed Award of Tender RFT 09/2023 Kalbarri Sewer Mains Extension AGRN965
9.1.7	Major Review of the Shire of Northampton Policy Manual 2022
9.1.8	Review of Policy - Purchasing and Tender Guide Purchasing
9.1.9	Review of Policy - Tender Procedure
9.1.10	Proposed New Policy - Community Grants Program
9.1.11	Review of Policy - Senior Staff
9.1.12	Review of Policy - Appointment of Acting Chief Executive Officer
9.1.13	Review of Policies - Gifts plus Attendance at Events
9.1.14	Review of Policy - Public Relations - Media Releases
9.1.15	Review of Policy - Local Purchase
9.1.16	Review of Policy - Investment of Surplus Funds
9.1.17	Review of Policy - Related Party Disclosures
9.1.18	Review of Policy - Execution of Documents
9.1.19	Proposed New Policy - Fraud Management
9.1.20	Review of Policy - Superannuation Contribution
9.1.21	Review of Policy - Standards for CEO Recruitment, Performance and Termination
9.1.22	Review of Policy - Elected Member Training and Professional Development
9.1.23	Proposed New Policy - Internal Control
9.2.1	Proposed Accounts for Endorsement on 20 June 2024
9.2.2	Monthly Financial Statements for the Period Ending 31 May 2024
9.2.3	Proposed 2024/25 Fees and Charges, and Minimum Rates
9.2.4	Proposed Operational Subsidy and Specified Area Rate Requests
9.4.1	Delegated Planning Decisions for May 2024
9.4.2	Proposed Holiday House - Lot 51 Port Gregory Road, Port Gregory
9.4.3	Retrospective Approval for a Patio at Unit 8/Lot 474 (No. 116) Nanda Drive, Kalbarri
9.4.4	Proposed Single House and Retaining Walls at Lot 178 (No. 20) Wurmbea Way, Kalbarri
9.4.5	Proposed Residential Development - Lot 100 (No 18) Mortimer Street, Kalbarri
9.4.6	Request for Local Planning Scheme Amendment - Proposed Hydrogen Processing Facility on Murchison House Station

9.4.7	Retrospective Approval for Single House and Outbuilding at Lot 45 (No. 44) Carson Street, Isseka
9.4.8	Amendment to Development Application 2022-105 for Single House, Outbuilding and Retaining Walls at Lot 260 (No. 54) Centrolepis Circuit, Kalbarri
9.5.1	Building Approvals Report May 2024
9.7.1	Proposed Introduction of Parking Local Laws for Shire of Northampton
9.8.1	Information Items - Maintenance/Construction - Works Program
9.9.1	Unconfirmed Minutes of the Community Grants Advisory Committee Meeting Held 20 May 2024
9.9.2	Proposed Formation of Kalbarri Foreshore Redevelopment Advisory Committee

### 9.1.1 Kalbarri Development Association Request for Funding for Proposed "Kalbarri Staying in Place" Project Initiative

<b>PROPONENT OWNER</b>	Kalbarri Development Association
<b>LOCATION / ADDRESS:</b>	Kalbarri
<b>ZONE:</b>	All
<b>BUSINESS AREA:</b>	Office of CEO
<b>FILE REFERENCE:</b>	7.2.3
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Andrew Campbell
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	21 May 2024
<b>DECLARATION OF INTEREST:</b>	Nil

#### **BACKGROUND:**

The Kalbarri Development Association (KDA) has approached the Shire of Northampton (Shire) with a request for financial support for the project initiative of "Kalbarri Staying in Place" (Project).

The context of the Project is to coordinate a range of services that would allow people to live and stay in their own homes and live in Kalbarri longer than is currently possible. KDA are prospectively looking to partner with two companies operating in this space being InCasa and Mable and the model is based on existing operating models in Western Australia with the most notable operating out of Pingelly. The Project proposes to target clients with access to Commonwealth home care packages.

Aged services in Kalbarri are currently limited to a Community Home Support Program operated through the Western Australian Country Health Service. The proposal from KDA extends well beyond those limited services and is designed to enable aging members of the community to remain in Kalbarri for longer. Due to confidentiality reasons in the finer detail of the Project proposal, more information from KDA is provided to Councillors under separate cover.

KDA has requested a contribution of \$25,000 (ex GST) per annum for two years to assist in the establishment of the Program to the point of ongoing sustainability and this is the purpose of the report.

#### **PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

#### **COMMENT (Includes Options):**

There is no question there are limited aged care services available to service the Kalbarri community and this must be having an impact on how long people are able to stay in the community as they age. The Project also intends to leverage off existing models that appear to be viable in other communities in

Western Australia which will undoubtedly benefit KDA with business planning and operational management.

The Project proposal is supported by the author of this report and the request for funding from the Shire by KDA to enable the establishment of the Project to a sustainable level should be given serious consideration by Council. Retaining population in communities has both social and economic benefits that impact widely and really maintains community connectedness.

In 2023/24 Council created a Health Services Reserve whereby 2% of rate revenue was strategically allocated for the purpose of "Future Health Services". This Reserve account currently has a balance of \$79,650 which should increase in 2024/25 with further allocations through the budget process. The request from KDA for the Project aligns with the Health Services Reserve purpose and could be used to fund the proposal if Council chooses.

The only concern about KDA's proposal is the impact it may have on the existing Community Home Support Program operated through the Western Australian Country Health Service. It is possible that this Project proposal may impact on the sustainability of, or willingness to provide that program. However, it is considered that this is not something the Shire should become involved in and instead look at the additional benefits that the Project should deliver to the Kalbarri community.

It is recommended that Council endorse KDA's request for funding for the Project.

**STATUTORY ENVIRONMENT:**

The *Local Government Act 1995* identifies the statutory mechanism to consider budget expenditure.

**POLICY / STRATEGIC IMPLICATIONS:**

The Health Services Reserve was created with a purpose of "Future Health Services". The proposed Project meets this Reserve purpose and aligns to the intent of Council's strategy to support health services in local communities.

**ORGANISATIONAL RISK MANAGEMENT:**

Risk rating is considered Minor. Council is not obligated to provide financial support for this type of Project however there could be some short term reputational damage if it does not especially given a Reserve has been created for health service initiatives like this.

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 site response
Minor (2)	First aid injuries	\$1,001 - \$10,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non-compliance s	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 cost of the proposal is \$25,000(ex GST) each year for 2024/25 and 2025/26. If the proposal is supported by Council, it is recommended that the Health Services Reserve is utilised to fund the proposal.

### SUSTAINABILITY:

Environmental: Nil.

Economic: Retaining and growing population in towns significantly adds to positive economic outcomes particularly in smaller communities.

Social: Retaining aging people in the community enhances social connectedness and wellbeing.

**VOTING REQUIREMENTS: ABSOLUTE MAJORITY**

**OFFICER RECOMMENDATION:**

**That Council:**

1. Advise the Kalbarri Development Association that it is prepared to financially support the “Kalbarri Staying in Place” project with \$25,000(ex GST) in 2024/25 and \$25,000(ex GST) in 2025/26; and
2. Fund the amounts outlined by point 1 above through the 2024/25 and 2025/26 budget process with the funding source being the Health Services Reserve.

**COUNCIL RESOLUTION:**

**MOVED: Pike, D**

**SECONDED: Burges, R**

**06/24-40**

**That Council:**

1. Advise the Kalbarri Development Association that it is prepared to financially support the “Kalbarri Staying in Place” project with \$25,000(ex GST) in 2024/25 and \$25,000(ex GST) in 2025/26; and
2. Fund the amounts outlined by point 1 above through the 2024/25 and 2025/26 budget process with the funding source being the Health Services Reserve.
3. Request Kalbarri Development Association provide an audited financial statement to the Shire of Northampton for the Staying in Place project for each year they receive funding.

**MOTION CARRIED 7/0**

**FOR**

Cr L Sudlow  
Cr R Horstman  
Cr R Burges  
Cr T Gibb  
Cr T Hay  
Cr D Pike  
Cr R Suckling

**AGAINST**

### 9.1.2 Proposed Collaboration with Mid West Development Commission and Tourism Western Australia to Fund Kalbarri Tourism Accommodation Study

<b>PROPONENT</b>	Mid West Development Commission / Tourism Western Australia / Shire of Northampton
<b>OWNER</b>	N/A
<b>LOCATION / ADDRESS:</b>	Kalbarri (Stage 1); Port Gregory / Northampton / Horrocks (possible future Stage 2)
<b>ZONE:</b>	All
<b>BUSINESS AREA:</b>	Office of CEO
<b>FILE REFERENCE:</b>	13.2.1
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Andrew Campbell
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	24 May 2024
<b>DECLARATION OF INTEREST:</b>	Nil

#### **BACKGROUND:**

The Shire of Northampton (Shire) has been approached by the Mid West Development Commission (MWDC) and Tourism Western Australia (TWA) with a proposal to commission a tourism accommodation study in Kalbarri as an extension of a proposal in the City of Greater Geraldton. It is understood that tourism accommodation studies such as this have been completed in Broome and Exmouth in recent years.

The tourism accommodation study would explore the following;

- Quantify visitor projections and future strategic tourism accommodation demand;
- Assess current supply – measures, standards, variety etc;
- Assess potential development sites; and
- Recommend new accommodation (type, style, location etc) for TWA (and MWDC) to use for investment attraction.

The cost of adding Kalbarri to this proposal is expected to be in the order of \$60,000(ex GST) and MWDC has requested a contribution from the Shire of \$20,000(ex GST). The purpose of this report is for Council to consider whether it supports the proposal and is prepared to make a project contribution.

#### **PUBLIC CONSULTATION UNDERTAKEN:**

Nil

**COMMENT (Includes Options):**

A strategic approach to identify gaps in tourism accommodation is considered very beneficial as it assists when trying to attract new tourism development. As Councillors would be aware, the Shire is embarking on a strategy to plan for future growth and a tourism accommodation study would fit neatly into this pathway.

The matter was informally discussed with Councillors on 16 May 2024 and the question of whether the entire Shire could be included. It has been clarified with MWDC that the tourism accommodation study as proposed is pitched at the areas with higher potential for significant tourism growth, however depending on the success of the existing tourism accommodation study, the other town sites in the Shire could be included as part of a future stage 2 project.

On the basis that Council is being requested a one third contribution to a strategic project likely to be required anyway as part of overall growth planning in the Shire district, it is recommended that Council endorse the request for financial contribution.

**STATUTORY ENVIRONMENT:**

The *Local Government Act 1995* requires an absolute majority decision of Council where unbudgeted items are considered.

**POLICY / STRATEGIC IMPLICATIONS:**

A tourism accommodation study is a strategic approach to guide the development of tourism accommodation in a specific area that can, and often does, lead to tourism accommodation investment attraction.

**ORGANISATIONAL RISK MANAGEMENT:**

Risk rating is considered insignificant as it is entirely Council's choice to proceed with a proposal such as this.

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	Non-compliance results in termination of services	Substantiated, public embarrassment, high impact, high news	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from



			< 1 month	or imposed penalties	profile, third party actions		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 project contribution is proposed to be funded from the Strategic Opportunities and Land Development Reserve which has a current balance of \$795,639.

### SUSTAINABILITY:

Environmental: Nil.

Economic: The Kalbarri tourism accommodation study may attract tourism accommodation investment into Kalbarri.

Social: Population growth and extra visitation enhances community liveability.

### VOTING REQUIREMENTS: ABSOLUTE MAJORITY

### OFFICER RECOMMENDATION:

That Council agree to provide a funding contribution of \$20,000(ex GST) to the Tourism Accommodation Study for Kalbarri coordinated by the Mid West Development Commission and Tourism Western Australia in accordance with the following table:

Item	Current Budget	Proposed Budget	Variance
Kalbarri Tourism Accommodation Study Contribution	\$0	\$20,000	\$20,000
Strategic Opportunities and Land Development Reserve	(\$795,639)	(\$775,639)	(\$20,000)
		<b>Net impact on current budget</b>	<b>\$0</b>

**COUNCIL RESOLUTION:****MOVED: Suckling, R      SECONDED: Pike, D****06/24-41**

**That Council agree to provide a funding contribution of \$20,000(ex GST) to the Tourism Accommodation Study for Kalbarri coordinated by the Mid West Development Commission and Tourism Western Australia in accordance with the following table:**

<b>Item</b>	<b>Current Budget</b>	<b>Proposed Budget</b>	<b>Variance</b>
<b>Kalbarri Tourism Accommodation Study Contribution</b>	<b>\$0</b>	<b>\$20,000</b>	<b>\$20,000</b>
<b>Strategic Opportunities and Land Development Reserve</b>	<b>(\$795,639)</b>	<b>(\$775,639)</b>	<b>(\$20,000)</b>
		<b>Net impact on current budget</b>	<b>\$0</b>

**MOTION CARRIED 7/0****FOR**

Cr L Sudlow  
 Cr R Horstman  
 Cr R Burges  
 Cr T Gibb  
 Cr T Hay  
 Cr D Pike  
 Cr R Suckling

**AGAINST**

### 9.1.3 Proposal to Loan Funds for the Establishment of Shire of Northampton Housing

<b>PROPONENT OWNER</b>	Shire of Northampton
<b>LOCATION / ADDRESS:</b>	Shire of Northampton Lot 7 Stephen Street, Northampton and Lot 514 Woods Street, Kalbarri
<b>ZONE:</b>	Residential
<b>BUSINESS AREA:</b>	Office of CEO
<b>FILE REFERENCE:</b>	9.1.2; 9.2.3
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Andrew Campbell
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	24 May 2024
<b>DECLARATION OF INTEREST:</b>	Nil

#### BACKGROUND:

At the Council meeting 16 May 2024, Council resolved the following:

<b>MOVED: Gibb, T</b>	<b>SECONDED: Suckling, R</b>
<b>05/24-34</b>	
<b>That Council:</b>	
<ol style="list-style-type: none"> <li>1. Note the list of freehold land that may be suitable for residential development as contained at Attachment: 9.4.4 (1);</li> <li>2. Authorise the Chief Executive Officer to enter into a contract, subject to finance, for the purchase of two modular homes to be supplied and installed by Evoke Living Homes at: <ol style="list-style-type: none"> <li>a) No 134 (7) Stephen Street, Northampton; and</li> <li>b) Lot 514 Woods Street, Kalbarri.</li> </ol> </li> <li>3. Authorise the Chief Executive Officer to make application for a loan, having a maximum amount of \$760,000 from either State Treasury or the National Australia Bank;</li> <li>4. Authorise the Chief Executive Officer to make application for grant funding under the Regional Economic Development Grant Program for the proposed dwelling at Lot 514 Woods Street;</li> <li>5. Await a further report on the proposed loan following point 3 above; and</li> <li>6. Request that a detailed Housing Strategy be developed in respect of the remaining properties listed in Attachment: 9.4.4 (1).</li> </ol>	
<b>MOTION CARRIED 8/0</b>	

The purpose of this report is for Council to consider the establishment of a loan facility in accordance with condition 5 of Council's resolution 05/24-34 made on 16 May 2024.

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

After contemplation of the most effective way to proceed with loan funding for the purchase of two modular houses and exploration of additional provisional costs, it is proposed that a loan facility is established with the Western Australian Treasury Corporation over a 20 year fixed term in the 2024/25 financial year with it included in the 2024/25 budget process.

The new loan proposed is for the entire project costs rather than just the modular houses as per the previous Council resolution, as the 2024/25 municipal funding part of the budget will be under pressure from current known activities which will make it difficult to include the additional amount. An alternate to this is for Council to consider drawing funds from the Strategic Opportunities and Land Development Reserve, or the Housing and Building Reserve to offset the additional provisional costs, however given everything that is currently known or proposed, from a strategic perspective it is strongly recommended these funds are preserved as much as possible.

The proposal is to establish the loan facility relatively soon into the 2024/25 financial year but not to draw down on that loan facility until such time as an existing Shire of Northampton (Shire) loan for staff housing is finalised on 29 May 2025. This will enable the majority of loan repayments to be held over into the 2025/26 financial year and assist in the funding of the new loan by utilising repayments being made from the loan that is finalised. Whilst the two modular housing units will be available in 2024, the Shire will be able to use cash flow to manage the expense until the loan is drawn down. The benefit of not drawing down on the loan immediately will also enable Shire Officers to apply for external funding to assist with the acquisition of the modular housing for Lot 514 Woods Street, Kalbarri as part of the bigger Kalbarri Workers Accommodation project.

The cost of the project is expected to be as follows, and it is recommended Council should make loan facility provision for the full amount. If costs are less than projected and/or grant funding is received, the loan will only be drawn down to the amount required and repayments modified to match.

Item	Projected Cost (inc.GST)
Modular House Lot 7 Stephen Street, Northampton	\$380,000
Veranda, carport and shed (provision)	\$22,000
Site Works (provision)	\$11,000
Onsite Effluent Disposal (provision)	\$11,000
Service Connections (provision)	\$11,000
Additional bedroom air conditioning (provision)	\$11,000

Landscaping/Driveway/Paving/Fencing/Contingency (provision)	\$30,000
<b>Total (inc.GST)</b>	<b>\$476,000</b>
<b>Total Cost to Shire (ex.GST)</b>	<b>\$428,400</b>

<b>Item</b>	<b>Projected Cost (inc.GST)</b>
Modular House Lot 514 Woods Street, Kalbarri	\$400,000
Veranda, carport and shed (provision)	\$22,000
Site Works (provision)	\$11,000
Service Connections (provision)	\$17,000
Additional bedroom air conditioning (provision)	\$11,000
Fit-out (provision)	\$22,000
Landscaping/Driveway/Paving/Fencing/Contingency (provision)	\$30,000
<b>Total (inc.GST)</b>	<b>\$513,000</b>
<b>Total Cost to Shire (ex.GST)</b>	<b>\$461,700</b>

The total cost to the Shire is estimated to be \$890,100(ex GST) which would form the basis of the total loan facility taken over a 20 year period. Whilst it is a bit too early to exactly pinpoint Western Australian Treasury Corporation rates, applying current commercial rates it is expected that principle and interest repayments to service the loan will be in the order of \$70,000 per annum if the full loan facility is required to be used. Currently the existing staff housing loan repayment is approximately \$40,000 per annum which will finish on 29 May 2025.

It is recommended that Council take out a loan facility with Western Australian Treasury Corporation for \$890,000 for a 20 year period as part of the 2024/25 annual budget.

#### **STATUTORY ENVIRONMENT:**

Provisions of the *Local Government Act 1995* enable the Shire to borrow money to finance activities.

#### **POLICY / STRATEGIC IMPLICATIONS:**

The development of the Kalbarri Workforce Accommodation is considered critical to ensure the economic growth of the Kalbarri townsite. By supporting the acquisition of a dwelling to be located on the site will ensure the development is commenced in earnest and will ensure suitable accommodation in Kalbarri for staff associated with the numerous major projects that are to occur in the next financial year. The Shire will also remove the only conditional requirement attached to the recent acquisition of the land from the State Government.

Establishment of additional staff accommodation in the Northampton townsite is critical to ensure accommodation options for potential new employees, ensuring that the best possible calibre of applicants are not prevented from applying due to a lack of accommodation.

### ORGANISATIONAL RISK MANAGEMENT:

Should Council not agree to acquire the two modular homes that are available, there are risks that:

- a) The process to obtain alternative modular homes is likely to take a minimum of 12-18 months longer;
- b) Suitable accommodation may not be available for potential applicants for new positions of employment;
- c) Suitable accommodation may not be available to staff and consultants associated with the significant Kalbarri townsite projects that are scheduled to commence next financial year;
- d) It is likely that the establishment of the first accommodation unit on the Kalbarri Workforce Accommodation site will be significantly delayed.

The risks are considered to be moderate to major given the delays associated with securing other dwellings.

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:

After taking into account the \$40,000 in savings realised after the existing staff housing loan is finalised, approximately an additional \$30,000 will be required

to service a full loan facility. It is expected that some expenses of the proposal will be offset by other funding sources which is likely to reduce this repayment amount considerably. With good cash flow management, any additional funds required for the new loan will not occur until the 2025/26 financial year.

**SUSTAINABILITY:**

Environmental: Nil.

Economic: The provision of additional housing within the Shire is required to accommodate additional residents, including direct employees of the Shire.

Social: The rental housing market within the Shire is highly competitive with limited opportunities available at any one time.

**VOTING REQUIREMENTS: ABSOLUTE MAJORITY**

**OFFICER RECOMMENDATION:**

**That Council agree establish a new loan facility with Western Australian Treasury Corporation for \$890,000 to be incorporated in the 2024/25 annual budget with repayments scheduled to commence from June 2025.**

**COUNCIL RESOLUTION:**

**MOVED: Burges, R      SECONDED: Suckling, R**

**06/24-42**

**That Council agree establish a new loan facility with Western Australian Treasury Corporation for \$890,000 to be incorporated in the 2024/25 annual budget with repayments scheduled to commence from June 2025.**

**MOTION CARRIED 7/0**

**FOR**

Cr L Sudlow  
Cr R Horstman  
Cr R Burges  
Cr T Gibb  
Cr T Hay  
Cr D Pike  
Cr R Suckling

**AGAINST**

**ATTACHMENT****9.1.4 Request to Land Private Helicopter on Kalbarri Oval**

<b>PROPONENT</b>	Brian Ayers
<b>OWNER</b>	Shire of Northampton
<b>LOCATION / ADDRESS:</b>	Reserve 25227 Porter Street, Kalbarri
<b>ZONE:</b>	Parks and Recreation
<b>BUSINESS AREA:</b>	Office of CEO
<b>FILE REFERENCE:</b>	A4824
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Andrew Campbell
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	27 May 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

A request has been received from Mr Brian Ayres to land a private helicopter on Kalbarri Oval, Reserve 25227 Porter Street, Kalbarri with prior approval of the Shire of Northampton on each occurrence.

A copy of the request is provided in the attachment.

**ATTACHMENT: 9.1.4 (1)**

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

From the correspondence the rationale of the request is understood including the purpose and why the proponent believes the Kalbarri Airport is not suitable to land at, however the primary concern with the proposal is risk to the public and a secondary concern is noise.

The Kalbarri Oval is a public facility that is unrestricted for use by the public at any time of the day or night. The use of a private helicopter on that oval to land would require total assurance that the use of the oval is exclusive whenever the helicopter landed, was on the ground and took off. Whilst Mr Ayers states that safety is of utmost importance, it is not possible that a helicopter pilot could totally ensure the public are excluded from the area without having someone on the ground managing public access. In this scenario the risk would be considered too great for the Shire of Northampton and the only logical way to mitigate the risk would be for employees to secure the site during landing and take-off of the private helicopter which is considered not an appropriate use of public funds.

The secondary issue of noise over Kalbarri is addressed by Mr Ayers who would look to minimise noise impact over the town, however helicopters do produce



significant noise and undoubtedly there would be noise impacts which could result in complaints.

From the above discussion, it is recommended that Council do not support the request from Mr Brian Ayres to land his helicopter on the Kalbarri Oval with the Shire of Northampton's prior consent.

### STATUTORY ENVIRONMENT:

The Kalbarri Oval is subject to a Management Order creating the responsibility for management by the Shire of Northampton. With the consent of the Shire of Northampton it is possible that a private helicopter could be permitted to land on the site under the notion of it being a recreational pursuit in line with the Management Order.

### POLICY / STRATEGIC IMPLICATIONS:

There is no policy that guides Council on this matter.

### ORGANISATIONAL RISK MANAGEMENT:

Risk rating is considered Catastrophic unless the Shire provides site security to ensure exclusivity to the landing and take-off of the private helicopter.

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 if Council does not support the proposal. If Council elects to support the proposal, employees would be required to secure the site every time the private helicopter was to land and take-off from the site which would incur cost.

**SUSTAINABILITY:**

Environmental: Nil.

Economic: Nil.

Social: Nil.

**VOTING REQUIREMENTS:                      SIMPLE MAJORITY**

**OFFICER RECOMMENDATION:**

That Council does not agree to permit Mr Brian Ayers to land a private helicopter on the Kalbarri Oval as per the request outlined in ATTACHMENT: 9.1.4 (1) for the reasons of:

- a) Risk to public safety and the anticipated cost to the Shire of Northampton to mitigate that risk;
- b) Noise over the Kalbarri townsite; and
- c) The proximity to the Kalbarri Airport that is designated for this type of use and includes established safety protocols.

**COUNCIL RESOLUTION:**

**MOVED: Burges, R                      SECONDED: Horstman, R**

**06/24-43**

That Council does not agree to permit Mr Brian Ayers to land a private helicopter on the Kalbarri Oval as per the request outlined in ATTACHMENT: 9.1.4 (1) for the reasons of:

- a) Risk to public safety and the anticipated cost to the Shire of Northampton to mitigate that risk;
- b) Noise over the Kalbarri townsite; and
- c) The proximity to the Kalbarri Airport that is designated for this type of use and includes established safety protocols.

**MOTION CARRIED 7/0**

**FOR**

Cr L Sudlow  
Cr R Horstman  
Cr R Burges  
Cr T Gibb  
Cr T Hay  
Cr D Pike  
Cr R Suckling

**AGAINST**

Councillor Burges left the Chambers at 2.25 pm.

### 9.1.5 Proposed Award of Tender RFT 08/2023 Kalbarri Disaster Recovery Works AGRN965

<b>PROPONENT</b>	Shire of Northampton
<b>OWNER</b>	Shire of Northampton
<b>LOCATION / ADDRESS:</b>	Kalbarri coastal locations damaged by Tropical Cyclone Seroja / 25 Anchorage Lane, Kalbarri
<b>ZONE:</b>	Parks and Recreation / Public Purpose
<b>BUSINESS AREA:</b>	Office of the CEO
<b>FILE REFERENCE:</b>	5.1.8
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Andrew Campbell
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	11 June 2024
<b>DECLARATION OF INTEREST:</b>	Nil

#### **BACKGROUND:**

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

Since the cyclone event the Shire of Northampton (Shire) has been systematically addressing public infrastructure damage under its direct control through insurance and Disaster Relief Funding Arrangements Western Australia (DRFAWA) initiated after a natural disaster. Consultants GHD were engaged to assist the Shire with addressing the significant public infrastructure damage resulting from the cyclone in Kalbarri including Chinamans Drive, Blue Holes, Jacques Point and to a much lesser extent, Red Bluff. In addition to this GHD are also engaged by the Shire to assist with the creation of a Temporary Workers Caravan Accommodation Facility site off Anchorage Lane, Kalbarri as an ancillary project funded by the State Government. Council adopted the concepts in July 2023.

Council has previously considered the conceptual designs for the proposed works and authorised the Chief Executive Officer to proceed to detailed design and procurement. The conceptual designs were also made publicly available.

The Shire, alongside consultants GHD, commenced a tender process for the proposed works on 20 April 2024 and the purpose of this report is for Council to consider *RFT 08/2023 Kalbarri Disaster Recovery Works AGRN965* (Tender).

**PUBLIC CONSULTATION UNDERTAKEN:**

In accordance with the *Local Government Act 1995*, the Tender was advertised for a period of more than 14 days in the West Australian newspaper and on the Shire website on 20 April 2024 until close on 24 May 2024. In addition to this statutory advertising requirement, the Tender was also advertised in the Geraldton Guardian and Mid West Times newspapers.

Arising from the advertising, three Tender submissions were received.

**COMMENT (Includes Options):**

Firstly, Council should note that the Tender is broken into separable portions being the coastal infrastructure repair works which are funded by DRFWA and the Kalbarri Temporary Workers Caravan Accommodation Facility which are funded by the State Government. In addition to this, an additional tender applicable to the Kalbarri Temporary Workers Caravan Accommodation Facility *RFT 09/2023 Kalbarri Sewer Mains Extension AGRN965* has been developed as the sewer works are specialist works requiring Water Corporation approved contractors. Council will consider RFT 09/2023 as a separate item forming part of this agenda.

The Tender is quite complex in that it involves multiple sites with varying requirements for works. Of the three tenders submitted, each was determined to be compliant and were assessed using the qualitative and price selection criteria.

A summary of the qualitative assessment is as follows:

	Qualitative Criteria	Weighting Value	Hawthorn Group Holdings PTY LTD	Neo Civil PTY LTD	WCP Civil PTY LTD
1	Relevant Experience	30	21.00	30.00	23.00
2	Demonstrated Capacity and Flexibility	20	14.00	15.00	19.00
	<b>Total - Qualitative</b>	<b>50</b>	<b>35.00</b>	<b>45.00</b>	<b>42.00</b>
	<b>Qualitative Ranking</b>		<b>3</b>	<b>1</b>	<b>2</b>

A summary of the pricing assessment is as follows:

Description	HAWTHORN GROUP HOLDINGS Pty Ltd	NEO CIVIL Pty Ltd	WCP Civil Pty Ltd
Separable Portion A and B: Final adjusted price for comparison purposes (Items 1 + 3 + 4 + 5 + 6)	\$6,500,965.97*	\$6,691,182.55*	\$7,507,312.95*
Weighted Score /50 As tendered (no adjustments)	50.00	44.36	43.07

Weighted Score /50 Including adjustments	50.00	48.58	43.30
<b>Price Ranking</b>	<b>1</b>	<b>2</b>	<b>3</b>

\*Note: Pricing includes averaged adjustments for missing items and clarifications

A combined scoring assessment and ranking is as follows:

Description	HAWTHORN GROUP HOLDINGS Pty Ltd	NEO CIVIL Pty Ltd	WCP Civil Pty Ltd
Combined Score	85	93.58	85.3
<b>Overall Ranking</b>	<b>3</b>	<b>1</b>	<b>2</b>

A full copy of the confidential Tender assessment prepared by GHD with the oversight of the Chief Executive Officer will be provided to Councillors prior to the meeting under separate cover as background information.

Following the assessment of *RFT 08/2023 Kalbarri Disaster Recovery Works AGRN965*, it is recommended that Council make the award to Neo Civil Pty Ltd for a price of \$6,691,182.55 (ex GST).

#### **STATUTORY ENVIRONMENT:**

Unless it is considered an exempt situation, under the *Local Government Act 1995* any amount over \$250,000 (ex GST) requires the Shire to undertake a public tender process.

#### **POLICY / STRATEGIC IMPLICATIONS:**

Council Policy 2.3 Purchasing and Tender Guide Purchasing Policy requires tenders to be called where expenditure exceeds \$250,000 (ex GST).

#### **ORGANISATIONAL RISK MANAGEMENT:**

Incorrect procurement processes at tender threshold levels are a major risk to the Shire and statutory processes must be followed. Risk rating is considered Level 4 – Major.

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 compliance	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:

*RFT 08/2023 Kalbarri Disaster Recovery Works AGRN965* is fully funded by the Commonwealth and State Government with a small additional tourism contribution held by the Mid West Development Commission.

### SUSTAINABILITY:

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

Economic: Proposed works should provide additional protections for the built coastal environment reducing potential future economic loss resulting from natural disasters. In addition, the Temporary Workers Caravan Facility will assist in the Kalbarri community to recover.

Social: Community infrastructure is extremely important to the community and the Shire should do whatever it can to reinstate damage resulting from the TC Seroja.

### VOTING REQUIREMENTS: SIMPLE MAJORITY

### OFFICER RECOMMENDATION:

That Council, subject to final approval of the Commonwealth and State Governments:

- 1) Award *RFT 08/2023 Kalbarri Disaster Recovery Works AGRN965* to Neo Civil Pty Ltd for a price of \$6,691,182.55 (ex GST); and
- 2) Allocate the revenue and expenditure for *RFT 08/2023 Kalbarri Disaster Recovery Works AGRN965* as part of the 2024/25 annual budget.

**COUNCIL RESOLUTION:**

**MOVED: Suckling, R      SECONDED: Gibb, T**

**06/24-44**

**That Council, subject to final approval of the Commonwealth and State Governments:**

- 1) Award *RFT 08/2023 Kalbarri Disaster Recovery Works AGRN965* to Neo Civil Pty Ltd for a price of \$6,691,182.55 (ex GST); and**
- 2) Allocate the revenue and expenditure for *RFT 08/2023 Kalbarri Disaster Recovery Works AGRN965* as part of the 2024/25 annual budget.**

**MOTION CARRIED 6/0**

**FOR**

Cr L Sudlow  
Cr R Horstman  
Cr T Gibb  
Cr T Hay  
Cr D Pike  
Cr R Suckling

**AGAINST**

### 9.1.6 Proposed Award of Tender RFT 09/2023 Kalbarri Sewer Mains Extension AGRN965

<b>PROPONENT OWNER</b>	Shire of Northampton
<b>LOCATION / ADDRESS:</b>	Shire of Northampton Grey Street Road Reserve from Water Corporation Pump Station to 25 Anchorage Lane, Kalbarri
<b>ZONE:</b>	Road Reserve
<b>BUSINESS AREA:</b>	Office of the CEO
<b>FILE REFERENCE:</b>	5.1.8
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Andrew Campbell
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	11 June 2024
<b>DECLARATION OF INTEREST:</b>	Nil

#### **BACKGROUND:**

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

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

The Temporary Workers Caravan Accommodation Facility formed part of *RFT 08/2023 Kalbarri Disaster Recovery Works AGRN965* however as the sewer works are specialist works requiring Water Corporation approved contractors, a separate tender was developed. The Shire, alongside consultants GHD, commenced a tender process for the proposed works on 11 May 2024 and the purpose of this report is for Council to consider the *RFT 09/2023 Kalbarri Sewer Mains Extension AGRN965* (Tender).

#### **PUBLIC CONSULTATION UNDERTAKEN:**

In accordance with the *Local Government Act 1995*, the Tender was advertised for a period of more than 14 days in the West Australian newspaper and on the Shire website on 11 May 2024 until close on 4 June 2024. In addition to this



statutory advertising requirement, the Tender was also advertised in the Geraldton Guardian and Mid West Times newspapers.

Arising from the advertising, three Tender submissions were received.

**COMMENT (Includes Options):**

The Tender is relatively straight forward in that it there are minimum standards required by the Water Corporation and the works are likely to have much impact on infrastructure or the community. Of the three tenders submitted, each was determined to be compliant and were assessed using the qualitative and price selection criteria.

A summary of the qualitative assessment is as follows:

	Qualitative Criteria	Weighting Value	Aaro Group	Ringa Civil	Westline Civil
1	Relevant Experience	30	25.0	22.0	30.0
2	Demonstrated Capacity and Flexibility	20	12	6.5	14
	<b>Total - Qualitative</b>	<b>50</b>	<b>37.00</b>	<b>28.50</b>	<b>44.00</b>
	<b>Qualitative Ranking</b>		<b>2</b>	<b>3</b>	<b>1</b>

A summary of the pricing assessment is as follows:

Description	Aaro Group	Ringa Civil	Westline Civil
Tendered price - with minor adjustment	\$214,353.81	\$411,900.00	\$360,306.34
Regional Preference Policy	\$0.00	\$0.00	\$0.00
<b>Price Score 50</b>	<b>50.00</b>	<b>26.02</b>	<b>29.75</b>
<b>Price Ranking</b>	<b>1</b>	<b>3</b>	<b>2</b>

A combined scoring assessment and ranking is as follows:

Description	Aaro Group	Ringa Civil	Westline Civil
Combined Score	87.00	54.52	73.75
<b>Overall Ranking</b>	<b>1</b>	<b>3</b>	<b>2</b>

A full copy of the confidential Tender assessment prepared by GHD with the oversight of the Chief Executive Officer will be provided to Councillors prior to the meeting under separate cover as background information.

Following the assessment of *RFT 09/2023 Kalbarri Sewer Mains Extension AGRN965*, it is recommended that Council make the award to Aaro Group for a price of \$214,353.81(ex GST).

#### **STATUTORY ENVIRONMENT:**

Unless it is considered an exempt situation, under the *Local Government Act 1995* any amount over \$250,000 (ex GST) requires the Shire to undertake a public tender process. In this case, and whilst the recommended tenderer has not breached the threshold, the splitting of components of a tender could be considered tender avoidance and this is prohibited under legislation.

#### **POLICY / STRATEGIC IMPLICATIONS:**

Council Policy 2.3 Purchasing and Tender Guide Purchasing Policy requires tenders to be called where expenditure exceeds \$250,000 (ex GST), it also provides guidance on tender avoidance.

#### **ORGANISATIONAL RISK MANAGEMENT:**

Incorrect procurement processes at tender threshold levels are a major risk to the Shire and statutory processes must be followed. Risk rating is considered Level 4 – Major.

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 compliance s	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:**

*RFT 09/2023 Kalbarri Sewer Mains Extension AGRN965* is fully funded by the State Government and administered by the Shire of Northampton.

**SUSTAINABILITY:**

Environmental: Lot 25 Anchorage Lane is in an area unsuitable for onsite wastewater disposal and therefore reticulated sewer is the preferred option.

Economic: The Temporary Workers Caravan Facility will assist in the Kalbarri community to recover.

Social: Community infrastructure is extremely important to the community and the Shire should do whatever it can to reinstate damage resulting from the TC Seroja.

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

That Council, subject to final approval of the State Government:

- 1) Award *RFT 09/2023 Kalbarri Sewer Mains Extension AGRN965* to Aaro Group for a price of \$214,353.81 (ex GST); and
- 2) Allocate the revenue and expenditure for *RFT 09/2023 Kalbarri Sewer Mains Extension AGRN965* as part of the 2024/25 annual budget.

**COUNCIL RESOLUTION:**

**MOVED: Gibb, T**

**SECONDED: Suckling, R**

**06/24-45**

**That Council, subject to final approval of the State Government:**

- 1) Award *RFT 09/2023 Kalbarri Sewer Mains Extension AGRN965* to Aaro Group for a price of \$214,353.81 (ex GST); and**
- 2) Allocate the revenue and expenditure for *RFT 09/2023 Kalbarri Sewer Mains Extension AGRN965* as part of the 2024/25 annual budget.**

**MOTION CARRIED 6/0**

**FOR**

Cr L Sudlow  
Cr R Horstman  
Cr T Gibb  
Cr T Hay  
Cr D Pike  
Cr R Suckling

**AGAINST**

Councillor Burges returned to the Chambers at 2:30 pm.

## ATTACHMENT

### 9.1.7 Major Review of the Shire of Northampton Policy Manual 2022

<b>PROPONENT</b>	Shire of Northampton
<b>OWNER</b>	Shire of Northampton
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>ZONE:</b>	All
<b>BUSINESS AREA:</b>	Office of CEO
<b>FILE REFERENCE:</b>	4.1.15; 4.2.17
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Andrew Campbell
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	25 May 2024
<b>DECLARATION OF INTEREST:</b>	Nil

#### BACKGROUND:

The Shire of Northampton (Shire) has utilised a consolidated Policy Manual for many years which is reviewed bi-annually. The last review of the Policy Manual was on 17 June 2022 and in July 2022 a Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls (FMSR Review) of Council Policies by an independent consultant was undertaken, and this identified significant flaws in the policy approach of the Shire. No action to remedy the flaws was taken at the time which is understandable given the organisation was still in the grip of Tropical Cyclone Seroja recovery.

Upon commencement the CEO on 22 May 2023, it was immediately identified that that the current approach to policy provision was outdated with specific concern about statutory and governance obligations driving an immediate need to contemporise the way that policies are formulated by the Shire. This was supported by the findings in the FMSR Review from July 2022. On 18 August 2023, the CEO commenced the process of a complex review of Shire policies with Council resolving to adopt a new policy naming convention and standard policy templates. On 15 December 2023, Council assigned the policy review as a focus area for the CEO as part of his Probationary Review. Since that time, it has been very difficult for the CEO to commence the review due to significant strategic workloads to the point where the CEO has now needed to make a commitment to complete the policy review mainly outside of ordinary working hours otherwise it would be unlikely to be completed any time soon. As a result of this commitment, the entire policy review will occur in a piecemeal approach likely over many months when opportunity presents for the CEO. Employees will also be required to assist with the policy review where specific technical or Local Planning Policies exist, and this could also delay progress.

The purpose of this report is to establish the new framework for the policy review approach that will enable the review of individual policies and

incorporation of new policies. The approach will essentially operate with two policy systems by retaining the existing Policy Manual, albeit in an amended form, in addition to the new policy framework which will evolve as existing policies are reviewed for incorporation and new policies are introduced. Council should note that Management Policies will be moved onto a separate area not available for public viewing.

A copy of the Shire's Policy Manual 17 June 2022 is appended for information.

#### **APPENDIX: 9.1.7 (A)**

#### **PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

#### **COMMENT (Includes Options):**

One of the primary principles in undertaking a policy review of this nature is to contemporise the approach to clearly separate out what are Council Policies and what are Management Policies. This distinction is critical to meet the requirements of the *Local Government Act 1995* and it is imperative that the separation occurs. Another way for Councillors to comprehend this concept is to apply the principles behind the responsibilities of Councillors and Council (eg. strategic and statutory decision making) versus the responsibilities of the CEO and administration (operational management). Council Policies are adopted formally by Council through resolution whereas Management Policies are adopted by the CEO in collaboration with the Executive Management Team to assist with the operational management of the Shire.

On 18 August 2023, Council resolved to create the following naming convention for policies for the new policy framework:

#### Council Policies

Council 1.x  
 Corporate 2.x  
 Administration Services 3.x  
 Finance Services 4.x  
 Community Development 5.x  
 Planning and Development 6.x  
 Building Services 7.x  
 Environmental Health Services 8.x  
 Waste Management 9.x  
 Works and Technical Services 10.x

#### Management Policies

Chief Executive Officer 1.x  
 Corporate and Financial Services 2.x  
 Community Development and Regulation 3.x  
 Works and Technical Services 4.x

It has been noted that one area has been inadvertently left out of the new Council Policy framework being Ranger and Emergency Services. It is recommended that Council agree to add this to the framework.

As policies are transitioned between the existing Policy Manual and the new policy framework, the new naming convention and standard template will be applied. However, in this report it is only intended to amend the existing Policy Manual to capture whether policies are considered Council Policies, Management Policies, or not exist at all. As policies are reviewed, they will come across to the new policy framework in accordance with the naming convention and template.

The existing Policy Manual contains 81 policies some of which are clearly Council Policies, some are clearly Management Policies, some could be either due to their potential for controversial outcomes, and some should be deleted all together as they are either ultra vires, subject existing to statutory mechanisms (ie. no need to have a policy), or are no longer relevant. The CEO has undertaken an assessment of each of the existing policies in the Policy Manual and this assessment is provided below:

<b>Policy</b>	<b>Council (C) Management (M) Delete (D)</b>	<b>Officer Comment</b>
<b>ADVERTISING COSTS FOR ROAD CLOSURES</b>	<b>D</b>	Should be established by Fees and Charges in the annual budget.
<b>AERIAL INSPECTION OF FIREBREAKS</b>	<b>D</b>	If aerial inspections of firebreaks are required, an item should be presented to Council each year and funded accordingly.
<b>APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER POLICY</b>	<b>C</b>	Statutory requirement that requires specific Council guidance. Priority policy for review due to redundant positions now identified.
<b>ATTENDANCE AT EVENTS POLICY</b>	<b>C</b>	Policy is relevant but is very prescriptive requiring major review in accordance with model standards. Also has Management Policy elements to split out.
<b>ATTENDANCE TO LOCAL GOVERNMENT CONFERENCE WEEK</b>	<b>D</b>	Council should make an assessment on this on an annual basis without the need for a Policy.
<b>AUTHORITY TO BURN</b>	<b>M</b>	Bush fire policies are Management Policies as they provide direction and guidance to employees and volunteers.
<b>BANNING OF CAMPFIRES</b>	<b>D</b>	Legality of this policy is questionable. Campfires are only prohibited under Total Fire Ban conditions under the guidance of legislation and determination by the Department of Fire and Emergency Services.
<b>BUILDING ON KALBARRI FORESHORE</b>	<b>D</b>	This is an unusual policy that would ordinarily be controlled by the Reserve Management Order and then by decision

		of Council. It is recommended this policy is deleted and matters are determined on their merits in accordance with the Management Order.
<b>BURNING ON PUBLIC HOLIDAYS</b>	<b>M</b>	Review. Burning under permit often occurs over multiple days. The policy appears impractical.
<b>BUSHFIRE TRAINING COURSES</b>	<b>D</b>	The Emergency Services Levy now applies.
<b>CAMPING FOR ABORIGINAL CULTURAL PURPOSES</b>	<b>C</b>	Relevant policy that requires review.
<b>CHILD SAFETY &amp; WELFARE POLICY</b>	<b>M</b>	Operational policy.
<b>COMMUNITY BUS</b>	<b>C</b>	Council policy still relevant but may require thorough review.
<b>COMMUNITY ENGAGEMENT POLICY</b>	<b>C</b>	Unusual policy as specifically designed for consultation on Integrated Planning and Reporting which is required to follow a statutory process regardless of the policy. Changes to IPR are also imminent. Retain for now but full review required and maybe deletion or amendment to a more general policy.
<b>CONDITIONS OF APPROVAL OF ITINERANT FOOD VENDORS</b>	<b>C</b>	Unusual policy that should already be dealt with by statutory provisions. Review required.
<b>CORPORATE CREDIT CARD POLICY</b>	<b>M</b>	Normally a management policy.
<b>COUNCILLORS OUT OF POCKET EXPENSES - TRAVEL EXPENSES</b>	<b>D</b>	Replaced by Council's Fees, Allowances and Expenses resolution of Council.
<b>CROSSOVERS</b>	<b>M</b>	Operational matter for employee guidance.
<b>DEBT RECOVERY</b>	<b>C</b>	Relevant Council Policy requiring review.
<b>ELECTED MEMBER TRAINING &amp; PROFESSIONAL DEVELOPMENT POLICY</b>	<b>C</b>	Policy requires updating to current requirements.
<b>EQUAL OPPORTUNITY</b>	<b>M</b>	Operational as it deals with the employment of staff.
<b>EXECUTION OF DOCUMENTS</b>	<b>C</b>	Requires renaming and re-working. Involves the use of common seal.
<b>FIRE REPORTS</b>	<b>D</b>	The management of fire has more efficient systems available to address these matters irrespective of this policy.
<b>FITNESS FOR WORK - DRUG &amp; ALCOHOL POLICY</b>	<b>M</b>	Operational.
<b>FUNDING FOR ONGOING COMMUNITY EVENTS</b>	<b>D</b>	Replaced by Community Grant Program policy.
<b>GIFTS</b>	<b>C</b>	Gift Policy was contemporised by decision of Council 16 June 2023. Priority to review to incorporate into new framework.



GRAVEL CONSTRUCTION OF RURAL ROADS	<b>D</b>	Policy no longer relevant as each road job is assessed on its merits and capacity to fund.
GRAVEL/SAND ROYALTIES	<b>C</b>	Need to urgently review this policy for currency.
IMMATERIALITY BASE FOR FINANCIAL REPORTING	<b>D</b>	This is set annually as part of the budget process, policy is not required.
INDEPENDENT INSPECTION OF COUNCIL OWNED ASSETS - BUILDINGS	<b>C</b>	Questionable if this policy has been adhered to and whether it is still relevant given current obligations. For further review.
INFORMATION TECHNOLOGY USE POLICY	<b>M</b>	Applies to operations.
INFRINGEMENT NOTICES – BREACHES OF SWIMMING POOL REGULATIONS	<b>D</b>	Covered already by the Delegations Register and no need for a policy.
INVESTMENT OF SURPLUS FUNDS	<b>C</b>	Review and update required.
ISSUING OF SECTION 23 CERTIFICATES UNDER THE STRATA TITLES ACT 1985	<b>D</b>	Covered already by the Delegations Register and no need for a policy.
LANDSCAPING BOND – DEVELOPMENTS	<b>D</b>	This should be captured in the development approval process through standard development conditions.
LEGAL REPRESENTATION – COSTS INDEMNIFICATION	<b>C</b>	Policy requires major overhaul, but the principles are still relevant.
LEGISLATIVE COMPLIANCE POLICY	<b>C</b>	Unusual policy that requires thorough review. Just indicates what is a statutory requirement anyway so may need deletion when fully reviewed.
LOCAL PURCHASE POLICY	<b>C</b>	Requires update and renaming.
LONG SERVICE RECOGNITION – GIFT VALUE	<b>M</b>	Applies to employees.
MEMORIAL SEATS	<b>C</b>	Council policy as it may be controversial where multiple requests are made for the same location.
OPERATIONS OF PLANT BY STAFF ONLY	<b>M</b>	Applies to employees. Requires expansion to address current situations.
PARKING ON KALBARRI FORESHORE RESERVE	<b>D</b>	This is operational guidance for employees only but existing local laws and event approvals should already cover this.
PETROLEUM, GAS, MINING & EXTRACTIVE INDUSTRIES POLICY	<b>C</b>	Needs immediate review as a Local Planning Policy.
PRIVATE WORKS	<b>M</b>	Set by budget each year. Policy requires major review to address what is happening on the ground now.
PROTECTION OF KERBS/VERGES AND PATHWAYS	<b>M</b>	Operational guidance for employees.
PUBLIC RELATIONS - PRESS RELEASES	<b>C</b>	This is a primary function of the Shire President. Requires renaming and re-working.

PURCHASING AND TENDER GUIDE PURCHASING POLICY	<b>C</b>	Requires significant review and renaming. Priority for review.
REDUNDANCY POLICY	<b>D</b>	Enterprise Agreements, employment contracts, and the Local Government Award provisions apply.
REGULATORY COMPLIANCE	<b>D</b>	Policy provisions should sit within purchasing and tendering policy, not stand alone as currently exists.
RELATED PARTY DISCLOSURES POLICY	<b>C</b>	Statutory requirement related to Australian Accounting Standards.
REPRESENTATION – NORTHERN ZONE WA LOCAL GOVERNMENT ASSOCIATION	<b>D</b>	These appointments occur as part of Council resolution following an election.
REQUIREMENTS FOR LICENCE AGREEMENTS TO USE CROWN RESERVES FOR COMMERCIAL, RECREATIONAL AND TOURISM ACTIVITIES	<b>C</b>	It is considered that each proposal should be considered on its merits particularly where s.3.58 or the Local Government Act 1995 applies to disposal of property. Policy to be reviewed to determine relevance.
REVIEW OF POLICY MANUAL	<b>D</b>	The new policy framework will have individual policy review dates.
RISK MANAGEMENT POLICY	<b>C</b>	Primarily a Council Policy as it establishes strategic risk appetite however has management elements. Review to ensure details and implications are appropriate. Possibly need to separate out operational component into a separate Management Policy.
ROAD DRAINAGE	<b>M</b>	Operational policy.
ROAD SIDE MEMORIALS	<b>C</b>	Retain as a Council Policy with a future review to split out the operational guidance into a Management Policy.
ROADSIDE VEGETATION CLEARING – FENCE LINE CLEARING	<b>C</b>	Retain policy however Council may want to reconsider the principles of this policy in relation to Shire contributions as they appear unreasonable and an impost on Shire resources.
RURAL ROAD TREE PLANTING	<b>M</b>	Review required as Local Law provisions may be sufficient to control this.
SCHOOLS - WORK EXPERIENCE PROGRAMS	<b>M</b>	Work experience occurs in Shire operations.
SENIOR STAFF	<b>C</b>	Required by the statutory provisions. Requires priority review as positions have changed.
SENIOR STAFF CAR POLICY	<b>D</b>	Policy is not supported on the basis that it is totally inappropriate for Senior Staff to be able utilise public funds for their own private vehicle in lieu of not using the Shire vehicle on periods of leave.

SEVERANCE PAY POLICY	<b>D</b>	Enterprise Agreements, employment contracts, and the Local Government Award provisions apply. Unfair dismissal actions may involve separate decisions of the CEO or Council depending on the circumstance.
SEXUAL HARASSMENT AND COMPLAINTS/GRIEVANCE	<b>M</b>	Applies to employees.
SIDE SHOWS ON COUNCIL CONTROLLED LAND	<b>D</b>	Should form part of the event approval process. Policy is not considered necessary.
SMOKING - BUILDINGS & WORKING ENVIRONMENT	<b>M</b>	Considered to be an operational management matter.
SPORTING AND NON SPORTING ACHIEVEMENT SCHOLARSHIP PROGRAM	<b>D</b>	This is now covered by the Community Grants Program.
STAFF - BANK ACCOUNTS	<b>D</b>	Requirement from yesteryear. Now is a condition of employment.
STAFF - OCCUPATIONAL SAFETY & HEALTH POLICY	<b>C</b>	Requires major overhaul. Council Policy with an overarching strategic statement and then Management Policies apply to operations and procedures.
STAFF - PROTECTION FROM THE SUN FOR OUTDOOR WORK	<b>M</b>	Applies to employees.
STAFF & COUNCILLORS ATTENDANCE AT CONFERENCES, TRAINING SEMINARS ETC	<b>M</b>	Operational matter determined by Management Policy and employment contracts in accordance with Council budget.
STAFF HOUSING - APPLIANCES	<b>D</b>	Policy no longer relevant. If the Shire provides housing, fixtures and fittings are the responsibility of the Shire.
STAFF TELEPHONES IN RESIDENCES	<b>D</b>	Technology has moved on.
STAFF TRAINING	<b>M</b>	This applies to employees.
STANDARDS FOR CEO RECRUITMENT, PERFORMANCE & TERMINATION	<b>C</b>	Current model policy that can be brought across to the new framework relatively easily. Statutory requirement.
STATE RECORDS ACT	<b>M</b>	Operational.
SUPERANNUATION CONTRIBUTION	<b>C</b>	Priority review required as incorrect.
TENANCY AGREEMENTS	<b>M</b>	Operational matter. Noted that this policy has been inconsistently applied in the past.
TENDER PROCEDURE	<b>C</b>	Can be incorporated into the Purchasing and Tender Guide Purchasing Policy
TOURISM POLICY	<b>C</b>	Requires major review.
TRADING IN PUBLIC PLACES POLICY	<b>C</b>	Unusual policy that should already be dealt with by statutory provisions. Review required.

VEHICLE EMBLEMS	<b>D</b>	Redundant policy. All vehicles that do not have private use attached are automatically required to have the Shire badging.
-----------------	----------	--

The outcome of the assessment recommends that 27 policies are rescinded, 32 policies are declared Council Policies, and 22 policies are declared Management Policies. If Council agrees with this approach, it is expected that the Policy Manual will be amended, and the new policy framework will be created with both being published concurrently. Council should note that once the Management Policies are finalised (ie. reviewed from the Policy Manual and created as Management Policies in the new policy framework) they will not be published documents as they relate specifically to Shire employees and operations.

The approach from this point if Council agrees to the Officer Recommendation is to focus on transitioning Council Policies from the Policy Manual by review to the new policy framework. It is expected as this occurs, a number of new Council Policies will also be presented to Council for consideration particularly where governance deficiencies are identified.

#### **STATUTORY ENVIRONMENT:**

Policies are created under the *Local Government Act 1995* and sometimes incorporate other statutory instruments. All Council Policies require decision of Council to take effect.

#### **POLICY / STRATEGIC IMPLICATIONS:**

The existing Policy Manual utilised by the Shire is obviously deficient and requiring immediate attention. Given the magnitude of this task it is expected to take many months to finalise and involve considerable resources to complete.

#### **ORGANISATIONAL RISK MANAGEMENT:**

Risk rating is considered Major particularly as a result of deficient governance related matters. Policies provide necessary guidance for consistent and compliant decision making which is important part of Local Government functioning.

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 compliance s	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 direct financial implications however considerable human resources will be required to complete this task.

**SUSTAINABILITY:**

Environmental: Policies that involve environmental decision making are common in Shire policy formulation.

Economic: Policies that involve economic decision making are common in Shire policy formulation.

Social: Policies that involve social decision making are common in Shire policy formulation.

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

- 1) Acknowledge that the review of policies applicable to the Shire of Northampton is likely to take many months to finalise and whilst this is occurring, two separate policy framework mechanisms will need to co-exist.
- 2) Rescind the following policies of the Policy Manual 17 June 2022:
  - ADVERTISING COSTS FOR ROAD CLOSURES
  - AERIAL INSPECTION OF FIREBREAKS
  - ATTENDANCE TO LOCAL GOVERNMENT WEEK CONFERENCE
  - BANNING OF CAMPFIRES
  - BUILDING ON KALBARRI FORESHORE
  - BUSHFIRE TRAINING COURSES
  - COUNCILLORS OUT OF POCKET EXPENSES – TRAVEL EXPENSES

- FIRE REPORTS
  - FUNDING FOR ONGOING COMMUNITY EVENTS
  - GRAVEL CONSTRUCTION OF RURAL ROADS
  - IMMATERIALITY BASE FOR FINANCIAL REPORTING
  - INFRINGEMENT NOTICES – BREACHES OF SWIMMING POOL REGULATIONS
  - ISSUING OF SECTION 23 CERTIFICATES UNDER THE STRATA TITLES ACT 1985
  - LANDSCAPING BOND – DEVELOPMENTS
  - PARKING ON KALBARRI FORESHORE RESERVE
  - REDUNDANCY POLICY
  - REGULATORY COMPLIANCE
  - REPRESENTATION – NORTHERN ZONE WA LOCAL GOVERNMENT ASSOCIATION
  - REVIEW OF POLICY MANUAL
  - SENIOR STAFF CAR POLICY
  - SEVERANCE PAY POLICY
  - SIDE SHOWS ON COUNCIL CONTROLLED LAND
  - SPORTING AND NON SPORTING ACHIEVEMENT SCHOLARSHIP PROGRAM
  - STAFF - BANK ACCOUNTS
  - STAFF HOUSING – APPLIANCES
  - STAFF TELEPHONES IN RESIDENCES
  - VEHICLE EMBLEMS
- 3) Declare the following policies in the Policy Manual 17 June 2022 as Council Policies subject to further review:
- APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER POLICY
  - ATTENDANCE AT EVENTS POLICY
  - CAMPING FOR ABORIGINAL CULTURAL PURPOSES
  - COMMUNITY BUS
  - COMMUNITY ENGAGEMENT POLICY
  - CONDITIONS OF APPROVAL OF ITINERANT FOOD VENDORS
  - DEBT RECOVERY
  - ELECTED MEMBER TRAINING & PROFESSIONAL DEVELOPMENT POLICY
  - EXECUTION OF DOCUMENTS
  - GIFTS
  - GRAVEL/SAND ROYALTIES
  - INDEPENDENT INSPECTION OF COUNCIL OWNED ASSETS - BUILDINGS
  - INVESTMENT OF SURPLUS FUNDS
  - LEGAL REPRESENTATION – COSTS INDEMNIFICATION
  - LEGISLATIVE COMPLIANCE POLICY
  - LOCAL PURCHASE POLICY
  - MEMORIAL SEATS

- **PETROLEUM, GAS, MINING & EXTRACTIVE INDUSTRIES POLICY**
  - **PUBLIC RELATIONS - PRESS RELEASES**
  - **PURCHASING AND TENDER GUIDE PURCHASING POLICY**
  - **RELATED PARTY DISCLOSURES POLICY**
  - **REQUIREMENTS FOR LICENCE AGREEMENTS TO USE CROWN RESERVES FOR COMMERCIAL, RECREATIONAL AND TOURISM ACTIVITIES**
  - **RISK MANAGEMENT POLICY**
  - **ROAD SIDE MEMORIALS**
  - **ROADSIDE VEGETATION CLEARING – FENCE LINE CLEARING**
  - **SENIOR STAFF**
  - **STAFF - OCCUPATIONAL SAFETY & HEALTH POLICY**
  - **STANDARDS FOR CEO RECRUITMENT, PERFORMANCE & TERMINATION**
  - **SUPERANNUATION CONTRIBUTION**
  - **TENDER PROCEDURE**
  - **TOURISM POLICY**
  - **TRADING IN PUBLIC PLACES POLICY**
- 4) **Declare the following policies in the Policy Manual 17 June 2022 as Management Policies subject to further review:**
- **AUTHORITY TO BURN**
  - **BURNING ON PUBLIC HOLIDAYS**
  - **CHILD SAFETY & WELFARE POLICY**
  - **CORPORATE CREDIT CARD POLICY**
  - **CROSSOVERS**
  - **EQUAL OPPORTUNITY**
  - **FITNESS FOR WORK – DRUG & ALCOHOL POLICY**
  - **INFORMATION TECHNOLOGY USE POLICY**
  - **LONG SERVICE RECOGNITION – GIFT VALUE**
  - **OPERATIONS OF PLANT BY STAFF ONLY**
  - **PRIVATE WORKS**
  - **PROTECTION OF KERBS/VERGES AND PATHWAYS**
  - **ROAD DRAINAGE**
  - **RURAL ROAD TREE PLANTING**
  - **SCHOOLS - WORK EXPERIENCE PROGRAMS**
  - **SEXUAL HARASSMENT AND COMPLAINTS/GRIEVANCE**
  - **SMOKING - BUILDINGS & WORKING ENVIRONMENT**
  - **STAFF - PROTECTION FROM THE SUN FOR OUTDOOR WORK**
  - **STAFF & COUNCILLORS ATTENDANCE AT CONFERENCES, TRAINING SEMINARS ETC**
  - **STAFF TRAINING**
  - **STATE RECORDS ACT**
  - **TENANCY AGREEMENTS**

- 5) Request the Chief Executive coordinate the amendment and publication of the Policy Manual and the new policy framework to reflect Council's current and future decisions on Shire of Northampton policies.
- 6) Introduce Council Policy category *Rangers and Emergency Services 11.x* as part of the new policy framework.

**COUNCIL RESOLUTION:**

**MOVED:** Horstman, R    **SECONDED:** Suckling, R

**06/24-46**

**That Council:**

- 1) Acknowledge that the review of policies applicable to the Shire of Northampton is likely to take many months to finalise and whilst this is occurring, two separate policy framework mechanisms will need to co-exist.
- 2) Rescind the following policies of the Policy Manual 17 June 2022:
  - **ADVERTISING COSTS FOR ROAD CLOSURES**
  - **AERIAL INSPECTION OF FIREBREAKS**
  - **ATTENDANCE TO LOCAL GOVERNMENT WEEK CONFERENCE**
  - **BANNING OF CAMPFIRES**
  - **BUILDING ON KALBARRI FORESHORE**
  - **BUSHFIRE TRAINING COURSES**
  - **COUNCILLORS OUT OF POCKET EXPENSES – TRAVEL EXPENSES**
  - **FIRE REPORTS**
  - **FUNDING FOR ONGOING COMMUNITY EVENTS**
  - **GRAVEL CONSTRUCTION OF RURAL ROADS**
  - **IMMATERIALITY BASE FOR FINANCIAL REPORTING**
  - **INFRINGEMENT NOTICES – BREACHES OF SWIMMING POOL REGULATIONS**
  - **ISSUING OF SECTION 23 CERTIFICATES UNDER THE STRATA TITLES ACT 1985**
  - **LANDSCAPING BOND – DEVELOPMENTS**
  - **PARKING ON KALBARRI FORESHORE RESERVE**
  - **REDUNDANCY POLICY**
  - **REGULATORY COMPLIANCE**



- REPRESENTATION – NORTHERN ZONE WA LOCAL GOVERNMENT ASSOCIATION
  - REVIEW OF POLICY MANUAL
  - SENIOR STAFF CAR POLICY
  - SEVERANCE PAY POLICY
  - SIDE SHOWS ON COUNCIL CONTROLLED LAND
  - SPORTING AND NON SPORTING ACHIEVEMENT SCHOLARSHIP PROGRAM
  - STAFF - BANK ACCOUNTS
  - STAFF HOUSING – APPLIANCES
  - STAFF TELEPHONES IN RESIDENCES
  - VEHICLE EMBLEMS
- 3) Declare the following policies in the Policy Manual 17 June 2022 as Council Policies subject to further review:
- APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER POLICY
  - ATTENDANCE AT EVENTS POLICY
  - CAMPING FOR ABORIGINAL CULTURAL PURPOSES
  - COMMUNITY BUS
  - COMMUNITY ENGAGEMENT POLICY
  - CONDITIONS OF APPROVAL OF ITINERANT FOOD VENDORS
  - DEBT RECOVERY
  - ELECTED MEMBER TRAINING & PROFESSIONAL DEVELOPMENT POLICY
  - EXECUTION OF DOCUMENTS
  - GIFTS
  - GRAVEL/SAND ROYALTIES
  - INDEPENDENT INSPECTION OF COUNCIL OWNED ASSETS - BUILDINGS
  - INVESTMENT OF SURPLUS FUNDS
  - LEGAL REPRESENTATION – COSTS INDEMNIFICATION
  - LEGISLATIVE COMPLIANCE POLICY
  - LOCAL PURCHASE POLICY
  - MEMORIAL SEATS

- **PETROLEUM, GAS, MINING & EXTRACTIVE INDUSTRIES POLICY**
  - **PUBLIC RELATIONS - PRESS RELEASES**
  - **PURCHASING AND TENDER GUIDE PURCHASING POLICY**
  - **RELATED PARTY DISCLOSURES POLICY**
  - **REQUIREMENTS FOR LICENCE AGREEMENTS TO USE CROWN RESERVES FOR COMMERCIAL, RECREATIONAL AND TOURISM ACTIVITIES**
  - **RISK MANAGEMENT POLICY**
  - **ROAD SIDE MEMORIALS**
  - **ROADSIDE VEGETATION CLEARING – FENCE LINE CLEARING**
  - **SENIOR STAFF**
  - **STAFF - OCCUPATIONAL SAFETY & HEALTH POLICY**
  - **STANDARDS FOR CEO RECRUITMENT, PERFORMANCE & TERMINATION**
  - **SUPERANNUATION CONTRIBUTION**
  - **TENDER PROCEDURE**
  - **TOURISM POLICY**
  - **TRADING IN PUBLIC PLACES POLICY**
- 4) **Declare the following policies in the Policy Manual 17 June 2022 as Management Policies subject to further review:**
- **AUTHORITY TO BURN**
  - **BURNING ON PUBLIC HOLIDAYS**
  - **CHILD SAFETY & WELFARE POLICY**
  - **CORPORATE CREDIT CARD POLICY**
  - **CROSSOVERS**
  - **EQUAL OPPORTUNITY**
  - **FITNESS FOR WORK – DRUG & ALCOHOL POLICY**
  - **INFORMATION TECHNOLOGY USE POLICY**
  - **LONG SERVICE RECOGNITION – GIFT VALUE**
  - **OPERATIONS OF PLANT BY STAFF ONLY**
  - **PRIVATE WORKS**
  - **PROTECTION OF KERBS/VERGES AND PATHWAYS**

- ROAD DRAINAGE
- RURAL ROAD TREE PLANTING
- SCHOOLS - WORK EXPERIENCE PROGRAMS
- SEXUAL HARASSMENT AND COMPLAINTS/GRIEVANCE
- SMOKING - BUILDINGS & WORKING ENVIRONMENT
- STAFF - PROTECTION FROM THE SUN FOR OUTDOOR WORK
- STAFF & COUNCILLORS ATTENDANCE AT CONFERENCES, TRAINING SEMINARS ETC
- STAFF TRAINING
- STATE RECORDS ACT
- TENANCY AGREEMENTS

5) Request the Chief Executive coordinate the amendment and publication of the Policy Manual and the new policy framework to reflect Council's current and future decisions on Shire of Northampton policies.

6) Introduce Council Policy category *Rangers and Emergency Services 11.x* as part of the new policy framework.

**MOTION CARRIED 7/0**

**FOR**

Cr L Sudlow  
Cr R Horstman  
Cr R Burges  
Cr T Gibb  
Cr T Hay  
Cr D Pike  
Cr R Suckling

**AGAINST**

**ATTACHMENT  
APPENDIX**

**9.1.8 Review of Policy - Purchasing and Tender Guide Purchasing**

<b>PROPONENT</b>	Shire of Northampton
<b>OWNER</b>	Shire of Northampton
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>ZONE:</b>	All
<b>BUSINESS AREA:</b>	Office of CEO
<b>FILE REFERENCE:</b>	4.1.15
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Andrew Campbell
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	26 May 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

As part of the major review of the Shire of Northampton Policy Manual, the Purchasing and Tender Guide Purchasing Policy has been reviewed.

The purpose of this report is for Council to consider the reviewed policy including the change of name to "Purchasing Policy". A copy of the Purchasing and Tender Guide Purchasing Policy is appended.

**APPENDIX: 9.1.8 (A)**

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

The Purchasing and Tender Guide Policy has been reviewed with the major principles carried through into the new policy template.

Significant proposed amendments to the policy include:

<b>Change</b>	<b>Reason</b>
Re-naming to the Purchasing Policy	To align with the policy purpose.
Removing all references to Tropical Cyclone Seroja	TC Seroja expenditure provisions were introduced to suit the need at the time, but this is no longer required.
Remove the need for Council to authorise purchasing between \$50,001 and \$249,999	This contrary to the Delegations Register. Council authorises the budget and expenditure by employees is tied to that authorisation. Expenditure of this

	magnitude will be authorised by the CEO to ensure sufficient controls are in place.
Remove verbal quotations.	Verbal quotations are fraught with issues. Written quotations are best practice.
Add Controls around authorisations of expenditure.	Adds elements from the Regulatory Compliance policy that is recommended for deletion.

It is recommended that Council consider the adoption of Corporate Policy Purchasing Policy in lieu of the Purchasing and Tender Guide Purchasing Policy as per the attachment.

### ATTACHMENT: 9.1.8 (1)

#### STATUTORY ENVIRONMENT:

Policies are created under the *Local Government Act 1995*.

#### POLICY / STRATEGIC IMPLICATIONS:

This is a review of an existing policy with incorporation of elements from another policy that is recommended to be deleted.

#### ORGANISATIONAL RISK MANAGEMENT:

Risk rating is considered Major as the policy ensures compliance with the *Local Government Act 1995*.

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: Expenditure by the Shire of Northampton economically benefits local communities.

Social: Nil.

**VOTING REQUIREMENTS:                      SIMPLE MAJORITY**

**OFFICER RECOMMENDATION:**

**That Council adopt policy 2.3 *Purchasing Policy* in accordance with ATTACHMENT: 9.1.8 (1).**

**COUNCIL RESOLUTION:**

**MOVED: Burges, R                      SECONDED: Gibb, T**

**06/24-47**

**That Council adopt policy 2.3 *Purchasing Policy* in accordance with ATTACHMENT: 9.1.8 (1).**

**MOTION CARRIED 7/0**

**FOR**

Cr L Sudlow  
Cr R Horstman  
Cr R Burges  
Cr T Gibb  
Cr T Hay  
Cr D Pike  
Cr R Suckling

**AGAINST**

**ATTACHMENT  
APPENDIX**

**9.1.9 Review of Policy - Tender Procedure**

<b>PROPONENT</b>	Shire of Northampton
<b>OWNER</b>	Shire of Northampton
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>ZONE:</b>	All
<b>BUSINESS AREA:</b>	Office of CEO
<b>FILE REFERENCE:</b>	4.1.15
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Andrew Campbell
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	26 May 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

As part of the major review of the Shire of Northampton Policy Manual, the Tender Procedure has been reviewed.

The purpose of this report is for Council to consider the reviewed policy including the change of name to "Tendering Policy". A copy of the Tender Procedure policy is appended.

**APPENDIX: 9.1.9 (A)**

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

Whilst the Tender Procedure policy should be read in conjunction with the proposed deleted Regulatory Compliance policy, the Tender Procedure policy is clearly inadequate from a statutory perspective and requires a major review.

The author of this report has utilised and adapted a tested policy from previous employment which was developed and evolved over many years. It is considered the proposed policy will align the Shire of Northampton to statutory obligations required through the *Local Government Act 1995*. As the proposed Tendering Policy is so different to the existing Tender Procedure policy, it is recommended that Council absorb the policy in its entirety well before the Council meeting so that questions and clarity can be provided by the author if required.

It is recommended that Council consider the adoption of Corporate Policy Tendering Policy in replacement of the Tender Procedure Policy as per the attachment.

**ATTACHMENT: 9.1.9 (1)**

**STATUTORY ENVIRONMENT:**

Policies are created under the *Local Government Act 1995*.

**POLICY / STRATEGIC IMPLICATIONS:**

This is a review of an existing policy with incorporation of elements from another policy that is recommended to be deleted.

**ORGANISATIONAL RISK MANAGEMENT:**

Risk rating is considered Major as the policy ensures compliance with the *Local Government Act 1995*.

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 adopt Corporate Policy 2.4 Tendering Policy in accordance with ATTACHMENT: 9.1.9 (1).**



**COUNCIL RESOLUTION:**

**MOVED: Suckling, R      SECONDED: Horstman, R**

**06/24-48**

**That Council adopt Corporate Policy 2.4 *Tendering Policy* in accordance with ATTACHMENT: 9.1.9 (1).**

**MOTION CARRIED 7/0**

**FOR**

Cr L Sudlow  
Cr R Horstman  
Cr R Burges  
Cr T Gibb  
Cr T Hay  
Cr D Pike  
Cr R Suckling

**AGAINST**

**ATTACHMENT****9.1.10 Proposed New Policy - Community Grants Program**

<b>PROPONENT OWNER</b>	Shire of Northampton
<b>LOCATION / ADDRESS:</b>	Shire of Northampton
<b>ZONE:</b>	Whole of Shire
<b>BUSINESS AREA:</b>	All
<b>FILE REFERENCE:</b>	Office of CEO
<b>LEGISLATION:</b>	4.1.15
<b>AUTHOR:</b>	<i>Local Government Act 1995</i>
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	Andrew Campbell
<b>DECLARATION OF INTEREST:</b>	23 May 2024
	Nil

**BACKGROUND:**

The Community Grants Advisory Committee has met three times in 2024 since formation in late 2023.

The Terms of Reference for that Community Grants Advisory Committee are as follows:

1. To develop and review the process for the receipt of community grants requests.
2. To develop and review the process for the determination of priority for awarding community grants.
3. To recommend to Council any additional committee membership.
4. To make recommendations to Council as to the distribution of community grants.

The Community Grants Advisory Committee has been working toward establishing a Community Grants Program for the 2024/25 financial year and an important part of this process is to establish a Council Policy to guide community grant applicants, the Community Grants Advisory Committee undertaking assessments of community grant applications, and Council when making final decisions.

The purpose of this report is for Council to consider the proposed Council Policy 5.1 Community Grants Program (Policy).

**ATTACHMENT: 9.1.10 (1)**

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

The proposed Policy has been formulated with the intent to guide applicants, the Community Grants Advisory Committee, and Council to ensure the open

and transparent distribution of public funds for the Shire of Northampton Community Grant Program occurs.

The Policy is broken into four general grant categories of:

1. General Community Group Projects / Community Group Financial Hardship;
2. Youth and Community Youth Groups;
3. Events; and
4. Community Skills and Capacity Building.

The Policy has guiding objectives:

1. To support the community to improve liveability, support, connectedness and participation by evolving the sense of community;
2. To improve visitation and liveability by supporting community led events;
3. To encourage the social activation of youth in the district;
4. To provide seed funding or co-contribution financial support for the community to make funding applications;
5. To provide an open, transparent and equitable mechanism for Council to distribute community grants; and
6. To grow the funding pool for the Community Grants Program through sourcing additional funds through external sources.

Finally, the policy provides for conditions to guide applications, assessment, and Council decisions to ensure openness and transparency for the Community Grant Program.

The Community Grants Advisory Committee has provided scrutiny and support to the Policy and on this basis, it is recommended to Council for approval.

#### **STATUTORY ENVIRONMENT:**

Policies are created and guided by the requirements of the *Local Government Act 1995*.

#### **POLICY / STRATEGIC IMPLICATIONS:**

Policies are considered to be guiding documents and do not necessarily mean that Council must follow them in decision making. Council policies are able to be amended by Council at any time and are subject to a review period.

The proposed Policy will allow for open and transparent distribution of public funds to benefit the community.

#### **ORGANISATIONAL RISK MANAGEMENT:**

Risk rating is considered 3 (Moderate) for the reason that failure to have a policy dealing with the distribution of community grants could result in inconsistent decision making by Council leading to prospective significant and substantiated reputational damage.

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:

Council has allocated \$100,000 to the Community Grant Program for 2024/25.

### SUSTAINABILITY:

Environmental: Community grants could be used for environmental initiatives in the community.

Economic: Local spending of community grant funds will assist local economies. The hosting of events will bring visitation to the community, therefore support the local economy.

Social: Community groups create social connectedness and financial support through the Community Grant Program.

### VOTING REQUIREMENTS:                      SIMPLE MAJORITY

### OFFICER RECOMMENDATION:

**That Council adopt Council Policy 5.1 Community Grants Program in accordance with ATTACHMENT: 9.1.10 (1).**

**COUNCIL RESOLUTION:**

**MOVED: Pike, D**

**SECONDED: Gibb, T**

**06/24-49**

**That Council adopt Council Policy 5.1 Community Grants Program in accordance with ATTACHMENT: 9.1.10 (1).**

**MOTION CARRIED 7/0**

**FOR**

Cr L Sudlow  
Cr R Horstman  
Cr R Burges  
Cr T Gibb  
Cr T Hay  
Cr D Pike  
Cr R Suckling

**AGAINST**

**ATTACHMENT  
APPENDIX**

**9.1.11 Review of Policy - Senior Staff**

<b>PROPONENT</b>	Shire of Northampton
<b>OWNER</b>	Shire of Northampton
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>ZONE:</b>	All
<b>BUSINESS AREA:</b>	Office of CEO
<b>FILE REFERENCE:</b>	4.1.15
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Andrew Campbell
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	25 May 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

As part of the major review of the Shire of Northampton Policy Manual, the Senior Staff policy has been reviewed.

The purpose of this report is for Council to consider a reviewed policy including the change of name to “Designation of Senior Employees”. A copy of the Senior Staff policy is appended.

**APPENDIX: 9.1.11 (A)**

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

The current Senior Staff Policy has been reviewed and contemporised by changing the name to a meaningful description, included additional statutory information, and updating positions to reflect the current structure.

The proposed Designation of Senior Employees is attached for consideration of Council.

**ATTACHMENT: 9.1.11 (1)**

**STATUTORY ENVIRONMENT:**

Policies are created under the *Local Government Act 1995*.

**POLICY / STRATEGIC IMPLICATIONS:**

This is a review of an existing policy.

**ORGANISATIONAL RISK MANAGEMENT:**

Risk rating is considered Moderate as the policy ensures compliance with the *Local Government Act 1995*.

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: NilEconomic: Nil.Social: Nil.**VOTING REQUIREMENTS:****SIMPLE MAJORITY****OFFICER RECOMMENDATION:**

**That Council adopt policy 2.1 Designation of Senior Employees in accordance with ATTACHMENT: 9.1.11 (1).**

**COUNCIL RESOLUTION:**

**MOVED: Sudlow, L      SECONDED: Hay, T**

**06/24-50**

**That Council adopt policy *2.1 Designation of Senior Employees* in accordance with ATTACHMENT: 9.1.11 (1).**

**MOTION CARRIED 7/0**

**FOR**

Cr L Sudlow  
Cr R Horstman  
Cr R Burges  
Cr T Gibb  
Cr T Hay  
Cr D Pike  
Cr R Suckling

**AGAINST**



**ATTACHMENT  
APPENDIX**

**9.1.12 Review of Policy - Appointment of Acting Chief Executive Officer**

<b>PROPONENT</b>	Shire of Northampton
<b>OWNER</b>	Shire of Northampton
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>ZONE:</b>	All
<b>BUSINESS AREA:</b>	Office of CEO
<b>FILE REFERENCE:</b>	4.1.15
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Andrew Campbell
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	25 May 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

As part of the major review of the Shire of Northampton Policy Manual, the Appointment of Acting Chief Executive Officer policy has been reviewed.

The purpose of this report is for Council to consider a reviewed policy. A copy of the Appointment of Acting Chief Executive Officer policy is appended.

**APPENDIX: 9.1.12 (X)**

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

The current policy has been reviewed and put into the new template in a more simplistic contemporary form.

The proposed Appointment of Acting Chief Executive Officer is attached for consideration of Council.

**ATTACHMENT: 9.1.12 (1)**

**STATUTORY ENVIRONMENT:**

Policies are created under the *Local Government Act 1995*.

**POLICY / STRATEGIC IMPLICATIONS:**

This is a review of an existing policy.

**ORGANISATIONAL RISK MANAGEMENT:**

Risk rating is considered Moderate as the policy ensures the organisation can still function with appropriate decision making in the absence of the CEO and other Senior Employees.

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 adopt policy 2.2 *Appointment of Acting Chief Executive Officer* in accordance with ATTACHMENT: 9.1.12 (1).**

**COUNCIL RESOLUTION:**

**MOVED: Suckling, R      SECONDED: Gibb, T**

**06/24-51**

**That Council adopt policy 2.2 *Appointment of Acting Chief Executive Officer* in accordance with ATTACHMENT: 9.1.12 (1).**

**MOTION CARRIED 7/0**

**FOR**

Cr L Sudlow  
Cr R Horstman  
Cr R Burges  
Cr T Gibb  
Cr T Hay  
Cr D Pike  
Cr R Suckling

**AGAINST**

**ATTACHMENT  
APPENDIX**

**9.1.13 Review of Policies - Gifts plus Attendance at Events**

<b>PROPONENT</b>	Shire of Northampton
<b>OWNER</b>	Shire of Northampton
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>ZONE:</b>	All
<b>BUSINESS AREA:</b>	Office of CEO
<b>FILE REFERENCE:</b>	4.1.15
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Andrew Campbell
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	26 May 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

As part of the major review of the Shire of Northampton Policy Manual, the Gift Policy and Attendance at Events Policy have been reviewed.

The purpose of this report is for Council to consider the reviewed policies including the change of name to “Gifts, Accommodation and Travel”. A copy of the Gifts Policy and Attendance at Events Policy are appended.

**APPENDIX: 9.1.13 (A)  
APPENDIX: 9.1.13 (B)**

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil

**COMMENT (Includes Options):**

The Gifts Policy was reviewed and adopted by Council on 16 June 2023 to ensure conformance with current legislation. This policy is still applicable and has just been transferred into the new policy format.

The reason that the Attendance at Events Policy also forms part of the review is that the reviewed Gifts Policy also incorporated the information contained in that policy albeit in a more compliant form.

It is recommended that Council consider the adoption of Council Policy - Gifts, Accommodation and Travel in lieu of the Gifts Policy and Attendance at Events Policy as per the attachment.

**ATTACHMENT: 9.1.13 (1)**

**STATUTORY ENVIRONMENT:**

Policies are created under the *Local Government Act 1995*.

**POLICY / STRATEGIC IMPLICATIONS:**

This is a review of two existing policies.

**ORGANISATIONAL RISK MANAGEMENT:**

Risk rating is considered Moderate as the policy ensures compliance with the *Local Government Act 1995*.

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 adopt policy 1.1 Gifts, Accommodation and Travel in accordance with ATTACHMENT: 9.1.13 (1).**

**COUNCIL RESOLUTION:**

**MOVED: Gibb, T**

**SECONDED: Horstman, R**

**06/24-52**

**That Council adopt policy *1.1 Gifts, Accommodation and Travel* in accordance with ATTACHMENT: 9.1.13 (1).**

**MOTION CARRIED 7/0**

**FOR**

Cr L Sudlow  
Cr R Horstman  
Cr R Burges  
Cr T Gibb  
Cr T Hay  
Cr D Pike  
Cr R Suckling

**AGAINST**

**ATTACHMENT  
APPENDIX**

**9.1.14 Review of Policy - Public Relations - Media Releases**

<b>PROPONENT</b>	Shire of Northampton
<b>OWNER</b>	Shire of Northampton
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>ZONE:</b>	All
<b>BUSINESS AREA:</b>	Office of CEO
<b>FILE REFERENCE:</b>	4.1.15
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Andrew Campbell
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	26 May 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

As part of the major review of the Shire of Northampton Policy Manual, the Public Relations – Media Releases has been reviewed.

The purpose of this report is for Council to consider a reviewed policy including the change of name to *Communication with the Media*. A copy of the Public Relations – Media Releases is appended.

**APPENDIX: 9.1.14 (A)**

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

The current policy has been reviewed and put into the new template in a more simplistic contemporary form along with the name change to *Communication with the Media*.

The proposed *Communication with the Media* is attached for consideration of Council.

**ATTACHMENT: 9.1.14 (1)**

**STATUTORY ENVIRONMENT:**

Policies are created under the *Local Government Act 1995*.

**POLICY / STRATEGIC IMPLICATIONS:**

This is a review of an existing policy.

**ORGANISATIONAL RISK MANAGEMENT:**

Risk rating is considered Moderate as the policy protects against potential reputational damage.

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 adopt policy 1.2 *Communication with the Media* in accordance with ATTACHMENT: 9.1.14 (1).**



**COUNCIL RESOLUTION:**

**MOVED: Pike, D**

**SECONDED: Burges, R**

**06/24-53**

**That Council adopt policy 1.2 *Communication with the Media* in accordance with ATTACHMENT: 9.1.14 (1).**

**MOTION CARRIED 7/0**

**FOR**

Cr L Sudlow  
Cr R Horstman  
Cr R Burges  
Cr T Gibb  
Cr T Hay  
Cr D Pike  
Cr R Suckling

**AGAINST**

**ATTACHMENT  
APPENDIX**

**9.1.15 Review of Policy - Local Purchase**

<b>PROPONENT</b>	Shire of Northampton
<b>OWNER</b>	Shire of Northampton
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>ZONE:</b>	All
<b>BUSINESS AREA:</b>	Office of CEO
<b>FILE REFERENCE:</b>	4.1.15
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Andrew Campbell
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	26 May 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

As part of the major review of the Shire of Northampton Policy Manual, the Local Purchase Policy has been reviewed.

The purpose of this report is for Council to consider the reviewed policy including the change of name to “Regional Price Preference Policy”. A copy of the Local Purchase Policy is appended.

**APPENDIX: 9.1.15 (A)**

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

The Local Purchase Policy has been reviewed and updated to contemporise the policy proposed to be named Regional Price Preference.

Other than the proposed re-naming the major changes include the strengthening of governance guidelines and providing a different mechanism to calculate local purchasing opportunities. The Local Purchase Policy provides a blanket 5% advantage for local purchasing. The proposed Regional Price Preference Policy will apply to purchasing above \$20,000 via written quotation or Tender. It is considered likely that any purchasing at \$20,000 or below would be primarily sourced locally wherever possible if suppliers or contractors were available as there is no requirement of employees to test the market.

It is recommended that Council consider the adoption of Corporate Policy Regional Price Preference Policy in lieu of the Local Purchase Policy as per the attachment.

**ATTACHMENT: 9.1.15 (1)**

**STATUTORY ENVIRONMENT:**

Policies are created under the *Local Government Act 1995*.

**POLICY / STRATEGIC IMPLICATIONS:**

This is a review of an existing policy with incorporation of elements from another policy that is recommended to be deleted.

**ORGANISATIONAL RISK MANAGEMENT:**

Risk rating is considered Minor as it is Council's choice to adopt it.

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:**

Both the current and proposed policy could add additional expense to the Shire of Northampton if utilised.

**SUSTAINABILITY:**

Environmental: Nil.

Economic: This policy assists local suppliers and contractors.

Social: Nil.

**VOTING REQUIREMENTS:**

**SIMPLE MAJORITY**

**OFFICER RECOMMENDATION:**

**That Council adopt policy 2.5 *Regional Price Preference* in accordance with ATTACHMENT: 9.1.15 (1).**

**COUNCIL RESOLUTION:**

**MOVED:** Horstman, R    **SECONDED:** Hay, T

**06/24-54**

**That Council adopt policy 2.5 *Regional Price Preference* in accordance with ATTACHMENT: 9.1.15 (1).**

**MOTION CARRIED 7/0**

**FOR**

Cr L Sudlow  
Cr R Horstman  
Cr R Burges  
Cr T Gibb  
Cr T Hay  
Cr D Pike  
Cr R Suckling

**AGAINST**

**ATTACHMENT  
APPENDIX**

**9.1.16 Review of Policy - Investment of Surplus Funds**

<b>PROPONENT</b>	Shire of Northampton
<b>OWNER</b>	Shire of Northampton
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>ZONE:</b>	All
<b>BUSINESS AREA:</b>	Office of CEO
<b>FILE REFERENCE:</b>	4.1.15
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Andrew Campbell
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	26 May 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

As part of the major review of the Shire of Northampton Policy Manual, the Investment of Surplus Funds Policy has been reviewed.

The purpose of this report is for Council to consider the reviewed policy. A copy of the Investment of Surplus Funds Policy is appended.

**APPENDIX: 9.1.16 (A)**

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

The Investment of Surplus Funds is considered a robust and conservative policy that minimises investment risk. Changes proposed only include reflecting the new organisational structure in addition to the transition to the new policy framework.

**ATTACHMENT: 9.1.16 (1)**

**STATUTORY ENVIRONMENT:**

Policies are created under the *Local Government Act 1995*.

**POLICY / STRATEGIC IMPLICATIONS:**

This is a review of an existing policy.

**ORGANISATIONAL RISK MANAGEMENT:**

Risk rating is considered Major if high risk investment fails.

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:

It is important that the Shire of Northampton takes a risk averse approach to investment.

#### SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

#### VOTING REQUIREMENTS: SIMPLE MAJORITY

#### OFFICER RECOMMENDATION:

That Council adopt policy **2.6 Investment of Surplus Funds** in accordance with ATTACHMENT: 9.1.16 (1).

**COUNCIL RESOLUTION:**

**MOVED: Suckling, R      SECONDED: Burges, R**

**06/24-55**

**That Council adopt policy 2.6 *Investment of Surplus Funds* in accordance with ATTACHMENT: 9.1.16 (1).**

**MOTION CARRIED 7/0**

**FOR**

Cr L Sudlow  
Cr R Horstman  
Cr R Burges  
Cr T Gibb  
Cr T Hay  
Cr D Pike  
Cr R Suckling

**AGAINST**

**ATTACHMENT  
APPENDIX**

**9.1.17 Review of Policy - Related Party Disclosures**

<b>PROPONENT</b>	Shire of Northampton
<b>OWNER</b>	Shire of Northampton
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>ZONE:</b>	All
<b>BUSINESS AREA:</b>	Office of CEO
<b>FILE REFERENCE:</b>	4.1.15
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Andrew Campbell
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	26 May 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

As part of the major review of the Shire of Northampton Policy Manual, the Related Party Disclosures Policy has been reviewed.

The purpose of this report is for Council to consider the reviewed policy. A copy of the Related Party Disclosures Policy is appended.

**APPENDIX: 9.1.17 (A)**

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil

**COMMENT (Includes Options):**

The Related Party Disclosures Policy is up to date and considered appropriate. Changes proposed only include reflecting the new organisational structure in addition to the transition to the new policy framework.

**ATTACHMENT: 9.1.17 (1)**

**STATUTORY ENVIRONMENT:**

Policies are created under the *Local Government Act 1995*.

**POLICY / STRATEGIC IMPLICATIONS:**

This is a review of an existing policy.

**ORGANISATIONAL RISK MANAGEMENT:**

Risk rating is considered Moderate if standards are not met and maintained.



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 adopt policy 2.7 Related Party Disclosures in accordance with ATTACHMENT: 9.1.17 (1).**

**COUNCIL RESOLUTION:**

**MOVED: Gibb, T**

**SECONDED: Hay, T**

**06/24-56**

**That Council adopt policy 2.7 *Related Party Disclosures* in accordance with ATTACHMENT: 9.1.17 (1).**

**MOTION CARRIED 7/0**

**FOR**

Cr L Sudlow  
Cr R Horstman  
Cr R Burges  
Cr T Gibb  
Cr T Hay  
Cr D Pike  
Cr R Suckling

**AGAINST**

**ATTACHMENT  
APPENDIX**

**9.1.18 Review of Policy - Execution of Documents**

<b>PROPONENT</b>	Shire of Northampton
<b>OWNER</b>	Shire of Northampton
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>ZONE:</b>	All
<b>BUSINESS AREA:</b>	Office of CEO
<b>FILE REFERENCE:</b>	4.1.15
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Andrew Campbell
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	26 May 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

As part of the major review of the Shire of Northampton Policy Manual, the Execution of Documents Policy has been reviewed.

The purpose of this report is for Council to consider the reviewed policy including a name change to Authority to Execute Documents on Behalf of Council. A copy of the Execution of Documents Policy is appended.

**APPENDIX: 9.1.18 (A)**

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

It is considered that the Execution of Documents Policy is silent on several important matters that would increase the efficiency of the Shire of Northampton. Whilst the Delegations Register already captures the majority of these matters it is important that the policy also aligns. The proposed policy is attached.

**ATTACHMENT: 9.1.18 (1)**

**STATUTORY ENVIRONMENT:**

Policies are created under the *Local Government Act 1995*.

**POLICY / STRATEGIC IMPLICATIONS:**

This is a review of an existing policy.

**ORGANISATIONAL RISK MANAGEMENT:**

Risk rating is considered Minor as the outcome if not supported will mean in a decrease in efficiency.

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 adopt policy 2.8 Authority to Execute Documents on Behalf of Council in accordance with ATTACHMENT: 9.1.18 (1).**

**COUNCIL RESOLUTION:**

**MOVED: Suckling, R      SECONDED: Burges, R**

**06/24-57**

**That Council adopt policy *2.8 Authority to Execute Documents on Behalf of Council* in accordance with ATTACHMENT: 9.1.18 (1).**

**MOTION CARRIED 7/0**

**FOR**

Cr L Sudlow  
Cr R Horstman  
Cr R Burges  
Cr T Gibb  
Cr T Hay  
Cr D Pike  
Cr R Suckling

**AGAINST**

**ATTACHMENT****9.1.19 Proposed New Policy - Fraud Management**

<b>PROPONENT</b>	Shire of Northampton
<b>OWNER</b>	Shire of Northampton
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>ZONE:</b>	All
<b>BUSINESS AREA:</b>	Office of CEO
<b>FILE REFERENCE:</b>	4.1.15
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Andrew Campbell
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	26 May 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

During the major review of the Shire of Northampton Policy Manual it appears that a significant policy is missing, that being a Fraud Management policy.

A Fraud Management policy has been prepared for Council's consideration.

**ATTACHMENT: 9.1.19 (1)**

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

Council should consider fraud as one of the most serious risks to the organisation. Adequate controls and governance must be in place at all times to ensure fraudulent activity does not occur.

The proposed policy Fraud Management is recommended to Council for adoption.

**STATUTORY ENVIRONMENT:**

Policies are created under the *Local Government Act 1995*.

**POLICY / STRATEGIC IMPLICATIONS:**

The proposed policy is designed to ensure adequate controls are established to mitigate the risk of fraud.

**ORGANISATIONAL RISK MANAGEMENT:**

Risk rating is considered Major as fraud can have very serious consequences.

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 adopt policy 2.9 *Fraud Management* in accordance with ATTACHMENT: 9.1.19 (1).**

**COUNCIL RESOLUTION:**

**MOVED: Sudlow, L      SECONDED: Gibb, T**

**06/24-58**

**That Council adopt policy 2.9 *Fraud Management* in accordance with  
ATTACHMENT: 9.1.19 (1).**

**MOTION CARRIED 7/0**

**FOR**

Cr L Sudlow  
Cr R Horstman  
Cr R Burges  
Cr T Gibb  
Cr T Hay  
Cr D Pike  
Cr R Suckling

**AGAINST**



**ATTACHMENT  
APPENDIX**

**9.1.20 Review of Policy - Superannuation Contribution**

<b>PROPONENT</b>	Shire of Northampton
<b>OWNER</b>	Shire of Northampton
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>ZONE:</b>	All
<b>BUSINESS AREA:</b>	Office of CEO
<b>FILE REFERENCE:</b>	4.1.15
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Andrew Campbell
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	27 May 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

As part of the major review of the Shire of Northampton Policy Manual, the Superannuation Contribution policy has been reviewed.

The purpose of this report is for Council to consider a reviewed policy including the change of name to *Additional Superannuation Contributions for Employees*. A copy of the Superannuation Contribution policy is appended.

**APPENDIX: 9.1.20 (A)**

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

Other than changing the name of the policy to more appropriately define the meaning of the policy, and transitioning the policy to the new policy format, the only significant change to the policy is to remove the amount of the compulsory Superannuation contribution which is incorrect and has increased in recent years.

The proposed *Additional Superannuation Contributions for Employees* policy is attached for consideration of Council.

**ATTACHMENT: 9.1.20 (1)**

**STATUTORY ENVIRONMENT:**

Policies are created under the *Local Government Act 1995*.

**POLICY / STRATEGIC IMPLICATIONS:**

This policy is designed to attract and retain employees.

**ORGANISATIONAL RISK MANAGEMENT:**

Risk rating is considered Minor for new employees albeit existing arrangements would still need to be maintained for existing employees regardless of what decision Council takes.

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:**

Council has had this policy in place for a number of years and the reviewed policy adds no additional cost to the Shire of Northampton.

**SUSTAINABILITY:**

Environmental: Nil.

Economic: Nil.

Social: Nil.

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

**That Council adopt policy 2.10 Additional Superannuation Contributions for Employees in accordance with ATTACHMENT: 9.1.20 (1).**

**COUNCIL RESOLUTION:**

**MOVED: Gibb, T**

**SECONDED: Hay, T**

**06/24-59**

**That Council adopt policy 2.10 *Additional Superannuation Contributions for Employees* in accordance with ATTACHMENT: 9.1.20 (1).**

**MOTION CARRIED 7/0**

**FOR**

Cr L Sudlow  
Cr R Horstman  
Cr R Burges  
Cr T Gibb  
Cr T Hay  
Cr D Pike  
Cr R Suckling

**AGAINST**

**ATTACHMENT  
APPENDIX**

**9.1.21 Review of Policy - Standards for CEO Recruitment, Performance and Termination**

<b>PROPONENT</b>	Shire of Northampton
<b>OWNER</b>	Shire of Northampton
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>ZONE:</b>	All
<b>BUSINESS AREA:</b>	Office of CEO
<b>FILE REFERENCE:</b>	4.1.15
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Andrew Campbell
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	27 May 2024
<b>DECLARATION OF INTEREST:</b>	The author is the current CEO of the Shire of Northampton

**BACKGROUND:**

As part of the major review of the Shire of Northampton Policy Manual, the Standards for CEO Recruitment, Performance and Termination policy has been reviewed.

A copy of the CEO Recruitment, Performance and Termination policy is appended.

**APPENDIX: 9.1.21 (A)**

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

There are no proposed changes to the existing policy other than to transition it into the new policy format. A copy of the proposed policy is attached.

**ATTACHMENT: 9.1.21 (1)**

**STATUTORY ENVIRONMENT:**

Policies are created under the *Local Government Act 1995*.

**POLICY / STRATEGIC IMPLICATIONS:**

This is a review of an existing policy.

**ORGANISATIONAL RISK MANAGEMENT:**

Risk rating is considered Major as not having this policy may jeopardise the legitimacy of the position of CEO in the organisation.

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 adopt policy 1.3 *Standards for CEO Recruitment, Performance and Termination* in accordance with ATTACHMENT: 9.1.21 (1).**

**COUNCIL RESOLUTION:**

**MOVED:** Horstman, R    **SECONDED:** Suckling, R

**06/24-60**

**That Council adopt policy 1.3 *Standards for CEO Recruitment, Performance and Termination* in accordance with ATTACHMENT: 9.1.21 (1).**

**MOTION CARRIED 7/0**

**FOR**

Cr L Sudlow  
Cr R Horstman  
Cr R Burges  
Cr T Gibb  
Cr T Hay  
Cr D Pike  
Cr R Suckling

**AGAINST**

**ATTACHMENT  
APPENDIX**

**9.1.22 Review of Policy - Elected Member Training and Professional Development**

<b>PROPONENT</b>	Shire of Northampton
<b>OWNER</b>	Shire of Northampton
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>ZONE:</b>	All
<b>BUSINESS AREA:</b>	Office of CEO
<b>FILE REFERENCE:</b>	4.1.15
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Andrew Campbell
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	27 May 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

As part of the major review of the Shire of Northampton Policy Manual, the Elected Member Training and Professional Development policy has been reviewed.

A copy of the Elected Member Training and Professional Development policy is appended.

**APPENDIX: 9.1.22 (A)**

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

It is proposed to change the name of the policy from Elected Members Training and Professional Development to Councillors Training and Professional Development in more of a personal preference of the author.

The actual policy content has been simplified so as to not be overly prescriptive as the current policy appears to be but also to reflect provisions for travel and expense reimbursement in accordance with current practice. The intent is to provide for more flexibility as opportunities arise.

The proposed Councillor Training and Professional Development policy is attached.

**ATTACHMENT: 9.1.22 (1)**

**STATUTORY ENVIRONMENT:**

Policies are created under the *Local Government Act 1995*.

**POLICY / STRATEGIC IMPLICATIONS:**

This is a review of an existing policy.

**ORGANISATIONAL RISK MANAGEMENT:**

Risk rating is considered Insignificant as it is Council's choice to allow Councillors to undertake training and professional development.

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:**

This policy is likely to have financial consequences however the annual budget will make provision for this like it has done in the past.

**SUSTAINABILITY:**

Environmental: Nil.

Economic: Nil.

Social: Nil.

**VOTING REQUIREMENTS:**

**SIMPLE MAJORITY**

**OFFICER RECOMMENDATION:**

**That Council adopt policy 1.4 Councillor Training and Professional Development in accordance with ATTACHMENT: 9.1.22 (1) .**



**COUNCIL RESOLUTION:**

**MOVED: Suckling, R      SECONDED: Gibb, T**

**06/24-61**

**That Council adopt policy *1.4 Councillor Training and Professional Development* in accordance with ATTACHMENT: 9.1.22 (1) .**

**MOTION CARRIED 7/0**

**FOR**

Cr L Sudlow  
Cr R Horstman  
Cr R Burges  
Cr T Gibb  
Cr T Hay  
Cr D Pike  
Cr R Suckling

**AGAINST**

**ATTACHMENT****9.1.23 Proposed New Policy - Internal Control**

<b>PROPONENT</b>	Shire of Northampton
<b>OWNER</b>	Shire of Northampton
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>ZONE:</b>	All
<b>BUSINESS AREA:</b>	Office of CEO
<b>FILE REFERENCE:</b>	4.1.15
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Andrew Campbell
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	28 May 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

During a review of the Financial Management System Review findings from July 2022, it was identified that the Shire of Northampton did not have an Internal Control policy.

The Chief Executive Officer has now produced a draft policy and is now provided to Council for their consideration.

**ATTACHMENT: 9.1.23 (1)**

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

The Internal Control policy really is designed as a motherhood statement to capture the organisation's commitment to internal controls required by statutory and policy frameworks. It is recommended Council consider adopting a policy of this nature as attached.

**STATUTORY ENVIRONMENT:**

Policies are created under the *Local Government Act 1995*.

**POLICY / STRATEGIC IMPLICATIONS:**

The proposed policy is designed to ensure the organisation states a commitment to adequate internal controls.

**ORGANISATIONAL RISK MANAGEMENT:**

Risk rating is considered Minor as the Shire of Northampton is not required to have a policy such as this in accordance with legislation.

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 adopt policy 1.5 *Internal Control* in accordance with ATTACHMENT: 9.1.23 (1).**

**COUNCIL RESOLUTION:**

**MOVED:** Suckling, R      **SECONDED:** Pike, D

**06/24-62**

**That Council adopt policy 1.5 *Internal Control* in accordance with  
ATTACHMENT: 9.1.23 (1).**

**MOTION CARRIED 7/0**

**FOR**

Cr L Sudlow  
Cr R Horstman  
Cr R Burges  
Cr T Gibb  
Cr T Hay  
Cr D Pike  
Cr R Suckling

**AGAINST**

**ATTACHMENT****9.2.1 Proposed Accounts for Endorsement on 20 June 2024**

<b>PROPONENT</b>	Shire of Northampton
<b>OWNER</b>	N/A
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>ZONE:</b>	All
<b>BUSINESS AREA:</b>	Corporate and Financial Services
<b>FILE REFERENCE:</b>	1.1.1
<b>LEGISLATION:</b>	<i>Local Government (Financial Management) Regulation 1996, Local Government Act 1995</i>
<b>AUTHOR:</b>	Leanne Rowe
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	11 June 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

A list of payments is submitted to Council on 20 June 2024 for consideration.

A copy of the Payment Listing is attached.

**ATTACHMENT: 9.2.1 (1)**

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

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 1995 (Financial Management) Regulation 1996*.

### SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

### VOTING REQUIREMENTS:

**SIMPLE MAJORITY**

### OFFICER RECOMMENDATION:

**That Council note Municipal EFT payments numbered EFT26323 to EFT26429 totalling \$968,038.63, Municipal Fund Cheques 22478 to 22483 inclusive totalling \$1,138.84, Direct Debit payments numbered GJ1109 to GJ1116 inclusive, payroll and superannuation totalling \$301,511.39 be declared as authorised expenditure in accordance with ATTACHMENT: 9.2.1 (1).**

**COUNCIL RESOLUTION:**

**MOVED:** Hay, T

**SECONDED:** Suckling, R

**06/24-63**

**That Council note Municipal EFT payments numbered EFT26323 to EFT26429 totalling \$968,038.63, Municipal Fund Cheques 22478 to 22483 inclusive totalling \$1,138.84, Direct Debit payments numbered GJ1109 to GJ1116 inclusive, payroll and superannuation totalling \$301,511.39 be declared as authorised expenditure in accordance with ATTACHMENT: 9.2.1 (1).**

**MOTION CARRIED 7/0**

**FOR**

Cr L Sudlow  
Cr R Horstman  
Cr R Burges  
Cr T Gibb  
Cr T Hay  
Cr D Pike  
Cr R Suckling

**AGAINST**

**ATTACHMENT****9.2.2 Monthly Financial Statements for the Period Ending 31 May 2024**

<b>PROPONENT</b>	Shire of Northampton
<b>OWNER</b>	N/A
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>ZONE:</b>	All
<b>BUSINESS AREA:</b>	Corporate and Financial Services
<b>FILE REFERENCE:</b>	1.1.1
<b>LEGISLATION:</b>	<i>Local Government (Financial Management) Regulation 1996, Local Government Act 1995</i>
<b>AUTHOR:</b>	Leanne Rowe
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	11 June 2024
<b>DECLARATION OF INTEREST:</b>	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 31 May 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 (Includes Options):**

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 31 May 2024 financial position is comprised of the following:

- Total operating revenue has a surplus position of \$1,125,983 and operating expenditure has a deficit position of \$195,560 to the end of May 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 overspends.

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 31 May 2024 in accordance with ATTACHMENT 9.2.2 (1).**

**COUNCIL RESOLUTION:**

**MOVED: Gibb, T                      SECONDED: Burges, R**

**06/24-64**

**That Council receives the Monthly Financial Report for the period ending 31 May 2024 in accordance with ATTACHMENT 9.2.2 (1).**

**MOTION CARRIED 7/0**

**FOR**

Cr L Sudlow  
Cr R Horstman  
Cr R Burges  
Cr T Gibb  
Cr T Hay  
Cr D Pike  
Cr R Suckling

**AGAINST**

**ATTACHMENT****9.2.3 Proposed 2024/25 Fees and Charges, and Minimum Rates**

<b>PROPONENT</b>	Shire of Northampton
<b>OWNER</b>	N/A
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>ZONE:</b>	All
<b>BUSINESS AREA:</b>	Corporate and Financial Services
<b>FILE REFERENCE:</b>	4.1.1
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Leanne Rowe
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	8 June 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

Council is asked to consider the recommended Fees and Charges Schedule for the 2024/25 financial year and the minimum rate charge, interest rates & instalment fee for inclusion in the 2024/25 Budget.

Each year Council is presented with information in relation to the Fees and Charges Schedule and the minimum rate in the dollar for the next financial year commencing 1<sup>st</sup> July. Section 6.2(1) of the *Local Government Act 1995* allows for the early adoption of the Schedule of Fees and Charges.

By adopting the Fees and Charges schedule staff can implement any new fee structure for the upcoming financial year prior to the adoption of the budget. While the adoption of the rates fee and interest rates will allow staff to complete rates modelling accurately in preparation for the adoption of a rate in the dollar for GRV and UV properties.

A copy of the "Shire of Northampton – Schedule of Fees and Charges 2024/25" is attached.

**ATTACHMENT 9.2.3 (1)****PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**Fees and Charges

Council is requested to review and adopt the schedule of fees and charges for 2024/25 in preparation for commencement on 1 July 2024. The adopted schedule of fees and charges is a key document used in preparing the 2024/25 annual budget.

There were no increases to Fees and Charges for 2020/21 and 2021/22 budget due to COVID 19 initially and cyclone Seroja during 2021, a 3.00% increase was imposed for 2022/23 and 3.6% for 2023/24 respectively. Staff have recommended the ABS March 2024 Inflation Rate of 3.4% be used to determine the increase to be applied to Lease Fees in the 2024/25 financial year.

The attached Fees and Charges schedule has a proposed increase of 3.4% applied to leased properties and other charges that are generally linked to an annual increase pending Council determination.

Inflationary impacts on expenditure are pertinent when officers prepare the Schedule of Fees and Charges and minimum rate calculation due to the impact increasing costs will have on the Shire of Northampton's annual budget.

For information purposes the CPI and WA Local Government (LGCI) inflation cost factors are as follows:

Consumer Price Index (ABS) – Perth (CPI) for March 2023 to March 2024 is 3.4%.

The WA Local Government (LGCI) cost Index for the 2023/24 financial year is 3.9%.

#### Rate Instalment and Interest Fees

Council is requested to consider the instalment interest fee, instalment charge and late payment penalty interest percentage rate. The Local Government COVID-19 Response Amendment Order 2021 resulted in Late Payment Penalty Interest rate being reduced from 8.0% to 7.0% for 2021/22 and this percentage was retained for 2022/23 and 2023/24. It is proposed the late payment penalty rate remain at 7.0% and the Rate Instalment Interest at 5.0%.

	19/20	20/21	21/22	22/23	23/24	24/25
Rate Instalment Fee	\$5.00	\$5.00	\$5.00	\$5.00	\$5.00	\$5.00
Rate Instalment Interest	5.0%	5.0%	5.0%	5.0%	5.0%	5.0%
Late Payment Penalty Interest	10.0%	8.0%	7.0%	7.0%	7.0%	7.0%

#### Setting of Minimum Rate

It is recommended that the minimum rate for GRV and UV amount increase to \$640.00 for 2024/25 which equates to an approximate increase of 4.0%. The minimum rate was increased to \$615.00 per annum last financial year 2023/24 and \$580.00 in 2022/23, the rate had remained at \$565.00 from 2019/20 to 2021/22.

The minimum rate for 2014/15 to 2023/24 was set as per the following:

2024/25	-	\$640.00	Proposed
2023/24	-	\$615.00	Adopted
2022/23	-	\$580.00	Adopted
2021/22	-	\$565.00	Adopted

2020/21	-	\$565.00	Adopted
2019/20	-	\$565.00	Adopted
2018/19	-	\$550.00	Adopted
2017/18	-	\$535.00	Adopted
2016/17	-	\$520.00	Adopted
2015/16	-	\$495.00	Adopted
2014/15	-	\$475.00	Adopted

There are legislative restrictions involved with setting a minimum rate, the *Local Government Act 1995* stipulates that no more than 50% of properties can be charged the minimum rate and the Shire of Northampton is well below the legislated threshold.

## **STATUTORY ENVIRONMENT:**

### *Local Government Act 1995*

#### *6.2. Local government to prepare annual budget*

*(1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt\*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.*

*\* Absolute majority required.*

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

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

*\* Absolute majority required.*

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

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

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

*\* Absolute majority required.*

#### *6.35. Minimum payment*

*(1) Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.*

*(2) A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.*

*(3) In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than —*

(a) 50% of the total number of separately rated properties in the district; or  
 (b) 50% of the number of properties in each category referred to in subsection (6),  
 on which a minimum payment is imposed.

(4) A minimum payment is not to be imposed on more than the prescribed percentage of —

(a) the number of separately rated properties in the district; or  
 (b) the number of properties in each category referred to in subsection (6),  
 unless the general minimum does not exceed the prescribed amount.

### **POLICY / STRATEGIC IMPLICATIONS:**

As reflected by the Local Government Cost Index, the Shire of Northampton's costs continue to rise due to inflationary pressure.

### **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:**

The adopted Fees and Charges and Minimum rates will be used to formulate the 2024/25 Draft budget.

**SUSTAINABILITY:**

Environmental: Nil.

Economic: Nil.

Social: Nil.

**VOTING REQUIREMENTS: ABSOLUTE MAJORITY**

**OFFICER RECOMMENDATION:**

**That Council:**

- 1. Reviews and adopts the Schedule of Fees and Charges for the 2024/25 financial year as presented including an increase of 3.4% for leasehold properties in accordance with ATTACHMENT 9.2.3 (1).**
- 2. Adopts the minimum rate on rateable Gross Rental Value (GRV) and Unimproved Value (UV) properties be set at \$640 per assessment for the 2024/25 financial year.**
- 3. Adopts an interest rate of 7.0% applicable to overdue and unpaid rate and service charges, a rate instalment fee \$5.00, and an interest rate of 5.0% applicable to rate and service charge instalment arrangements.**

**COUNCIL RESOLUTION:**

**MOVED: Horstman, R    SECONDED: Suckling, R**

**06/24-65That Council:**

- 1. Reviews and adopts the Schedule of Fees and Charges for the 2024/25 financial year as presented including an increase of 3.4% for leasehold properties in accordance with ATTACHMENT 9.2.3 (1).**
- 2. Adopts the minimum rate on rateable Gross Rental Value (GRV) and Unimproved Value (UV) properties be set at \$640 per assessment for the 2024/25 financial year.**
- 3. Adopts an interest rate of 7.0% applicable to overdue and unpaid rate and service charges, a rate instalment fee \$5.00, and an interest rate of 5.0% applicable to rate and service charge instalment arrangements.**

**MOTION CARRIED 7/0**

**FOR**

Cr L Sudlow  
Cr R Horstman  
Cr R Burges  
Cr T Gibb  
Cr T Hay  
Cr D Pike  
Cr R Suckling

**AGAINST**



**ATTACHMENT****9.2.4 Proposed Operational Subsidy and Specified Area Rate Requests**

<b>PROPONENT</b>	Shire of Northampton
<b>OWNER</b>	N/A
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>ZONE:</b>	All
<b>BUSINESS AREA:</b>	Corporate and Financial Services
<b>FILE REFERENCE:</b>	1.1.1
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Leanne Rowe
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	8 June 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

Council is requested to consider budget request submissions from the Kalbarri Visitor Centre and the Northampton Visitor Centre for funding in the 2024/25 Budget.

A copy of the budget requests are attached.

**ATTACHMENT 9.2.4 (1)**

In prior years, the Shire of Northampton would advertise for budget requests which included community submissions with the subsequent submissions being presented Council at the April, May and June meetings preceding the finalisation of the budget process. With the impending introduction of the Community Grants Program, only Visitor Centre operational subsidy requests and the Tourism Specified Area Rate will be presented to Council as they are considered separate to the Community Grants Program.

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

It is requested that Council consider the following projects for listing in the draft 2024/25 budget.

1. Northampton Tourist Association - \$35,000.

The Northampton Tourist Association has requested an operating subsidy of \$35,000 for the 2024/25 financial year. The budget request of \$35,000 is the same amount that was approved by Council in budgets 2021/22 to 2023/24. Previously the approved budget allocation was \$25,000 for 2016/17 to 2020/21.

2. Kalbarri Visitor Centre - \$50,000

The Kalbarri Visitor Centre has requested funding totalling \$75,000 for their annual operational subsidy to address rising costs, engagement, support for the Department of Biodiversity Conservation and Attractions (who are closed on weekends), and increased tourism promotion.

The request represents a \$25,000 increase compared to the \$50,000 funding that was approved for the 2023/24 budget. The Kalbarri Visitor Centre Operational Grant was \$50,000 in 2019/20 to 2023/24, \$35,000 in 2016/17 to 2018/19, \$30,000 in 2014/15 and 2015/16, and \$25,000 in 2013/14. The Shire of Northampton has limited financial resources to increase the operational subsidy by \$25,000 in the 2024/25 budget and a \$50,000 annual contribution is already considered quite generous especially when the additional \$30,000 generated from a Special Area Rate is factored in. There is no indication whether the Department of Biodiversity Conservation and Attractions make direct supporting financial contributions to the Kalbarri Visitor Centre, stated as one of the reasons needed to increase the subsidy.

3. Kalbarri Visitor Centre (Specified Area Rate) - \$30,000

Kalbarri Visitor Centre have requested funding of \$30,000 to continue with the Specified Area Rate to be utilised for TV, digital and print media campaigns and attendance at tourism trade shows. The Kalbarri Specified Area rate of \$30,000 was levied from 2017/18 to 2023/24 for advertising and promotion, \$31,500 in 2016/17 for advertising and promotion, \$30,000 in 2015/16 comprising \$15,000 advertising and promotion and \$15,000 for entry statements. The Visitor Centre has been working to clear unspent Specified Area funds from prior years including the 2022/23 and 2023/24 allocation. Any unspent funds remaining at the end of the financial year will be spent during the 2024/25 financial year.

**STATUTORY ENVIRONMENT:**

*Local Government Act 1995*

*6.2. Local government to prepare annual budget*

*(1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt\*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.*

*\* Absolute majority required.*

**POLICY / STRATEGIC IMPLICATIONS:**

Nil.

**ORGANISATIONAL RISK MANAGEMENT:**

The associated risk of not approving the budget requests for listing in the draft 2024/2025 budget will vary depending on the level of risk associated with each project. 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:**

Any budget items endorsed by Council will be incorporated in the 2024/25 budget.

**SUSTAINABILITY:**

Environmental: Nil.

Economic: Nil.

Social: Nil.

**VOTING REQUIREMENTS: ABSOLUTE MAJORITY**

**OFFICER RECOMMENDATION:**

**That Council:**

- 1) Approve the allocation of \$50,000 for the Kalbarri Visitor Centre Operational Subsidy in the 2024/25 budget.**
- 2) Approve the allocation of \$35,000 for the Northampton Visitor Centre Operational Subsidy in the 2024/25 budget.**
- 3) Approve the allocation of \$30,000 for the Kalbarri Specified Area Rate in the 2024/25 budget for the purpose of marketing and promotion by the Kalbarri Visitor Centre.**

**COUNCIL RESOLUTION**

**MOVED: Suckling, R      SECONDED: Gibb, T**

**06/24-66**

**That Council:**

- 1) Approve the allocation of \$50,000 for the Kalbarri Visitor Centre Operational Subsidy in the 2024/25 budget.**
- 2) Approve the allocation of \$35,000 for the Northampton Visitor Centre Operational Subsidy in the 2024/25 budget.**
- 3) Approve the allocation of \$30,000 for the Kalbarri Specified Area Rate in the 2024/25 budget for the purpose of marketing and promotion by the Kalbarri Visitor Centre.**

**MOTION CARRIED 7/0**

**FOR**

Cr L Sudlow  
Cr R Horstman  
Cr R Burges  
Cr T Gibb  
Cr T Hay  
Cr D Pike  
Cr R Suckling

**AGAINST**

## ATTACHMENT

## 9.4.1 Delegated Planning Decisions for May 2024

<b>PROPONENT</b>	Shire of Northampton
<b>OWNER</b>	Various
<b>LOCATION / ADDRESS:</b>	Various
<b>ZONE:</b>	Various
<b>BUSINESS AREA:</b>	Planning Services
<b>FILE REFERENCE:</b>	10.4.1
<b>LEGISLATION:</b>	<i>Planning and Development Act 2005</i> <i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Michelle Allen
<b>APPROVING OFFICER:</b>	Brian Robinson
<b>DATE OF REPORT:</b>	5 June 2024
<b>DECLARATION OF INTEREST:</b>	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 May 2024 is attached.

**ATTACHMENT: 9.4.1 (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 overleaf.

**COMMENT (Includes Options):**

During May 2024, twelve (12) development applications were determined under delegated authority. **Table 1** shows the number and value of development applications determined under both delegated authority and by Council for May 2023 compared to May 2024:

**Table 1: Planning Decisions made in May 2024**

	May 2023	May 2024
<b>Delegated Decisions</b>	7 - \$866,799 **0	12 - \$748,326 **4
<b>Council Decisions</b>	0 - \$0	2 - \$57,794 **2
<b>Total</b>	<b>7 - \$866,799</b>	<b>14 - \$806,120</b>

**Tables 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
<b>Delegated Decisions</b>	32 - \$4,789,308 **10	26 - \$1,442,936 **6
<b>Council Decisions</b>	3 - \$2,000,000 **2	15 - \$2,424,742 **4
<b>Total</b>	<b>35 - \$6,789,308</b>	<b>41 - \$3,867,678</b>

\*\* 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 has delegated a number of planning powers to the Chief Executive Officer and/or Executive Manager, Community, Development and Regulation 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 received the report on Delegated Development Approvals for May 2024 as detailed in Attachment: 9.4.1 (1).**

**COUNCIL RESOLUTION:**

**MOVED: Hay, T                      SECONDED: Pike, D**

**06/24-67**

**That Council received the report on Delegated Development Approvals for May 2024 as detailed in Attachment: 9.4.1 (1).**

**MOTION CARRIED 7/0**

**FOR**

Cr L Sudlow  
Cr R Horstman  
Cr R Burges  
Cr T Gibb  
Cr T Hay  
Cr D Pike  
Cr R Suckling

**AGAINST**

**ATTACHMENT****9.4.2 Proposed Holiday House - Lot 51 Port Gregory Road, Port Gregory**

<b>PROPONENT</b>	Blueline Enterprises Pty Ltd
<b>OWNER</b>	Element Advisory Pty Ltd
<b>LOCATION / ADDRESS:</b>	Lot 51 Port Gregory Drive, Port Gregory
<b>ZONE:</b>	Rural
<b>BUSINESS AREA:</b>	Planning Services
<b>FILE REFERENCE:</b>	10.6.1 & A5060
<b>LEGISLATION:</b>	<i>Planning and Development Act 2005</i>
<b>AUTHOR:</b>	Brian Robinson
<b>APPROVING OFFICER:</b>	Brian Robinson
<b>DATE OF REPORT:</b>	6 June 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

The subject property is a 103.6247ha property located on the southern side of Port Gregory Road, approximately 600m west of George Grey Drive and 3km southeast of the Port Gregory townsite. Whilst a similar sized rural property is located to the south, crown land is located to the west and north of the site.

The property, which has a frontage over 1.2km to an Indian Ocean foreshore reserve, is currently vacant and well vegetated. A Location Plan is shown below whilst an aerial photograph of the site is shown attached.

**ATTACHMENT: 9.4.2 (1)****LOCATION PLAN**



An application has been received seeking approval to a substantial dwelling and associated development for use of the owners families as a private holiday home. The application proposes:

- a) A two-storey home with a maximum height of 9.35m;
- b) 4 bedrooms, each with en-suite;
- c) Indoor and outdoor dining and living areas including a swimming pool and gymnasium;
- d) A roof deck;
- e) 3 car garage;
- f) A private Driveway to Port Gregory Road;
- g) Water tanks, a dam and associated landscaping; and
- h) A beach access track.

Copies of the submitted plans and a covering letter are shown attached.

#### **ATTACHMENT: 9.4.2 (2)**

Additionally in support of the application, the applicants have submitted an Environmental Report, Flora and Fauna Survey Report, A site feature survey, a Bushfire Management Plan (including Bushfire Emergency Plan) and a Landscape Plan, all prepared by appropriately qualified consultants. Due to their size, copies of this documentation have not been attached to this agenda item and are available on request.

Council is requested to determine the application given certain aspects of the proposal including its location within a Special Control area. A proposed variation of Scheme requirements relating to a maximum building height.

#### **PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

#### **COMMENT (Includes Options):**

In determining an application for planning consent clause 67(2) of the Deemed to Apply provisions of the *Planning and Development (Local Planning Scheme Provisions) 2015* requires that the local government has regard to various matters, including:

- (a) *The aims and provisions of the Scheme and any other local planning scheme operating within the Scheme area;*
- (b) *Any approved State Planning Policy;*
- (g) *Any Local Planning Policy for the Scheme area;*
- (m) *The compatibility of the development with its setting, including –*
  - (i) *the compatibility of the development with the desired future character of its setting; and*
  - (ii) *the relationship of the development to development on adjoining land or on other land in the liability including, but not limited to,*

*the likely effect of the height, bulk, scale, orientation and appearance of the development;*

- (n) *The amenity of the locality including the following –*
  - (i) *environmental impacts of the development;*
  - (ii) *the character of the locality;*
  - (iii) *social impacts of the development;*
- (q) *The suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;*

To assist Council in determining the application, the following comments are provided:

### Zone and Objectives

The provisions of the Shire's Local Planning Scheme No 10 (LPS No 10) include the subject land within the Rural Zone. As outlined within the Scheme, the objectives of the Scheme are:

- *To provide for the maintenance or enhancement of specific local rural character.*
- *To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as horticultural as primary uses, with other pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use.*
- *To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and water course systems from damage.*
- *To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone.*
- *To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.*

The subject land is not utilised for agricultural purposes and contains a significant level of native vegetation. The proposed dwelling site is well removed from nearby agricultural activities, with the nearest farm being located some 2km to the east. Approval to the proposal would therefore be consistent with the objectives of the Rural Zone.

### Special Control Area No 1

In addition to zoning the land Rural, the provisions of LPS No 10 include the subject land within Special Control Area No 1 (SCA 1) – Coastal Planning and Management. The Purpose of SCA 1 is to:

- a) *Protect and enhance the environmental, cultural, recreational and/or scenic values of the areal and*
- b) *Give priority to costal dependant land uses and development that by their very nature required costal sites.*

In terms of development, LPS No 10 details the following additional provisions in Table 6 of the Scheme that are relevant to the proposal:

- Due regard to be had to State Government Policies;
- Development not to result in the export of nutrients from the land;
- Development is adequately setback from visual prominent or unstable features of the coastline such as headlands, cliffs, beaches and other locations being the focus of attention;
- Address potential impact;
- The local government may impose conditions regarding stabilisation of dunes; and
- Preparation of a foreshore management and reserve management strategy.

Further details regarding coastal management needs are provided within the balance of this agenda item.

#### Land Use Definition and Permissibility

Approval is being sought for a 'private holiday home'. The provisions of Local Planning Scheme No 4 define a Holiday House as a "*dwelling on one lot used to provide short term accommodation but does not include a bed and breakfast*". A Holiday House is a "D" use within the Rural Zone. That is a use which is not permitted unless the local government has exercised its discretion by granting development approval.

It is therefore open for Council to consider granting development approval to the development.

It should be noted that in this case, the applicants have stated that the dwelling will not be rented to the general public and will be for the exclusive use of two brothers and their respective family and friends.

#### State Planning Policy 2.6 – Coastal Planning Policy (SPP 2.6)

SPP 2.6 applies to the coast throughout Western Australia. With the proposed development being located approximately 200 metres from the permanent line of coastal vegetation, the development is located in proximity to the ocean foreshore reserve and the provisions of SPP 2.6 apply.

In terms of the current application, the following provisions of SPP 2.6 are considered to be relevant to the proposed development:

- Clause 5.2 (v) - *Ensure that land use and development, including roads, adjacent to the coast is sited and designed to complement and enhance the coastal environment in terms of its visual amenity, social and ecological values;*
- Clause 5.2 (vi) outlines the need to *avoid significant and permanent negative impacts on the environment, either on or off site;*
- Coastal Development should manage water resources in accordance with the principles of water sensitive urban design;

- Development on or near the coast should maintain or restore pre-existing or desirable flows and there is a general presumption against the use of coastal reserves for management of wastewater;
- Local Planning Schemes should contain controls as to maximum building heights which respond to the desired character, built form and amenity of the locality;
- Clause 5.5 outlines the need to avoid development in areas affected by coastal hazards;
- Clause 5.11 identifies that the “*onus is on any proponent to show that development does not pose any likelihood of serious or irreversible harm to the environment*”;
- Part 5.10 identifies that any development proposal is only approved based on or in conjunction with a detailed coastal planning strategy or foreshore management plan; and
- The proponent should be responsible for the implementation of the foreshore management plan as well as funding, maintenance and monitoring and management for a period of not less than 5 years following completion of the works.

Comments on compliance with the above requirements and those of LPP 10 are detailed in the balance of this agenda item.

#### Setbacks

LPS No 10 prescribes that within the Rural Zone, development is required to be setback a minimum of 20 metres from the front (street) boundary, 20 metres from the rear and 10 metres from the side.

As reflected on the plans shown at Attachment: 9.4.2 (2) the proposed development is to be setback more than 200 metres from the front (street) boundary and approximately 112m from the rear boundary.

Whilst the residence and swimming pool are to be setback approximately 89 metres from the western wide boundary, the landscaping plan submitted in support of the application details a dam that is proposed to be setback approximately 30 metres from that same boundary.

The proposed setbacks therefore exceed the standard setback requirements for the Rural Zone.

#### Building Height

In accordance with clause 32(14) of LPS No 10, relating to general requirements specifies that:

*No building is permitted to exceed 9 metres in height measured from the natural ground level immediately below the relevant point on the roof or wall, including freestanding structures such as masks, tanks and signage; with the exception of minor projections such as chimneys, TV aerials, satellite dishes and vent pipes.*

With the applicants proposing a total height of 9.35m for sections of the building, approval to the application may only be granted through a variation of the prescribed development standards.

#### Variation of Development Standards

As outlined by clause 34 of LPS No 10, the local government may approve an application for a development approval that does not comply with an additional site and development requirements. Prior to doing so, clause 34(5) states that the local government may only approve a variation of the Scheme standards if it is satisfied that:

- (a) Approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67 of the deemed provisions;*
- (b) The non-compliance with the additional site and development requirement will not have a significant adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.*

It is therefore open for Council to conditionally approve the development, if it is satisfied that the development will not detrimentally impact on the area.

In this case, it is considered that the proposed variation is minimal and may be supported given:

- a) The development has been located with the ground floor approximately 8m below the dune ridgeline;
- b) That only portion of the development will exceed prescribed height limits; and
- c) The location of the development and its location with respect to the coast and adjacent private property.

#### Access

The application details that a private driveway will be constructed to facilitate access to Port Gregory Road. It is proposed that the driveway will primarily be 4 metres wide with a metre cleared shoulder. Two passing lanes being 6 metres wide and 20m long are also proposed.

The driveway is proposed to be of bitumen construction for the first 200 metres, with the balance being of gravel or limestone construction. As the Shire does not normally regulate internal roads for private residences in the Rural Zone, no conditions are recommended in respect of the internal access. In event event formal access will need to be maintained to ensure ongoing compliance with the Bushfire Management Plan.

It is however recommended an appropriate condition be imposed to require the construction of a formal crossover to Port Gregory Road prior to the commencement of construction.

### Services

The subject land is not connected to reticulated water supply or electricity services. Power will be supplied to the development through a solar panel and battery system with a backup power generator.

### Water Supply

The provisions of LPS No 10 require that where a reticulated water supply is not available to support domestic development then the provision of an adequate sustainable water supply is required for domestic, land management and firefighting purposes. Clause 32(6) of the Scheme identified that “a *combined minimum capacity*” is to be determined by the local government.

It is proposed that the dwelling will be serviced by a rainwater tank with a capacity of 150,000 litres connected to the roof catchment. A second water tank with a capacity of 50,000 litres for firefighting purposes is also proposed.

It is also noted that the submitted Landscape Plans detail the installation of a dam and other potential water bodies. It is assumed that the dam water will be used for land management purposes.

### Effluent Disposal

The applicants are proposing to install an Aerobic Treatment Unit (ATU) for the treatment and disposal of wastewater. Approval to the proposed ATU must be obtained from the Department of Health WA prior to the issue of a building permit.

### Bushfire Management

State Planning Policy 3.7 (SPP 3.7) identifies how bushfire risk is to be addressed in Western Australia. The provisions of SPP 3.7 apply to all land that has been identified as Bushfire Prone by the Department of Fire and Emergency Services, including the subject land.

In accordance with the requirements of SPP 3.7, the applicants have submitted a Bushfire Management Plan (BMP) and associated Bushfire Emergency Plan. The BMP identifies that a Bushfire Attack Level (BAL) of BAL 19 will be achieved through the establishment of an Asset Protection Zone (APZ) of between 17 metres and 19 metres surrounding the dwelling. The APZ will be established as landscaped gardens.

Other key points of the BMP are summarised as follows:

- The proposed dwelling will be constructed to comply with the requirements for a BAL-19 rating in accordance with Australian Standard 3959;
- A dedicated 50,000 litre water tank will be installed adjacent to a suitable vehicle turn around, the tank will be fitted with an external cam lock to facilitate fire service access;
- The bushfire Water Tank will be filled before each fire season, fed by either a bore or local water supplier;

- There will be a back-up generator to enable the water pumps to operate in the event that the main power generator fails; and
- Although not being used for commercial short term rental purposes, the BEP evacuation diagram will be clearly displayed in the main living room.

#### Proposed Coastal Access

The submitted covering letter details that the landowners are seeking to establish a private “beach access track” between the proposed dwelling and the coastal foreshore. Whilst the beach access track is reflected on the submitted landscaping plans, no details are provided regarding its intended use, construction details or the level of disturbance/clearing to occur or the rehabilitation to be undertaken.

It is also noted that if approved, the proposed beach access will cross a vested oceanfront foreshore reserve.

Being within SCA 1, the provisions of the Table 6 in the Scheme:

- a) The local government may impose conditions regarding stabilisation of dunes; and
- b) Preparation of a foreshore management and reserve management strategy.

On page 8 of the covering letter, the applicant expresses the view that the requirements of LPS No 10 - Table 6 are not relevant to the proposed development given that it has a setback of 200m from the shoreline. This view is not supported given that installation of a private beach access as proposed has the potential to detrimentally impact on the dune system.

Given the above, it is recommended that Council stipulate that the preparation of a Foreshore Management Plan is required to address the proposed form, use, construction and rehabilitation works associated with the aspect of this proposal.

#### Water Management

The application details that rainwater will be harvested from roof areas and stored in water storage tanks. All stormwater generated from other impervious surfaces will be retained on site.

#### Potential Environmental Impacts

As detailed in the Background section, the applicants have submitted an Environmental Report and Flora and Fauna Study. By way of summary these documents confirm that no clearing of rare or declared flora is proposed.

Potential for detrimental impacts on the environment will be minimised through the use of an alternative effluent disposal system with nutrient retention capacity and the management of stormwater.

Further details regarding the proposed form of construction for the private beach access, associated clearing, rehabilitation and maintenance are

required. It is recommended that this information be incorporated into a Foreshore Management Plan to the satisfaction of the Shire. In determining the suitability of the Plan, Shire Officers will seek comment from the Department of Planning, Lands and Heritage.

#### Proposed Clearing

Development of the land as proposed will result in the clearing of a 6-8 metre strip of vegetation for the driveway, that land contained within Asset Protection Zone and to facilitate the proposed private beach access.

In accordance with the *Environmental Protection Act 1986* and *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*, the clearing of native vegetation is prohibited unless:

- a) A permit for the clearing of native vegetation has been obtained from the Environmental Protection Authority through the Department of Water and Environmental Regulation; or
- b) Clearing of the vegetation is considered to be exempt.

In accordance with the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*, a clearing permit is not required where the clearing is required for, as an example, the lawful construction of a building and clearing for fire hazard reduction.

Notwithstanding the above, it is recommended that the applicants liaise with the Department of Water and Environmental Regulation over whether a clearing permit will be required for any aspects of the proposal.

#### Conclusion

The proposed development complies with required setbacks and the submitted documentation demonstrates that the proposal has satisfactorily addressed potential visual, bushfire management and environmental impacts. Conditional approval is therefore recommended.

It is however recommended that further detail is required regarding the proposed private beach access and these details should form part of a detailed foreshore management plan to be prepared to the satisfaction of the Shire.

#### **STATUTORY ENVIRONMENT:**

*Planning and Development Act 2005, Planning and Development (Local Planning Scheme Regulations) 2015 and the Environmental Protection Act 1986.*

#### **POLICY / STRATEGIC IMPLICATIONS:**

Nil.

#### **ORGANISATIONAL RISK MANAGEMENT:**

Risk rating is considered Moderate to Major given the potential environmental impacts associated with clearing and dune disturbance.



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 required development application fee has been paid in accordance with the Shire's adopted schedule of fees and charges.

### SUSTAINABILITY:

Environmental: Refer to Comment Section of Agenda Item.

Economic: Approval to the application will result in an additional residence being established within the Shire on what is currently vacant land.

Social: Approval to the proposal will provide the landowners and their families with a dwelling to utilise when visiting the district.

### VOTING REQUIREMENTS:                      SIMPLE MAJORITY

### OFFICER RECOMMENDATION:

**That Council, in accordance with Local Planning Scheme No. 11 – Kalbarri grant planning approval for a proposed Holiday House on Lot 51 Port Gregory Road, Yallabatharra in accordance with the plans and specifications at Attachment: 9.4.2 (2) subject to the following conditions:**

- 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	Dated
1	Application for Development Approval	4 April 2024
2	Covering Letter	23 April 2024
3	Hutt Lagoon Architectural Plans A01 to A4.03 inclusive.	24 April 2024
4	Bushfire Management Plan	April 2024

2. Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and development approval for that use/addition;
3. Prior to commencement of works associated with the proposed private beach access, the applicant shall prepare a detailed Foreshore Management Plan incorporating details regarding the proposed method of construction, maintenance and rehabilitation of native vegetation during the construction works. The plan to be to the satisfaction of the Shire of Northampton, having regard to comments obtained from the Department of Planning, Lands and Heritage;
4. The Holiday House hereby approved shall not be used for commercial short stay accommodation purposes without the prior approval of the Shire of Northampton;
5. Prior to the commencement of construction on-site, a vehicle crossover between the subject land and Port Gregory Road is to be located, designed, constructed, sealed and drained in accordance with the Shire of Northampton standard specifications for Rural crossovers.
5. Any soils disturbed or deposited on site shall be stabilised to the approval of the Shire of Northampton;
6. All stormwater is to be disposed of on-site to the specifications and approval of the Shire of Northampton;
7. An on-site potable water supply not less than 135,000 litres storage capacity shall be provided on the site and connected to the development to the satisfaction of the Shire of Northampton;
8. Access shall be permitted to domestic water supplies for emergency firefighting purposes and to facilitate this, the proposed rainwater tank is to be fitted with standard firefighting couplings in accordance with Department of Fire and Emergency Services requirements, to enable firefighting appliances to draw water. The

valve shall be fitted so as to leave 15,000 litres capacity of water in the tank;

9. The recommendations contained in the Bushfire Management Plan detailed in condition No 1 shall be implemented and maintained for the life of the development to the satisfaction of the Shire of Northampton;
10. Prior to the use or occupation of the development, the Asset Protection Zone (APZ) must be established and the property thereafter maintained in accordance with the Bushfire Management Plan as approved by the Shire of Manjimup.

**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 Any retaining walls in excess of 500mm in height required in connection with the development shall be so constructed as to accord with plans and specifications prepared by a practising structural engineer to the satisfaction of the Shire of Northampton and details and particulars of the certified plans and specifications shall be provided to the Shire of Northampton as part of any application for a building permit;
- 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 Prior to the commencement of development, it is recommended that the applicant and/or landowners liaise with the Department of Water and Environmental Regulation to determine the extent of clearing (if any) that requires a prior permit to clear under the provisions of the *Environmental Protection Act 1986*.
- 5 Further to condition No 5, it is recommended that the applicant liaise with the Shire's Executive Manager of Works & Technical Services – Mr Neil Broadhurst with respect to the crossover design, location and the potential for the Shire to supply the required culvert pipe.
- 6 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.

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

#### COUNCIL RESOLUTION:

MOVED: Pike, D

SECONDED: Horstman, R

06/24-68

That Council, in accordance with Local Planning Scheme No. 11 – Kalbarri grant planning approval for a proposed Holiday House on Lot 51 Port Gregory Road, Yallabatharra in accordance with the plans and specifications at Attachment: 9.4.2 (2) 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	Dated
1	Application for Development Approval	4 April 2024
2	Covering Letter	23 April 2024
3	Hutt Lagoon Architectural Plans A01 to A4.03 inclusive.	24 April 2024
4	Bushfire Management Plan	April 2024

2. Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and development approval for that use/addition;
3. Prior to commencement of works associated with the proposed private beach access, the applicant shall prepare a detailed Foreshore Management Plan incorporating details regarding the proposed method of construction, maintenance and rehabilitation of native vegetation during the construction works. The plan to be to the satisfaction of the Shire of Northampton, having regard to comments obtained from the Department of Planning, Lands and Heritage;

4. The Holiday House hereby approved shall not be used for commercial short stay accommodation purposes without the prior approval of the Shire of Northampton;
5. Prior to the commencement of construction on-site, a vehicle crossover between the subject land and Port Gregory Road is to be located, designed, constructed, sealed and drained in accordance with the Shire of Northampton standard specifications for Rural crossovers.
5. Any soils disturbed or deposited on site shall be stabilised to the approval of the Shire of Northampton;
6. All stormwater is to be disposed of on-site to the specifications and approval of the Shire of Northampton;
7. An on-site potable water supply not less than 135,000 litres storage capacity shall be provided on the site and connected to the development to the satisfaction of the Shire of Northampton;
8. Access shall be permitted to domestic water supplies for emergency firefighting purposes and to facilitate this, the proposed rainwater tank is to be fitted with standard firefighting couplings in accordance with Department of Fire and Emergency Services requirements, to enable firefighting appliances to draw water. The valve shall be fitted so as to leave 15,000 litres capacity of water in the tank;
9. The recommendations contained in the Bushfire Management Plan detailed in condition No 1 shall be implemented and maintained for the life of the development to the satisfaction of the Shire of Northampton;
10. Prior to the use or occupation of the development, the Asset Protection Zone (APZ) must be established and the property thereafter maintained in accordance with the Bushfire Management Plan as approved by the Shire of Manjimup.

**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 Any retaining walls in excess of 500mm in height required in connection with the development shall be so constructed as to accord with plans and specifications prepared by a practising structural engineer to the satisfaction of the Shire of Northampton and details and particulars of the certified plans and

specifications shall be provided to the Shire of Northampton as part of any application for a building permit;

- 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 Prior to the commencement of development, it is recommended that the applicant and/or landowners liaise with the Department of Water and Environmental Regulation to determine the extent of clearing (if any) that requires a prior permit to clear under the provisions of the *Environmental Protection Act 1986*.
- 5 Further to condition No 5, it is recommended that the applicant liaise with the Shire's Executive Manager of Works & Technical Services – Mr Neil Broadhurst with respect to the crossover design, location and the potential for the Shire to supply the required culvert pipe.
- 6 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.
- 7 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.
- 8 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.

**MOTION CARRIED 7/0**

**FOR**

Cr L Sudlow  
 Cr R Horstman  
 Cr R Burges  
 Cr T Gibb  
 Cr T Hay  
 Cr D Pike  
 Cr R Suckling

**AGAINST**

**ATTACHMENT****9.4.3 Retrospective Approval for a Patio at Unit 8/Lot 474 (No. 116)  
Nanda Drive, Kalbarri**

<b>PROPONENT</b>	CA Lalor
<b>OWNER</b>	CA Lalor
<b>LOCATION / ADDRESS:</b>	Unit 8/Lot 474 (No. 116) Nanda Drive, Kalbarri
<b>ZONE:</b>	Residential
<b>BUSINESS AREA:</b>	Planning Services
<b>FILE REFERENCE:</b>	10.6.1.1/A1932
<b>LEGISLATION:</b>	<i>Planning and Development Act 2005</i>
<b>AUTHOR:</b>	Michelle Allen/Brian Robinson
<b>APPROVING OFFICER:</b>	Brian Robinson
<b>DATE OF REPORT:</b>	7 June 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

Council is requested to determine a development application for a patio at Lot 8 (No. 116) Nanda Drive, Kalbarri. The subject land has a total area of area of 1.3423ha and is a strata plan development containing 22 grouped dwellings. A location plan is provided below.

**LOCATION PLAN**

The subject property is 349m<sup>2</sup> in size and currently consists of a dwelling (unit 8). The applicant has constructed a patio that measures 5.6m x 6m in size that is setback 7m off the rear boundary and 5m from the western side boundary. A planning application was submitted and a subsequent site inspection identified the structure had already been completed. The structure has a skillion

roof and wall height of 2.3m and a maximum roof height of 2.55m. A copy of the application is attached.

**ATTACHMENT: 9.4.3 (1)**

Council is requested to consider the application as Shire Officers do not have delegative powers to approve applications that are retrospective in nature.

**PUBLIC CONSULTATION UNDERTAKEN:**

The application meets Residential Design Code (R-Code) provisions and was not advertised to adjoining landowners. The retrospective nature of the application was identified later during the assessment process.

**COMMENT (Includes Options):**

The property is located within a Special Use (SU6) zone as Holiday Accommodation with R80 density coding as a guideline to allow higher density living, facilitating low cost accommodation.

The proposed development is therefore required to comply with the requirements relating to R80 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 7m from the rear boundary and 5m from the western side boundary.

- (a) *Western Side Boundary - Table 2a – Boundary Setback – Walls with no major opening require a setback distance of 1m for a wall that is 5.6m long with a wall height of 2.3m.*



The patio development has been assessed against the site coverage, open space, outdoor living area and setbacks and is compliant, meeting the deem-to-comply provisions of the R-Codes.

#### Bushfire Prone Area

The property is located within an area declared as “bushfire prone” by the Commissioner of Fire and Emergency Services. The applicant has not undertaken a Bushfire Attack Level (BAL) as part of the application and the structure does not result in the intensification of land use and does not involve the occupation of employees on site for any considerable amount of time.

#### Impact on Amenity

In this instance the patio development has been assessed against the site coverage, open space, outdoor living area and setback provisions and is compliant.

Inspection of Unit 8 shows completion of the development as shown below with no detrimental impact to the quality or character of the area:



#### Retrospective Nature of Work

As reflected above the application before Council is retrospective in nature, with the applicant having already completed the work to construct a patio. Works have therefore been undertaken without the necessary planning approval or Building Permit in place.

Notwithstanding that the development has already been completed, clause 164 of the *Planning and Development Act 2005* prescribes that approval may be granted for development already commenced or carried out. Applications or retrospective approval are subject to fees equivalent to the normally required fee, plus by way of penalty, twice that fee.

It should be noted that the granting of a retrospective approval does not prohibit legal action being taken for a contravention of the Scheme.

#### Potential for Legal Action

Where development occurs without the prior consent of the local authority, an offense has been committed under Clause 218 of the *Planning and Development Act 2005*. Where an offense has occurred. The following options are available to Council:

- a) Take no action; or
- b) Issue a modified penalty of \$500; or
- c) Commence legal action for a breach, seeking a more substantial penalty.

In this instance, it is considered that the offence is not so significant as to warrant the commencement of legal action. However, as the applicant/owner completed the works with neither prior development approval or a building permit in place, it is recommended that a modified penalty of \$500 is issued.

#### Conclusion

Given the proposal is not expected to impact on the amenity of the area and conforms to the provisions of the Scheme. The application is therefore recommended for retrospective approval subject to appropriate conditions.

The issuing of a modified penalty of \$500 is also recommended given that the works were completed with no prior approvals in place.

#### **STATUTORY ENVIRONMENT:**

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

#### **POLICY / STRATEGIC IMPLICATIONS:**

A consistent approach is required in respect to enforcement of the requirements of the Local Planning Scheme. Given the blatant nature of the offense, it is recommended that a modified penalty be issued.

#### **ORGANISATIONAL RISK MANAGEMENT:**

Nil.

#### **FINANCIAL IMPLICATIONS:**

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

#### **SUSTAINABILITY:**

Environmental: Nil.

Economic: Nil.

Social: Nil.

**VOTING REQUIREMENTS:                      SIMPLE MAJORITY**

#### **OFFICER RECOMMENDATION:**

**That Council:**

- A. In accordance with Local Planning Scheme No. 11 – Kalbarri grant retrospective development approval for a patio on Unit 8/Lot 474 (No. 116) Nanda Drive, Kalbarri 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 and 2	Strata Plans	25 May 2024
3	Site and Elevation Plan	25 May 2024

- 2 Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and development approval for that use/addition:
- 3 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;
- 4 All stormwater is to be retained on the subject property unless otherwise authorised by the Shire of Northampton;
- 5 Any soils disturbed or deposited on site shall be stabilised to the approval of the Shire of Northampton; and
- 6 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 A private Building Surveyor will need to be appointed by the landowner to certify the structural integrity of the building and compliance with the requirements of the Building Code of Australia.
- 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 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.
- B. Request the Chief Executive Officer to issue a modified penalty of \$500 for a breach of Local Planning Scheme No 11 with respect to the completion of the patio being the subject of point A above, without the required prior development approval being obtained.

**COUNCIL RESOLUTION:**

**MOVED: Suckling, R      SECONDED: Hay, T**

**06/24-69**

**That Council:**

- A. In accordance with Local Planning Scheme No. 11 – Kalbarri grant retrospective development approval for a patio on Unit 8/Lot 474 (No. 116) Nanda Drive, Kalbarri 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 and 2	Strata Plans	25 May 2024
3	Site and Elevation Plan	25 May 2024

- 2 Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and development approval for that use/addition:
- 3 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;
- 4 All stormwater is to be retained on the subject property unless otherwise authorised by the Shire of Northampton;
- 5 Any soils disturbed or deposited on site shall be stabilised to the approval of the Shire of Northampton; and
- 6 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 A private Building Surveyor will need to be appointed by the landowner to certify the structural integrity of the building and compliance with the requirements of the Building Code of Australia.
  - 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 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.
- B. Request the Chief Executive Officer to issue a modified penalty of \$500 for a breach of Local Planning Scheme No 11 with respect to the completion of the patio being the subject of point A above, without the required prior development approval being obtained.

**MOTION CARRIED 7/0**

**FOR**

Cr L Sudlow  
 Cr R Horstman  
 Cr R Burges  
 Cr T Gibb  
 Cr T Hay  
 Cr D Pike  
 Cr R Suckling

**AGAINST**

**ATTACHMENT****9.4.4 Proposed Single House and Retaining Walls at Lot 178 (No. 20) Wurmbea Way, Kalbarri**

<b>PROPONENT</b>	RW & RM Guthrie
<b>OWNER</b>	RW Guthrie
<b>LOCATION / ADDRESS:</b>	Lot 178 (No. 20) Wurmbea Way, Kalbarri
<b>ZONE:</b>	Residential
<b>BUSINESS AREA:</b>	Planning Services
<b>FILE REFERENCE:</b>	10.6.1.1/A4100
<b>LEGISLATION:</b>	<i>Planning and Development Act 2005</i>
<b>AUTHOR:</b>	Michelle Allen
<b>APPROVING OFFICER:</b>	Brian Robinson
<b>DATE OF REPORT:</b>	10 June 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

Council is requested to consider an application for a Single House and Retaining Walls at Lot 178 (No. 20) Wurmbea Way, Kalbarri. The subject property is 503m<sup>2</sup> in area and is situated within the Eco Flora estate south of the Kalbarri townsite.

**LOCATION PLAN**

The applicant is proposing a four-bedroom, one bathroom dwelling with ensuite, outdoor living area and front verandah. If approved, the dwelling will be constructed with a Deep Ocean Colorbond® wall cladding and Classic Cream roof sheeting. A copy of the submitted plans is attached.

**ATTACHMENT: 9.4.4 (1)**

The development also consists of retaining walls proposed on both side and the rear boundaries of Lot 178. An additional retaining wall is also proposed through the middle of the lot at the rear to manage the variation in site levels.

**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 with a submission received from an adjoining landowner raising concern in relation to the lack of drainage detail contained within the application. A full copy of the submission is attached.

**ATTACHMENT: 9.4.4 (2)**

**COMMENT (Includes Options):**

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;*
- (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)

Whilst buildings within R20 zone should be setback 6m from the primary street, an unenclosed verandah is permitted to project into the primary street setback area to a maximum of 3m. In this instance, the front verandah projects a distance of 2.5m into the setback area and therefore meets deem-to-comply provisions.

The proposed dwelling is to be setback 1m from the southern side boundary and 2.253m from the northern side boundary. A setback of 1.5m would normally be required for a wall that is 9m long with a wall height of 3.5m. Approval to the application as submitted will therefore require the variation of the normal side setback requirements.

#### Visual Privacy

To prevent overlooking in accordance with the deemed-to-comply provisions of the R-Codes, the verandah must be constructed with '*permanent screening to restrict views within the cone of vision...*' This screening may consist of devices such as obscure glazing, timber screens or external blinds to a minimum height of 1.65m. The plans as submitted show privacy screening is proposed on both the southern and northern sides of the rear outdoor living area (verandah) to address overlooking potential.

No concerns regarding visual privacy were received in response to the consultation process.

#### Stormwater Management

Stormwater management is an integral part of building construction, and all development is required to have water draining from roofs, driveways, communal streets and other impermeable surfaces disposed of in a way that avoids the likelihood of damage or nuisance to any other property.

As detailed in the Public Consultation section above, the submission received expresses concerns over the fact that the submitted plans do not provide any details in respect of stormwater management. To address concerns, it is recommended conditions be imposed to require:

The applicant to submit a stormwater collection plan prior to application for a building permit.

#### Conclusion

Given the proposal is not expected to impact on the amenity of the area and conforms to provisions of the Scheme, Shire staff recommend approval be granted subject to appropriate conditions.

#### **STATUTORY ENVIRONMENT:**

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

#### **POLICY / STRATEGIC IMPLICATIONS:**

Nil.

#### **ORGANISATIONAL RISK MANAGEMENT:**

Nil.



**FINANCIAL IMPLICATIONS:**

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

**SUSTAINABILITY:**

Environmental: Nil.

Economic: Nil.

Social: Nil.

**VOTING REQUIREMENTS:                      SIMPLE MAJORITY**

**OFFICER RECOMMENDATION:**

That Council, in accordance with Local Planning Scheme No. 11 – Kalbarri grant planning approval for an outbuilding on Lot 178 (No. 20) Wurmbea Way, Kalbarri in accordance with the plans and specifications at Attachment 9.4.4 (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	14 March 2024
2	Floor Plan	14 March 2024
3	Elevation Plans	14 March 2024

- 2     **Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and development approval for that use/addition;**
- 3     **Any soils disturbed or deposited on site shall be stabilised to the approval of the Shire of Northampton;**
- 4     **Prior to lodging an application for a building permit, a detailed design of stormwater collection and disposal system of Lot 178 is to be supplied to the approval of the Shire of Northampton;**
- 5     **All stormwater is to be retained on the subject property unless otherwise authorised by the Shire of Northampton.**
- 6     **Installation of crossing places and verge gradients shall be to the standards and specifications of the Shire of Northampton;**
- 7     **All-parking of vehicles (including boats and trailers) associated with the property is to be provided for within the property boundary, and the street verge area is to be kept free of such vehicles;**

- 8 Bin storage and clothes drying areas shall be provided and appropriately screened such that they are not visible from the view from the street/s, to the approval of the local government;
- 9 The retaining walls and associated footings to be established along the side and rear boundaries shall be wholly contained within the property boundary; and
- 10 The Applicant/Owner shall include the minimum tree requirement, being one (1) tree with a minimum tree planting area of 2 metres by 2 metres within the street setback area of Lot 178 Wurmba Way, Kalbarri so as to address the requirements of Clause 5.3.2 of the Residential Design Codes (2024).

**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 Any retaining walls in excess of 500mm in height required in connection with the development shall be so constructed as to accord with plans and specifications prepared by a practising structural engineer to the satisfaction of the Shire of Northampton and details and particulars of the certified plans and specifications shall be provided to the Shire of Northampton as part of any application for a building permit;
- 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 Assessment of the application was based on the use of the dwelling for residential purposes and any changes to this use (eg. for tourist/holiday accommodation) requires further application and development approval for that use.
- 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 and the relevant *Aboriginal Cultural Heritage Act*, is required at all times.

- 7 With regard to Condition No. 10, the minimum tree planting area is to be provided for each tree and shown on the site plan. The tree planting area is to be free of impervious surfaces and roof cover.
- 8 If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of determination.

**COUNCIL RESOLUTION:**

**MOVED: Horstman, R    SECONDED: Burges, R**

**06/24-70**

**That Council, in accordance with Local Planning Scheme No. 11 – Kalbarri grant planning approval for an outbuilding on Lot 178 (No. 20) Wurmbea Way, Kalbarri in accordance with the plans and specifications at Attachment 9.4.4 (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	14 March 2024
2	Floor Plan	14 March 2024
3	Elevation Plans	14 March 2024

- 2 Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and development approval for that use/addition;
- 3 Any soils disturbed or deposited on site shall be stabilised to the approval of the Shire of Northampton;
- 4 Prior to lodging an application for a building permit, a detailed design of stormwater collection and disposal system of Lot 178 is to be supplied to the approval of the Shire of Northampton;
- 5 All stormwater is to be retained on the subject property unless otherwise authorised by the Shire of Northampton.
- 6 Installation of crossing places and verge gradients shall be to the standards and specifications of the Shire of Northampton;

- 7 All-parking of vehicles (including boats and trailers) associated with the property is to be provided for within the property boundary, and the street verge area is to be kept free of such vehicles;
- 8 Bin storage and clothes drying areas shall be provided and appropriately screened such that they are not visible from the view from the street/s, to the approval of the local government;
- 9 The retaining walls and associated footings to be established along the side and rear boundaries shall be wholly contained within the property boundary; and
- 10 The Applicant/Owner shall include the minimum tree requirement, being one (1) tree with a minimum tree planting area of 2 metres by 2 metres within the street setback area of Lot 178 Wurmbea Way, Kalbarri so as to address the requirements of Clause 5.3.2 of the Residential Design Codes (2024).

**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 Any retaining walls in excess of 500mm in height required in connection with the development shall be so constructed as to accord with plans and specifications prepared by a practising structural engineer to the satisfaction of the Shire of Northampton and details and particulars of the certified plans and specifications shall be provided to the Shire of Northampton as part of any application for a building permit;
- 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 Assessment of the application was based on the use of the dwelling for residential purposes and any changes to this use (eg. for tourist/holiday accommodation) requires further application and development approval for that use.
- 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 and the relevant *Aboriginal Cultural Heritage Act*, is required at all times.
- 7 With regard to Condition No. 10, the minimum tree planting area is to be provided for each tree and shown on the site plan. The tree planting area is to be free of impervious surfaces and roof cover.
- 8 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.

**MOTION CARRIED 7/0**

**FOR**

Cr L Sudlow  
Cr R Horstman  
Cr R Burges  
Cr T Gibb  
Cr T Hay  
Cr D Pike  
Cr R Suckling

**AGAINST**

**ATTACHMENT**

**9.4.5 Proposed Residential Development - Lot 100 (No 18) Mortimer Street, Kalbarri**

<b>PROPONENT</b>	Urban Plan
<b>OWNER</b>	Pago Pty Ltd
<b>LOCATION / ADDRESS:</b>	Lot 100 (No 18) Mortimer Street, Kalbarri
<b>ZONE:</b>	Residential Area
<b>BUSINESS AREA:</b>	Planning Services
<b>FILE REFERENCE:</b>	10.6.1 & A468
<b>LEGISLATION:</b>	<i>Planning and Development Act 2005</i>
<b>AUTHOR:</b>	Brian Robinson
<b>APPROVING OFFICER:</b>	Brian Robinson
<b>DATE OF REPORT:</b>	10 June 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

Council is requested to consider the establishment of 7 residential dwellings on the subject land. Plans submitted with the application detail that 5 single bedroom dwellings will be established utilising the existing building, with two new two bedroom, two storey dwellings to be constructed within the current setback to Mortimer Street. Copies of the submitted plans are shown attached.

**ATTACHMENT: 9.4.5 (1)**

As shown on the location plan below, the subject land is a 993m<sup>2</sup> property located on the north western corner of the intersection of Mortimer and Auger Street within the Kalbarri Townsite. The site is located to the rear of the Kalbarri IGA supermarket and is currently developed with an un-used hall.

**LOCATION PLAN**



Attachment: 9.4.5 (1), the applicants are proposing that ultimately the land will be subdivided into the following lots:

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

The provisions of the Shire of Northampton's Local Planning Scheme No 11 - Kalbarri Townsite (the Scheme) include the land within the Residential Zone, applying a maximum density of R50/60 in accordance with the Residential Design Codes of Western Australia (R-Codes).

To assist Council in determining the application, the following comments and advice are offered:

Matters to be Considered

Clause 67(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* outlines that in determining an application for development approval, the responsible authority is to consider various matters. 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;*
- (g) Any local planning policy for the Scheme area; and*
- (n) The amenity of the locality.*

Zoning Objectives

The Scheme identifies that the objectives of the Residential Zone are as follows:

- To provide for a wide range of housing and a choice of residential densities to meet the needs of the community;*
- To facilitate and encourage high quality design, built form and streetscapes throughout residential areas; and*
- To provide for a range of non-residential uses, which are compatible with and complimentary to residential development.*

Resulting in the creation of a housing style not currently available within the Kalbarri Townsite, the application is considered to be consistent with the objectives of the Residential Zone.

Land Use Classification & Permissibility

The applicant is proposing the creation of seven dwellings in total. Information contained within the supporting document indicates that the applicant intends to lodge an application for subdivision approval once development approval is obtained. As individual/single dwellings on freehold titles, each of the proposed dwellings would each be classified as a "Single House".

The above said, until such time as subdivision occurs, the creation of seven dwellings on a single land title is consistent with the land use definition of Group Dwellings. Group Dwellings are a "D" use within the Residential Zone. That is a use that is not permitted unless the local government has exercised its discretion by granting development approval.

#### R-Code Density

As detailed above, the provisions of the Scheme apply a maximum density of R50/60. As detailed in Schedule 1 of the Scheme, Council may permit a density of R60 for short term accommodation, where that site has a minimum area of 2,000m<sup>2</sup>. In this case given the area of land and the proposed residential use of the development a maximum density of R50 applies.

The R-Codes identify that with an identified density of R50, single dwellings or group dwellings can be established at maximum of one dwelling per 160m<sup>2</sup> minimum, with an average area of 180m<sup>2</sup> per dwelling required.

As a corner property, part 1.1 of the R-Codes identifies that the corner truncation can be included within the land area for the purposes of assessing a proposed development. With the site having a standard intersection truncation of 18m<sup>2</sup>, the effective land area is 1012m<sup>2</sup>. This would allow for the construction of up to 5 standard dwellings.

#### Small Dwellings

As reflected within the documentation shown at Attachment: 9.4.5 (1), the applicant is proposing the creation of 5 single dwellings utilising the existing hall building, one of which will be an accessible dwelling designed to comply with gold level universal design. The R-Codes identifies that Dwellings having a maximum internal floor area of 70m<sup>2</sup> are classified as "Small Dwellings" and may be eligible for a density bonus.

#### Density Bonus

In order to encourage a range of housing styles, clause C1.1.7 of the R-Codes identifies that the average site area for "small dwellings" or an "accessible dwelling" maybe reduced by up to 35%, provided that:

- i) For single houses, no site is less than 100m<sup>2</sup>; and
- ii) The site area reduction is limited for small dwellings to a maximum of 50% of the total number of dwellings on site.

In the case of the current development, with 7 dwellings proposed, three of the single bedroom Small Dwellings may be eligible for the 35% reduction in the site area. Additionally, the accessible unit is also eligible for the same reduction.



By applying the reduced average site area in accordance with Clause C1.1.7 of the R-Codes, the following area requirements apply:

Dwelling Type	Number of Dwellings	Normal Average Site Area	Reduced Average Site Area (by 35%)	Land Area required
Small Dwellings Max 50% of dwellings	3	180m <sup>2</sup>	117m <sup>2</sup>	351m <sup>2</sup>
Accessible Dwelling	1			117m <sup>2</sup>
Single House	3		N/A	540m <sup>2</sup>
Total Area Required				1,008m <sup>2</sup>

With a calculated site area of 1,012m<sup>2</sup>, the development as submitted complies with the minimum and average site area requirements of the R-Codes.

### Setbacks

As prescribed by the R-Codes, development with an applicable density of R50 is required to have a minimum primary street setback of 2 metres, with a minimum of 1 metre permitted to a secondary street. Setbacks to other boundaries are required to be a minimum of between 1 metre and 3 metres depending on the height and length of the dwelling walls.

The development as proposed complies with the minimum required street and side boundary setbacks.

### Car Parking

In accordance with the R-Codes car parking is required at the rate of 1 bay per single bedroom dwelling and 2 parking bays per two bedroom dwelling.

The submitted plans indicate that each dwelling will be provided with a single car parking space, with the car parking space for dwelling 3 being an accessible compliant parking bay. In addition, a visitor parking bay has been identified adjacent to the western boundary.

Whilst the provision of a single parking bay complies with the “Deemed to Comply” requirements of the R-Codes for 5 of the proposed single bedroom dwellings, detailed examination of the plans has identified that there is a flaw in the design/location of the car parking spaces and their current location would restrict access to the front door of the dwellings. Through discussions with the applicant, it has been agreed that this issue can be easily addressed by moving the carparking bays. An appropriate condition is recommended.

In terms of the proposed two bedroom dwellings, such dwellings normally require the provision of a minimum of two parking bays per dwelling. Given this an additional carparking space would normally be required for each of the proposed two bedroom dwellings. Where an application does not meet the Deemed-to-Comply provisions of the R-Codes, the application must be assessed against the design principles.

Clause P3.1 of the R-Codes outlines that the design principle for car parking is as follows:

*Adequate car parking to be provided on site in accordance with the projected need related to:*

- *The type, number and size of dwellings;*
- *The availability of on-street and other off-street parking; and*
- *The proximity of the proposed development to public transport and other facilities.*

Inspection of the site has identified that the Mortimer Street verge is approximately 7 metres in width but is without a footpath at this point in time. It should be noted the Shire currently has no plans for construction of a footpath in Mortimer Street.

Should a footpath be established in the future, sufficient room would exist for two vehicles to park in tandem abutting each unit provided that footpath is constructed immediately adjacent to the existing kerb. Given this and the proposal for a visitor parking bay at the western end of the property, it is recommended that Council support a relaxation of the on-site parking requirements for the two two-storey dwellings.

An appropriate condition of approval should be imposed to ensure that the proposed visitor parking bay remains available for use of guests of the proposed dwellings.

#### Private Open Space & Service Courtyards

Each of the proposed dwellings is to be provided with private open space in accordance with the normal requirements of the R-Codes. It is recommended that a condition is imposed to require the planting and maintenance of a tree within the identified deep root zones in accordance with clause C1.2.4 of the R-Codes.

In terms of the service courtyard, a single issue has been identified with respect to the proposed dwelling on proposed lot 1. As reflected on the site plan, the washing line/service courtyard is located on the southern side of the dwelling abutting Auger Street. The current side elevations indicate the establishment of fencing that will not be of sufficient height to screen the washing line from view. An appropriate condition is recommended to require the installation of 1.8m fencing abutting the service courtyard.

#### Conclusion

With some relatively minor modifications the development as proposed will comply with all requirements of the R-Codes, with the exception of carparking for the proposed two bedroom two-storey dwellings. Given the availability of verge parking abutting Mortimer Street, it is considered that the provision of one car parking space on-site per unit will not result in a detrimental impact on either the street environment or traffic flows in the area.

As the proposal generally complies with the requirements of the R-Codes and it will result in the creation of a residential dwelling type not currently available within Kalbarri, conditional approval is recommended.

### STATUTORY ENVIRONMENT:

*Planning and Development Act 2005*, Local Planning Scheme No 11 and the Residential Design Codes of Western Australia.

### POLICY / STRATEGIC IMPLICATIONS:

Approval to the application will result in the redevelopment of a disused hall, situated in a prime location in close proximity to the Kalbarri River Foreshore. Approval to the development will result in five bedroom dwellings, a form of permanent residential accommodation currently not available within the townsite.

### ORGANISATIONAL RISK MANAGEMENT:

Risk rating is considered Insignificant given the level of compliance with requirements of the Scheme and R-Codes.

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 required application fee has been paid in accordance with Council's adopted Schedule of Fees and Charges.

**SUSTAINABILITY:**

Environmental: Approval to the application as proposed will result in additional trees and landscaping on-site.

Economic: Approval to the application will result in the creation of an additional 7 permanent dwellings in the Kalbarri townsite, which has a recognised housing shortage.

Social: The provision of single bedroom dwellings will provide housing options for members of the community that do not require or desire a more traditional home.

**VOTING REQUIREMENTS:                      SIMPLE MAJORITY**

**OFFICER RECOMMENDATION:**

**That Council in accordance with Local Planning Scheme No 11 – Kalbarri grant planning approval to the proposed seven dwellings on Lot 100 (No 18) Mortimer Street, Kalbarri in accordance with the plans and specifications shown at ATTACHMENT: 9.4.5 (1), subject to compliance with 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.**

<b>Reference</b>	<b>Document Title</b>	<b>Dated</b>
<b>1.</b>	<b>Application for Development Approval</b>	<b>30 April 2024</b>
<b>2.</b>	<b>Supporting Documentation</b>	<b>April 2024</b>
<b>3.</b>	<b>Existing Site Plan</b>	<b>20 April 2024</b>
<b>4.</b>	<b>Site Ground Floor</b>	<b>20 April 2024</b>
<b>5.</b>	<b>Site Upper Floor Plan</b>	<b>20 April 2024</b>
<b>6.</b>	<b>Landscape Plan</b>	<b>20 April 2024</b>
<b>7.</b>	<b>Typical Hall Dwelling Plan</b>	<b>20 April 2024</b>
<b>8.</b>	<b>Elevations and Cross section plans</b>	<b>20 April 2024</b>

- 2. Notwithstanding condition No 1 above, prior to the application for a Building Permit, the proposed plans are required to be modified to address the following matters to the satisfaction of the Shire of Northampton:**
  - a) Modification of the proposed Parking bays for the single bedroom dwellings facing Auger Street so as to ensure that there is no movement conflict between the front door and the proposed car parking space whilst ensuring the proposed parking space is wholly contained within the property; and**
  - b) A minimum height fencing of 1.8m being established abutting proposed the service courtyard associated with dwelling one so as to ensure screening of courtyard.**

3. The dwellings hereby approved shall not be used for commercial short stay accommodation purposes unless the prior approval of the Shire of Northampton has been obtained.
4. Suitable arrangements being made as to ensure that the identified visitor parking bay is established and maintained for the use of visitors attending the 7 dwellings hereby approved, to the satisfaction of the Shire of Northampton.
5. All stormwater and drainage runoff is to be retained on the subject property or to be provided with stormwater drainage connections to the drainage system in the area at the developers cost to the satisfaction of the Shire of Northampton.
6. Each of the proposed dwellings being connected to the Water Corporation's reticulated sewerage system.
7. Prior to lodging an application for a building permit, the applicant must submit and have approved by the Shire of Northampton, and thereafter implement, a construction management plan addressing the following matters:
  - (a) How materials and equipment will be delivered and removed from the site;
  - (b) How materials and equipment will be stored on the site;
  - (c) Parking arrangements for contractors;
  - (d) Construction waste disposal strategy and location of waste disposal bins;
  - (e) Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction;
  - (f) How risks of wind and/or water borne erosion and sedimentation will be minimised during and after the works; and
  - (g) Other matters likely to impact on the surrounding properties.
8. A schedule of the colour and texture of the building materials, demonstrating that the proposed development complements the surrounding area, must be submitted to and approved by the Shire of Northampton, prior to lodging an application for a building permit. The development must be finished, and thereafter maintained, in accordance with the schedule provided to and approved by the Shire of Northampton, prior to occupation of the development.
9. Prior to lodging an application for a building permit, a detailed landscaping and reticulation plan for the subject site and/or the road verge(s) must be submitted to and approved to the satisfaction of the Shire of Northampton.
10. The Applicant/Owner shall include the minimum tree requirement, being one (1) tree with a minimum tree planting area of 2 metres by 2 metres in accordance with the requirements of Clause 5.3.2 of the Residential Design Codes (2024).
11. The approved landscaping and reticulation plan must be fully implemented within the first available planting season after the initial occupation of the development, and maintained thereafter, to the satisfaction of the Shire of Northampton. Any species which fail to establish within the first two planting seasons following

implementation must be replaced in consultation with and to the satisfaction of the Shire of Northampton.

12. Prior to the occupation or use of the development hereby approved, the area set aside for the parking of vehicles, together with the associated access lanes as delineated on the endorsed plan shall:
  - a) be constructed, drained and marked to the satisfaction of the Council prior to the commencement of the use hereby permitted.
  - b) thereafter be maintained to the satisfaction of the Council.
  - c) be made available for such use at all times and not used for any other purpose.
  - d) be properly formed to such levels that it can be used in accordance with the plan.
13. The proposed carparking bay for the accessible dwelling (Dwelling 3) shall be in accordance with the Australian Standard 2890.1 – 2009, and connected to a continuous accessible path to the main entrance of the dwelling. The design and signage of the bay(s) and path(s) are to be in accordance with the Australian Standard 1428.1 – 2009.
14. Prior to the occupation of the development, the proposed vehicle crossovers between the subject land and Mortimer and Auger Streets are to be located, designed, constructed, sealed and drained to the specification and satisfaction of the Shire of Northampton.

**Advice to Applicant:**

- a) 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).
- b) 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.
- c) The approved development must comply with all relevant provisions of the *Health (Miscellaneous Provisions) Act 1911 (as Amended)* and the National Construction Code.
- d) With regard to Condition No. 9, the minimum tree planting area is to be provided for each tree and shown on the site plan. The tree planting area is to be free of impervious surfaces and roof cover.
- e) 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.

**MOVED: Horstman, R      SECONDED: Burges, R**

**06/24-71**

**COUNCIL RESOLUTION:**

**That Council in accordance with Local Planning Scheme No 11 – Kalbarri grant planning approval to the proposed seven dwellings on Lot 100 (No 18) Mortimer Street, Kalbarri in accordance with the plans and specifications shown at ATTACHMENT: 9.4.5 (1), subject to compliance with 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.**

<b>Reference</b>	<b>Document Title</b>	<b>Dated</b>
<b>1.</b>	<b>Application for Development Approval</b>	<b>30 April 2024</b>
<b>2.</b>	<b>Supporting Documentation</b>	<b>April 2024</b>
<b>3.</b>	<b>Existing Site Plan</b>	<b>20 April 2024</b>
<b>4.</b>	<b>Site Ground Floor</b>	<b>20 April 2024</b>
<b>5.</b>	<b>Site Upper Floor Plan</b>	<b>20 April 2024</b>
<b>6.</b>	<b>Landscape Plan</b>	<b>20 April 2024</b>
<b>7.</b>	<b>Typical Hall Dwelling Plan</b>	<b>20 April 2024</b>
<b>8.</b>	<b>Elevations and Cross section plans</b>	<b>20 April 2024</b>

- 2. Notwithstanding condition No 1 above, prior to the application for a Building Permit, the proposed plans are required to be modified to address the following matters to the satisfaction of the Shire of Northampton:**
  - a) Modification of the proposed Parking bays for the single bedroom dwellings facing Auger Street so as to ensure that there is no movement conflict between the front door and the proposed car parking space whilst ensuring the proposed parking space is wholly contained within the property; and**
  - b) A minimum height fencing of 1.8m being established abutting proposed the service courtyard associated with dwelling one so as to ensure screening of courtyard.**
- 3. The dwellings hereby approved shall not be used for commercial short stay accommodation purposes unless the prior approval of the Shire of Northampton has been obtained.**
- 4. Suitable arrangements being made as to ensure that the identified visitor parking bay is established and maintained for the use of visitors attending the 7 dwellings hereby approved, to the satisfaction of the Shire of Northampton.**

5. All stormwater and drainage runoff is to be retained on the subject property or to be provided with stormwater drainage connections to the drainage system in the area at the developers cost to the satisfaction of the Shire of Northampton.
6. Each of the proposed dwellings being connected to the Water Corporation's reticulated sewerage system.
7. Prior to lodging an application for a building permit, the applicant must submit and have approved by the Shire of Northampton, and thereafter implement, a construction management plan addressing the following matters:
  - a) How materials and equipment will be delivered and removed from the site;
  - b) How materials and equipment will be stored on the site;
  - c) Parking arrangements for contractors;
  - d) Construction waste disposal strategy and location of waste disposal bins;
  - e) Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction;
  - f) How risks of wind and/or water borne erosion and sedimentation will be minimised during and after the works; and
  - g) Other matters likely to impact on the surrounding properties.
8. A schedule of the colour and texture of the building materials, demonstrating that the proposed development complements the surrounding area, must be submitted to and approved by the Shire of Northampton, prior to lodging an application for a building permit. The development must be finished, and thereafter maintained, in accordance with the schedule provided to and approved by the Shire of Northampton, prior to occupation of the development.
9. Prior to lodging an application for a building permit, a detailed landscaping and reticulation plan for the subject site and/or the road verge(s) must be submitted to and approved to the satisfaction of the Shire of Northampton.
10. The Applicant/Owner shall include the minimum tree requirement, being one (1) tree with a minimum tree planting area of 2 metres by 2 metres in accordance with the requirements of Clause 5.3.2 of the Residential Design Codes (2024).
11. The approved landscaping and reticulation plan must be fully implemented within the first available planting season after the initial occupation of the development, and maintained thereafter, to the satisfaction of the Shire of Northampton. Any species which fail to establish within the first two planting seasons following implementation must be replaced in consultation with and to the satisfaction of the Shire of Northampton.
12. Prior to the occupation or use of the development hereby approved, the area set aside for the parking of vehicles, together with the associated access lanes as delineated on the endorsed plan shall:
  - a) be constructed, drained and marked to the satisfaction of the Council prior to the commencement of the use hereby permitted.



- b) thereafter be maintained to the satisfaction of the Council.
  - c) be made available for such use at all times and not used for any other purpose.
  - d) be properly formed to such levels that it can be used in accordance with the plan.
13. The proposed carparking bay for the accessible dwelling (Dwelling 3) shall be in accordance with the Australian Standard 2890.1 –2009, and connected to a continuous accessible path to the main entrance of the dwelling. The design and signage of the bay(s) and path(s) are to be in accordance with the Australian Standard 1428.1 – 2009.
14. Prior to the occupation of the development, the proposed vehicle crossovers between the subject land and Mortimer and Auger Streets are to be located, designed, constructed, sealed and drained to the specification and satisfaction of the Shire of Northampton.

**Advice to Applicant:**

- a) 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).
- b) 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.
- c) The approved development must comply with all relevant provisions of the *Health (Miscellaneous Provisions) Act 1911 (as Amended)* and the National Construction Code.
- d) With regard to Condition No. 9, the minimum tree planting area is to be provided for each tree and shown on the site plan. The tree planting area is to be free of impervious surfaces and roof cover.
- e) 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.

**MOTION CARRIED 7/0**

**FOR**

Cr L Sudlow  
 Cr R Horstman  
 Cr R Burges  
 Cr T Gibb  
 Cr T Hay  
 Cr D Pike  
 Cr R Suckling

**AGAINST**

## APPENDIX

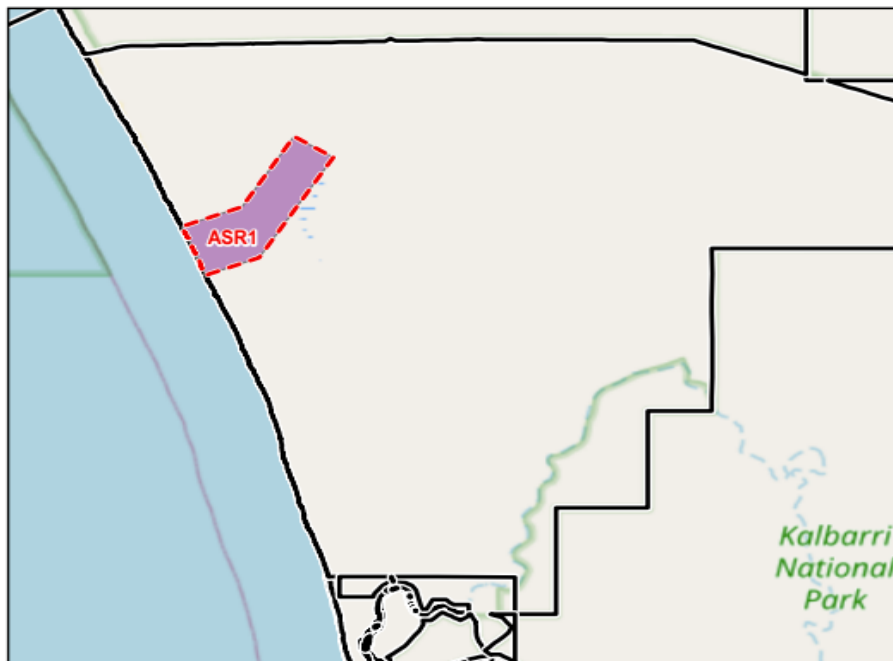
### 9.4.6 Request for Local Planning Scheme Amendment - Proposed Hydrogen Processing Facility on Murchison House Station

<b>PROPONENT</b>	Murchison Green Hydrogen as subsidiary of Copenhagen Infrastructure Partners (CIP)
<b>OWNER</b>	State of Western Australia (pastoral lease)
<b>LOCATION / ADDRESS:</b>	Part Lot 944, Part Lot 1544, and Part Unallocated Crown Land (ID3846146)
<b>ZONE:</b>	Rural
<b>BUSINESS AREA:</b>	General Industry with Site Specific Site and Development Requirements
<b>FILE REFERENCE:</b>	10.9.9
<b>LEGISLATION:</b>	<i>Planning &amp; Development Act 2005</i>
<b>AUTHOR:</b>	Brian Robinson
<b>APPROVING OFFICER:</b>	Brian Robinson
<b>DATE OF REPORT:</b>	10 June 2024
<b>DECLARATION OF INTEREST:</b>	Nil

#### BACKGROUND:

At its Ordinary Meeting held on 16 May 2024, Council was requested to further consider initiating a Scheme Amendment to rezone portion of the Murchison House Station to introduce the scheme provisions that would facilitate the proposed land uses associated with production, conversion, storage and export of renewable energy, including green hydrogen and green ammonia.

#### LOCATION PLAN



A relevant excerpt of the unconfirmed minutes from the meeting held on 16 May 2024 is Appended, including the original officer report. As reflected within the Appendix, Council resolved (Resolution No 05/24-35) to:

1. *Acknowledge the receipt of the revised Local Planning Scheme Amendment Report dated modification received on 8 May 2024;*
2. *Defer consideration pending the receipt of legal advice on the proposed Deed of Agreement;*
3. *Require proposed Requirement 5e outlined within Table 6, requires modification to require the development to comply with a Bushfire Management Plan to the satisfaction of the Local Government, having regard to the advice of the Department of Fire and Emergency Services.*
4. *In the interim request that the Chief Executive Officer liaise with the applicants over:*
  - a) *Required modifications to the Local Planning Scheme Amendment Report as identified in the body of this report; and*
  - b) *Modification to the Preliminary Social Impact Assessment to ensure the provisions of Local Planning Policy – Social Impact Assessment are addressed prior to the matter being considered by Council;*
5. *Re-iterate the invitation to the applicant to nominate the method to be used for calculating the total expenditure within the proposed Community Benefit Sharing Plan.*

#### **APPENDIX: 9.4.6 (A)**

As detailed in the 16 May 2024 agenda, Council had previously deferred consideration of the proposal at its Ordinary Meeting held on 18 April 2024.

Shire Officers have now received a legal opinion on the applicants proposed Deed of Agreement. A summary of the legal opinion is provided within the Comment section of this agenda item. However, due to the commercial nature of the Deed of Agreement the opinion, supplied by Civic Legal, a full copy of the opinion will be provided to elected members under separate cover.

Council is now requested to further consider adopting the Scheme Amendment for the purposes of public advertising. Should the amendment ultimately be gazetted, it will facilitate a large-scale renewable energy project on land contained with the Murchison House Station pastoral lease, approximately 20km north of Kalbarri. The project will use an estimated 5.2GW of wind and solar power to produce renewable hydrogen from desalinated sea water to produce an estimated 2 million tonnes of green ammonia per annum for domestic and export uses.

#### **PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

To assist Council in further consideration of the request to initiate a Scheme Amendment, the following additional information and advice is provided.

Proposed Deed of Agreement

Councillors were previously provided with a copy of the draft Deed of Agreement as submitted by the applicant as Attachment No 3 to the 16 May 2024 agenda item. In accordance with Council's resolution (Resolution 05/24-35), a copy of the draft deed was forwarded to solicitors Civic Legal for their opinion.

The following is a summary of the opinion provided by Civic Legal dated 7 June 2024, received by Shire Officers on 10 June 2024:

- a) Civic Legal does not consider that the proposed deed provisions impose a sufficiently clear or strong obligations on the proponent to complete the SIA and complete the steps or approach to establish the Community Benefit Sharing Plan;
- b) Use of terms such as "acknowledge" and "intended" within the document do not sufficiently bind the applicant, leaving it open for them to change the steps or approach in developing the Community Benefit Sharing Scheme;
- c) There are no stipulated timeframes for the Social Impact Assessment, timeframes for the various steps to establish a Community Benefit Sharing Scheme are not binding and there is timeframe for delivery of the Community Benefit Sharing Scheme;
- d) It is recommended that positive legal obligations such as "must" and "agree to" are used for relevant clauses;
- e) It is recommended that details are provided pertaining to each step outlined in Schedule 1 such as the purpose, aim, composition or agendas to be discussed at the Advisory Group Meetings; and
- f) The draft Deed of Agreement states that each party will be responsible for their own legal costs associated incurred with negotiating, preparing, executing and administering the agreement.

As outlined above, significant modification of the Deed of Agreement is required to secure commitments to completion of an acceptable Social Impact Assessment and the establishment and implementation of the Community Benefit Sharing Scheme. It is therefore recommended that consideration of the request to initiate a scheme amendment be deferred pending revision of the draft Deed of Agreement.

It would be prudent for Councillors to require revision of Deed of Agreement in line with the legal advice received, prior to adopting the Local Planning Scheme Amendment for advertising purposes.

Amendment Documentation Revisions

As part of the 16 May 2024 resolution, Council required revision of the draft Scheme Amendment documentation as identified within the agenda item.

Whilst discussions have been held with the applicant, a modified scheme amendment document is yet to be received. It is anticipated that these matters will be addressed shortly.

#### Potential for Social Impact

As detailed within the agenda items presented to Council on 18 April and 16 May 2024, the project which result from the Scheme Amendment has significant potential to have both positive and negative impacts within the community, most particularly Kalbarri. The Preliminary Social Impact Assessment as contained within the Draft Scheme Amendment provides a detailed outline of many of the likely and potential impacts and opportunities associated with the project overall. For each impact and opportunity, mitigation measures are outlined. By way of summary, the majority of the mitigation measures are based on:

- i) further consultation and engagement with stakeholders;
- ii) the preparation of a significant number of other more detailed plans including but not limited to a Workforce Plan, Transition Strategy, Social Infrastructure, Dust Management, Visual Impact Assessment, Air Quality Assessment, Safety Management Plan, Traffic Impact Assessment and others.

As stated within the 16 May 2024 agenda item, there are many other opportunities to response to impacts associated with the proposal. Prior to Council adopting the amendment for the purposes of advertising it is considered essential that:

- a) The preliminary Social Impact Assessment is refined as previously identified in the 16 May 2024 agenda item;
- b) The applicants are sufficiently bound to complete a detailed Social Impact Assessment, establish and implement the Community Benefit Sharing Scheme in an appropriate form, ensuring that the principles of orderly and proper planning are achieved; and
- c) The amendment documentation contains sufficient information regarding the potential impacts and the proposed Community Benefit Sharing Scheme to allow members of the community to provide informed comments on the Scheme Amendment during the public consultation period.

#### State Significant Proposal

As previously highlighted in the April and May 2024 agenda items, the Western Australian Government has identified the project as a project of State Significance and has appointed the Department of Jobs, Tourism, Science, and Innovation (JTSI) as Lead Agency to guide the proposal through the approvals process.

As a result of the value and significance of the proposal, the future application for a Development Approval will be determined by the State under the Significant Development Pathway. In accordance with Section 11B of the Planning and Development Act 2005, the application will be assessed by the State Development Assessment Unit and determined by the Western Australian Planning Commission.

If the applicants proposal to essentially defer a detailed Social Impact Assessment and other mitigation measures highlighted above to the Development Application process, the acceptability of the Assessment and the details of the Community Benefit Sharing Scheme will be at the discretion of the State and not the Shire of Northampton.

### Conclusion

The opinion received from the Shire's solicitors has identified the need to the proposed Deed of Agreement to be modified to ensure clear legal obligations on the proponent in terms of the Social Impact Assessment and resultant Community Benefit Sharing Scheme. It is recommended that consideration of the proposed Scheme Amendment be further deferred pending review of the legal agreement as identified by Civic Legal.

### **STATUTORY ENVIRONMENT:**

Relevant legislation includes but is not limited to *Planning and Development Act 2005* and the *Planning and Development (Local Planning Scheme) Regulations 2015*, *Heritage Act 1990*, *Aboriginal Heritage Act 1972*.

The preparation and statutory planning process associated with amendments to a Local Planning Scheme outline the following formal steps:

1. Council resolves pursuant to Section 75 of the *Planning and Development Act 2005* (the Act) to amend the Scheme.
2. Council must also classify whether the amendment is a Basic, Standard or Complex Amendment. In this the amendment would be a Complex Amendment as the location of General Industry Zone as proposed is not contemplated within the Local Planning Strategy;
3. In accordance with section 81 of the Act, refer the amendment to the Environmental Protection Authority for assessment. EPA decides whether environmental review is required. Processes under the *Environmental Protection Act 1986* are followed;
4. After preparing or resolving to adopt a proposed amendment, and complying with sections 81 and 82, must submit the Complex Amendment to the WAPC for the Ministers Approval to advertise;
5. Publicly advertise the Complex Amendment for a period of 60 days, as directed by the WAPC;
6. Council considers the amendment for final approval, not proceed, or proceed with or without modification, having regard to the submissions received;
7. After the formal decision forward copies of the submissions together with any proposed modifications to the DPLH. DPLH completes an assessment, making recommendation(s) to the WAPC.
8. WAPC considers the Council decision considering the submissions received and provides advice to the Minister; and
9. The Minister determines the amendment.

**POLICY / STRATEGIC IMPLICATIONS:**

The Shires' Local Planning Policies relating to Renewable Energy Facilities and Social Impact Assessment are relevant to the proposal. Requirements of these policies were previously outlined to Council as part of the April and May 2024 agenda items.

**ORGANISATIONAL RISK MANAGEMENT:**

There are a number of risks associated with the adoption of an amendment for advertising purposes. Should the proposal proceed without sufficient arrangements in place so ensure the completion of a Social Impact Assessment and appropriate level of Community Investment, the proposal could result in significant detrimental impacts on the Kalbarri Community.

Given the potential level of impact, the potential consequence could be catastrophic.

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 required application fee has been paid. Should the amendment be adopted and proceed to advertising, the proponents will be responsible for the cost of producing the amendment document and the costs of advertising.

As part of the resolution of Council on 18 April 2024 (Resolution No 04/24), Council resolved to require *MGH to enter into a legal binding agreement, at their cost, to ensure the completion and implementation of a Social Impact Assessment and the associated Community Investment Program*". As an alternative, point 4 of Council's resolution advised that the Shire would accept a bond or bank guarantee of \$1,000/MW per annum for the life of the project. In accordance with this resolution, Council has stipulated that the applicant will be responsible for all costs associated with the finalisation of the Deed of Agreement.

**SUSTAINABILITY:**

Environmental: As a significant industry-based proposal located in a complex land form, there are numerous environmental considerations and the potential for significant environmental impacts. As outlined within the Comment Section, the Environmental Protection Authority has determined that the proposal will be subject to a formal Public Environmental Review process.

Economic: Successful implementation of the MGH project will result in significant economic opportunities within the region and more particularly the closest urban centre of Kalbarri.

Social: It is imperative that social impacts associated with the construction and operational phases of the project are addressed or mitigated.

**VOTING REQUIREMENTS:                      SIMPLE MAJORITY**

**OFFICER RECOMMENDATION:**

**That Council:**

- 1. Acknowledge receipt of the legal opinion of Civic Legal, dated 7 June 2024 in relation to the Draft Deed of Agreement between the Shire of Northampton and Murchison Green Hydrogen;**
- 2. The Chief Executive Officer be authorised to provide the applicants with a copy of the legal opinion referred to in point 1 above;**
- 3. The applicants be requested to modify the draft Deed of Agreement to the satisfaction of the Chief Executive Officer, having regard to the legal opinion provided;**
- 4. Further to point 3 above, the applicants be required to identify the proposed method to be used in calculating the total expenditure within the Community Benefit Sharing Plan.**
- 5. Council defer consideration of the draft Local Planning Scheme Amendment pending:**
  - a) Revision of the Deed of Agreement in accordance with points 3 and 4 above; and**



- b) Updating of the draft Scheme Amendment documentation as detailed in the 16 May 2024 resolution of Council.

**COUNCIL RESOLUTION:**

**MOVED: Pike, D**

**SECONDED: Suckling, R**

**06/24-72**

**That Council:**

- 1. Acknowledge receipt of the legal opinion of Civic Legal, dated 7 June 2024 in relation to the Draft Deed of Agreement between the Shire of Northampton and Murchison Green Hydrogen;**
- 2. The Chief Executive Officer be authorised to provide the applicants with a copy of the legal opinion referred to in point 1 above;**
- 3. The applicants be requested to modify the draft Deed of Agreement to the satisfaction of the Chief Executive Officer, having regard to the legal opinion provided;**
- 4. Further to point 3 above, the applicants be required to identify the proposed method to be used in calculating the total expenditure within the Community Benefit Sharing Plan.**
- 5. Council defer consideration of the draft Local Planning Scheme Amendment pending:**
  - a) Revision of the Deed of Agreement in accordance with points 3 and 4 above; and**
  - b) Updating of the draft Scheme Amendment documentation as detailed in the 16 May 2024 resolution of Council.**

**MOTION CARRIED 7/0**

**FOR**

Cr L Sudlow  
Cr R Horstman  
Cr R Burges  
Cr T Gibb  
Cr T Hay  
Cr D Pike  
Cr R Suckling

**AGAINST**

**ATTACHMENT**

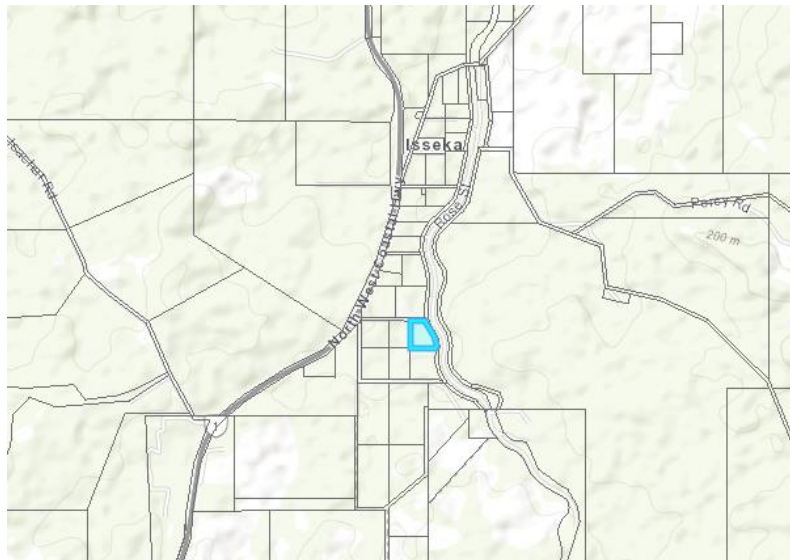
**9.4.7 Retrospective Approval for Single House and Outbuilding at Lot 45 (No. 44) Carson Street, Isseka**

<b>PROPONENT</b>	LF & RM Hose
<b>OWNER</b>	LF & RM Hose
<b>LOCATION / ADDRESS:</b>	Lot 45 (No. 44) Carson Street, Isseka
<b>ZONE:</b>	Rural Residential
<b>BUSINESS AREA:</b>	Planning Services
<b>FILE REFERENCE:</b>	10.8.1.1/A1400
<b>LEGISLATION:</b>	<i>Planning and Development Act 2005</i>
<b>AUTHOR:</b>	Michelle Allen
<b>APPROVING OFFICER:</b>	Brian Robinson
<b>DATE OF REPORT:</b>	10 June 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

Council is requested to consider a retrospective application for a Single House and Outbuilding at Lot 45 (No. 44) Carson Street, Isseka. The subject property is 2.41 hectares in area and is situated at Isseka located approximately 11 kilometres south of the Northampton townsite.

**LOCATION PLAN**



Following the current owners purchase of the property in 2016, it was identified that four sheds (two large and two small outbuildings) had been established by the previous owner with no approvals. Subsequently the applicants repurposed one of an existing outbuildings into a three-bedroom, one bathroom dwelling with landscaping.

Photographs of the existing development are shown attached.

**ATTACHMENT: 9.4.7 (1)**

As shown at Attachment No 1 the dwelling is clad with Deep Ocean Colorbond® wall cladding and Surfmist roof sheeting. The previously unauthorised outbuilding has been modified to a three bedroom, one bathroom home. Copies of the submitted plans are attached.

**ATTACHMENT: 9.4.7 (2)**

The applicants are also seeking to retain, an 18m by 9m outbuilding exists clad in Pale Eucalypt Colorbond® wall and roof sheeting, which was installed by the previous owners. The applicant proposes to demolish the two small outbuildings and obtain the required approvals for the remaining structures.

Council is requested to consider the application as Shire staff do not have the delegation to approve applications that are retrospective in nature.

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

As reflected above the application before Council is retrospective in nature, with the applicant having already completed the work to establish a dwelling within one of the existing unauthorised outbuildings. The current owners have therefore undertaken works without the necessary planning approval or Building Permit in place.

Notwithstanding that the development has already been completed, clause 164 of the *Planning and Development Act 2005* prescribes that approval may be granted for development already commenced or carried out. Clause 65 of the Deemed to Apply provisions under the *Planning and Development (Local Planning Scheme) Regulations 2015* stipulate that applications for approval to development already carried out are to be processed in accordance with the normal provisions.

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;*
- (g) *Any local planning policy for the Scheme area;*

- (n) *The amenity of the locality; and*  
 (y) *Any submissions received on the application.*

An assessment against the above criteria is provided within the balance of this agenda item

### Zone & Objectives

The property is zoned Rural Residential by the Shire of Northampton's Local Planning Scheme No. 10 (the Scheme). The property, purchased by the applicant in 2016, consisted of two outbuildings and two small outbuildings. None of the existing structures had the required building and planning approvals at the time of purchase.

The objectives for the Rural Residential Zone are to:

- To provide for lot sizes in the range of 1ha to 4ha;
- To provide opportunities for a range of limited rural and related ancillary pursuits on rural-residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land; and
- To set aside areas for the retention of vegetation and landform or other features which distinguish the land.

The proposed development is considered consistent with the objectives of the Rural-Residential Zone given that the development is consistent with the existing and future amenity of the area.

### Land Use Permissibility

A "Single House" and its associated outbuildings are a "D" use within the Rural-Residential Zone. That is they are uses which are not permitted unless the local government has exercised its discretion by granting development approval.

### Repurposed and Second-hand Dwelling Policy Assessment

The Scheme requires that repurposed dwellings are able to meet the relevant zone's objectives, are able to complement the character of the locality by means of enhancing built form using a mixture of materials and architectural detail, and that the modified design is able to effectively mitigate any potential adverse visual impacts.

The Applicant has endeavoured to modify the appearance of the repurposed building such that it takes on the appearance of a single dwelling. The chosen location of the dwelling is on a rural residential lot which is land located in a less densely populated area of the Shire. The lot is 2.41 hectares in area and the sits towards the end of Carson Street and includes remnant vegetation that potentially screens aspects of the development.

### Outbuilding Policy Assessment

The Policy outlines provisions in the Rural Residential zone ensuring outbuildings remain an ancillary use to a main dwelling and are not used for habitation or commercial purposes.

The Policy outlines that an outbuilding should not exceed 4m in wall height and 6.5m in ridge height and have a maximum aggregate size of 240m<sup>2</sup>. In this instance the outbuilding well meets policy provisions.

#### Building Design Compliance

The applicant has undertaken certification by a private Building Surveyor who has certified the structural integrity of the single house and outbuilding structures.

#### Bushfire Prone Area

The property is located within an area declared as “bushfire prone” by the Commissioner of Fire and Emergency Services. The applicant has undertaken a Bushfire Attack Level (BAL) assessment as part of the application which forms part of the application documentation.

#### Water for Fire Fighting

Where a dwelling is proposed without connection to a reticulated water supply, a rainwater catchment tank is required to be a minimum of 135,000 litres. Whilst the applicant has installed a rainwater tank, the capacity has not been stated. A condition should be imposed to ensure the tank meets the minimum size requirement, is accessible and has appropriate fittings installed in order to make the water available for firefighting purposes.

#### Potential Action for Unauthorised Development

It should be noted that should Council grant retrospective approval to the development, this does not prevent legal action from being taken for a breach of the Scheme.

Where development occurs without the prior consent of the local authority, an offense has been committed under Clause 218 of the *Planning and Development Act 2005*. Where an offense has occurred. The following options are available to Council:

- a) Take no action; or
- b) Issue a modified penalty of \$500; or
- c) Commence legal action for a breach, seeking a more substantial penalty.

The previous landowners completed the four outbuildings in breach of the Scheme, however as the property has changed hands, no action is recommended in respect of the outbuildings.

In terms of the works to establish a dwelling, Shire Officers have been liaising with the landowners since they identified the outbuildings and the intension to convert one of the buildings to a dwelling. Shire Officers made the current landowners aware that prior approval was required for the proposed change of use. Despite this, the landowners have proceeded with the alterations and commenced use of the building as a dwelling with no approvals in place.

Given that the landowners were aware prior approval was required before completing the work, it is recommended that as a minimum a modified penalty of \$500 is issued.

Conclusion

Given the proposal is not expected to impact on the amenity of the area and conforms to provisions of the Scheme, Shire staff recommend retrospective approval be granted subject to appropriate conditions.

**STATUTORY ENVIRONMENT:**

*Planning and Development Act 2005* and Shire of Northampton *Local Planning Scheme No. 10 – Northampton*.

**POLICY / STRATEGIC IMPLICATIONS:**

The provisions of Local Planning Policies *Outbuildings and Repurposed and Second-hand Dwellings* apply, as detailed above.

**ORGANISATIONAL RISK MANAGEMENT:**

Nil.

**FINANCIAL IMPLICATIONS:**

The retrospective application fee in accordance with the Shire of Northampton's 2023/2024 Fees and Charges Schedule has been paid by the applicant. Applications or retrospective approval are subject to fees equivalent to the normally required fee, plus by way of penalty, twice that fee.

**SUSTAINABILITY:**

Environmental: Nil.

Economic: Nil.

Social: Nil.

**VOTING REQUIREMENTS:                      SIMPLE MAJORITY**

**OFFICER RECOMMENDATION:**

**That Council:**

**A. In accordance with Local Planning Scheme No. 10 – Northampton grant retrospective planning approval for a single house and outbuilding on Lot 45 (No. 44) Carson Street, Isseka in accordance with the plans and specifications at Attachment (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	24 May 2024
2 & 3	Floor and Elevation Plans (House)	24 May 2024
4 & 5	Floor and Elevation Plans (Outbuilding)	24 May 2024

- 2 Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and development approval for that use/addition;
- 3 Any soils disturbed or deposited on site shall be stabilised to the approval of the Shire of Northampton;
- 4 Unless otherwise approved, all stormwater and drainage runoff is to be retained on the subject property to the satisfaction of the Shire of Northampton;
- 5 An on-site potable water supply not less than 135,000 litres storage capacity shall be provided on the site and connected to the development to the satisfaction of the Shire of Northampton;
- 6 Access shall be permitted to domestic water supplies for emergency firefighting purposes and to facilitate this, the proposed rainwater tank is to be fitted with standard firefighting couplings in accordance with Department of Fire and Emergency Services requirements, to enable firefighting appliances to draw water. The valve shall be fitted so as to leave 15,000 litres capacity of water in the tank;
- 7 The approved shed/outbuilding is not be to be used for human habitation or any other purpose than a domestic outbuilding, unless further approval of the Shire of Northampton is obtained.

**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 A private Building Surveyor will need to be appointed by the landowner to certify the structural integrity of the buildings and compliance with the requirements of the Building Code of Australia.
- 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 *National Construction Code of Australia* 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. Request the Chief Executive Officer issue a modified penalty of \$500 for the unauthorised conversion of the existing outbuilding to a dwelling as approved in point A above.

**COUNCIL RESOLUTION:**

**MOVED:** Horstman, R    **SECONDED:** Gibb, T

**06/24-73**

**That Council:**

- A. In accordance with Local Planning Scheme No. 10 – Northampton grant retrospective planning approval for a single house and outbuilding on Lot 45 (No. 44) Carson Street, Isseka in accordance with the plans and specifications at Attachment (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	24 May 2024
2 & 3	Floor and Elevation Plans (House)	24 May 2024
4 & 5	Floor and Elevation Plans (Outbuilding)	24 May 2024

- 2 Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and development approval for that use/addition;
- 3 Any soils disturbed or deposited on site shall be stabilised to the approval of the Shire of Northampton;
- 4 Unless otherwise approved, all stormwater and drainage runoff is to be retained on the subject property to the satisfaction of the Shire of Northampton;



- 5 An on-site potable water supply not less than 135,000 litres storage capacity shall be provided on the site and connected to the development to the satisfaction of the Shire of Northampton;
- 6 Access shall be permitted to domestic water supplies for emergency firefighting purposes and to facilitate this, the proposed rainwater tank is to be fitted with standard firefighting couplings in accordance with Department of Fire and Emergency Services requirements, to enable firefighting appliances to draw water. The valve shall be fitted so as to leave 15,000 litres capacity of water in the tank;
- 7 The approved shed/outbuilding is not to be used for human habitation or any other purpose than a domestic outbuilding, unless further approval of the Shire of Northampton is obtained.

**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 A private Building Surveyor will need to be appointed by the landowner to certify the structural integrity of the buildings and compliance with the requirements of the Building Code of Australia.
  - 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 National Construction Code of Australia 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. Request the Chief Executive Officer issue a modified penalty of \$500 for the unauthorised conversion of the existing outbuilding to a dwelling as approved in point A above.

**MOTION CARRIED 7/0**

**FOR**

Cr L Sudlow  
Cr R Horstman  
Cr R Burges  
Cr T Gibb  
Cr T Hay  
Cr D Pike  
Cr R Suckling

**AGAINST**

## ATTACHMENT

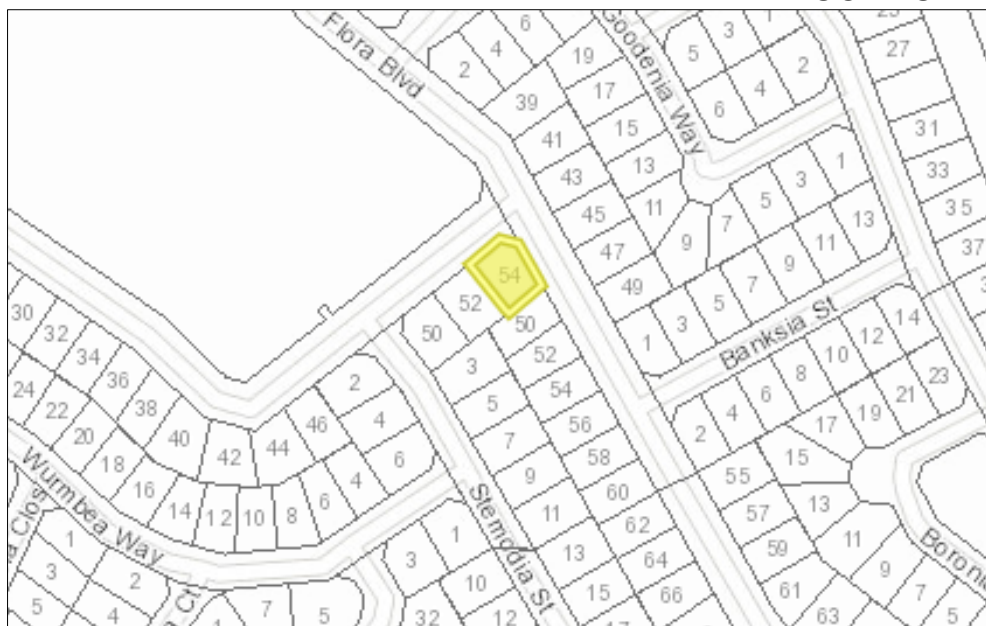
**9.4.8 Amendment to Development Application 2022-105 for Single House, Outbuilding and Retaining Walls at Lot 260 (No. 54) Centrolepis Circuit, Kalbarri**

<b>PROPONENT</b>	S Gorman
<b>OWNER</b>	RC and DM Moore
<b>LOCATION / ADDRESS:</b>	Lot 260 (No. 54) Centrolepis Circuit, Kalbarri
<b>ZONE:</b>	Residential
<b>BUSINESS AREA:</b>	Planning Services
<b>FILE REFERENCE:</b>	10.6.1.1/A4137
<b>LEGISLATION:</b>	<i>Planning and Development Act 2005</i>
<b>AUTHOR:</b>	Michelle Allen
<b>APPROVING OFFICER:</b>	Brian Robinson
<b>DATE OF REPORT:</b>	11 June 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

At its Ordinary Meeting held on 16 December 2022, Council resolved to grant conditional development approval (D/A 2022-105) for a single dwelling, outbuilding and retaining walls at Lot 260 (No. 54) Centrolepis Circuit, Kalbarri. Subsequently, the applicant has sought to amend details of the original application, now to utilise second hand structures and change the footprint and configuration of the basement.

Council is requested to consider an amended development application to construct a single house, outbuilding and retaining walls. A location plan is shown below.

**LOCATION PLAN**

The subject property is 599m<sup>2</sup> in size and is currently vacant. The application has been referred to Council as the applicant is seeking variations to the original application which seeks variations to deal with the use of second hand structures and redesign of the basement.

**ATTACHMENT: 9.4.8 (1)**

The use of second hand structures is proposed with plans showing their proposed location within the single house development attached.

**ATTACHMENT: 9.4.8 (2)**

**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 with no comment received during the consultation period.

**COMMENT (Includes Options):**

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).

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;*
- (m) *The compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality, including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) *The amenity of the locality;*
- (y) *Any submissions received on the application; and*

*(zb) Any other planning consideration the local government consider appropriate.*

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

#### Residential Design Codes (R-Codes)

The proposed development, being a single house, outbuilding and retaining walls complies with the deemed-to-comply provisions of the R Codes with exceptions to lot boundary setback and site works having been dealt with in the original application. No further variations are sought in relation to these matters.

#### Repurposed and Second-hand Dwelling Policy Assessment

The amendment application is seeking to incorporate six second hand transportable structures within the single house development. The Scheme requires that repurposed dwellings are able to meet the relevant zone's objectives, are able to complement the character of the locality by means of enhancing built form using a mixture of materials and architectural detail, and that the modified design is able to effectively mitigate any potential adverse visual impacts.

The Policy also requires the applicant to lodge a bond amount with the Shire of Northampton to ensure the works are carried out within an approved timeframe and are undertaken to ensure the building presentation is of an acceptable standard.

#### Building Design Compliance

The applicant commissioned an Engineer to undertake a site investigation prior to transportation of the six individual transportable structures from Port Hedland to Kalbarri. Several measures were identified as being required for relocating the structures with critical information not available in relation to the tiedown of the walls to the concrete pad foundations and the width of the concrete pad thickening around the perimeter of the units.

The six structures were transported to Kalbarri and if Council considers the development conforms to the provisions of the Scheme and associated Local Planning Policies, it is recommended that a condition be imposed requiring certification by a private Building Surveyor to verify the structural integrity of the structures for use within the proposed single house development.

#### Conclusion

The proposed amendments to Development Application 2022-105 are not expected to impact on the amenity of the area and conform to provisions of the Scheme and the Policy. The application is therefore recommended for approval subject to appropriate conditions.

**STATUTORY ENVIRONMENT:**

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

**POLICY / STRATEGIC IMPLICATIONS:**

The provisions of Local Planning Policy *Repurposed and Second Hand Dwellings* apply, as detailed above.

**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 for an outbuilding on Lot 260 (No. 54) Centrolepis Circuit, Kalbarri in accordance with the plans and specifications at Attachment 9.4.8 (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	12 March 2024
2	Basement Plan	12 March 2024
3	Ground Floor Plan	12 March 2024
4 - 7	Elevation Plans	12 March 2024
8 - 11	Second hand Structure Plans	12 March 2024

- 2      Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and development approval for that use/addition;

- 3 Any soils disturbed or deposited on site shall be stabilised to the approval of the Shire of Northampton;
- 4 All stormwater is to be retained on-site unless otherwise authorised by the Shire of Northampton.
- 5 Installation of crossing places and verge gradients shall be to the standards and specifications of the Shire of Northampton;
- 6 All-parking of vehicles (including boats and trailers) associated with the property is to be provided for within the property boundary, and the street verge area is to be kept free of such vehicles;
- 7 Bin storage and clothes drying areas shall be provided and appropriately screened such that they are not visible from the view from the street/s, to the approval of the local government;
- 8 The retaining walls and associated footings on the north-western, north-eastern south-eastern and south-western boundaries to be established along shall be wholly contained within the property boundary;
- 9 The height of the retaining walls along Centrolepis Circuit and Flora Boulevard shall be reduced in height by 0.600m so as to meet requirements of Clause 5.3.7 of the Residential Design Codes (2024);
- 10 The Applicant/Owner shall include the minimum tree requirement, being one (1) tree with a minimum tree planting area of 2 metres by 2 metres within the street setback area of Lot 60 Centrolepis Circuit, Kalbarri so as to address the requirements of Clause 5.3.2 of the Residential Design Codes (2024); and
- 11 The approved shed/outbuilding shall only be used for domestic purposes such as storage, garaging of vehicles or other approved purposes, excluding human habitation;
- 12 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.
- 13 Prior to the issue of any Building Permit for the use of second hand structures the Shire of Northampton shall require the lodging of:
  - a) A bond amount or bank guarantee of \$40,000 equivalent to 20% of the estimated value of the approved works to be undertaken to ensure the building presentation is of an acceptable standard; and

- b) A Statutory Declaration, signed by the Applicants and appropriately witnessed indicating that the bond will be forfeited to Council if:
- i) The approved works are not carried out within the approved timeframe; or
  - ii) Any notice duly served upon the builder is not promptly complied with.

**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 Any retaining walls in excess of 500mm in height required in connection with the development shall be so constructed as to accord with plans and specifications prepared by a practising structural engineer to the satisfaction of the Shire of Northampton and details and particulars of the certified plans and specifications shall be provided to the Shire of Northampton as part of any application for a building permit;
- 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 A private Building Surveyor will need to be appointed by the landowner to certify structural integrity of the buildings and compliance with the requirements of the Building Code of Australia.
- 5 Assessment of the application was based on the use of the dwelling for residential purposes and any changes to this use (eg. for tourist/holiday accommodation) requires further application and development approval for that use.
- 6 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.
- 7 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.
- 8 With regard to Condition No. 10, the minimum tree planting area is to be provided for each tree and shown on the site plan. The tree planting area is to be free of impervious surfaces and roof cover.



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

**COUNCIL RESOLUTION:**

**MOVED: Horstman, R    SECONDED: Pike, D**

**06/24-74**

That Council, in accordance with Local Planning Scheme No. 11 – Kalbarri grant planning approval for an outbuilding on Lot 260 (No. 54) Centrolepis Circuit, Kalbarri in accordance with the plans and specifications at Attachment 9.4.8 (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	12 March 2024
2	Basement Plan	12 March 2024
3	Ground Floor Plan	12 March 2024
4 - 7	Elevation Plans	12 March 2024
8 - 11	Second hand Structure Plans	12 March 2024

- 2 Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and development approval for that use/addition;
- 3 Any soils disturbed or deposited on site shall be stabilised to the approval of the Shire of Northampton;
- 4 All stormwater is to be retained on-site unless otherwise authorised by the Shire of Northampton.
- 5 Installation of crossing places and verge gradients shall be to the standards and specifications of the Shire of Northampton;
- 6 All-parking of vehicles (including boats and trailers) associated with the property is to be provided for within the property boundary, and the street verge area is to be kept free of such vehicles;

- 7 Bin storage and clothes drying areas shall be provided and appropriately screened such that they are not visible from the view from the street/s, to the approval of the local government;
- 8 The retaining walls and associated footings on the north-western, north-eastern south-eastern and south-western boundaries to be established along shall be wholly contained within the property boundary;
- 9 The height of the retaining walls along Centrolepis Circuit and Flora Boulevard shall be reduced in height by 0.600m so as to meet requirements of Clause 5.3.7 of the Residential Design Codes (2024);
- 10 The Applicant/Owner shall include the minimum tree requirement, being one (1) tree with a minimum tree planting area of 2 metres by 2 metres within the street setback area of Lot 60 Centrolepis Circuit, Kalbarri so as to address the requirements of Clause 5.3.2 of the Residential Design Codes (2024); and
- 11 The approved shed/outbuilding shall only be used for domestic purposes such as storage, garaging of vehicles or other approved purposes, excluding human habitation;
- 12 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.
- 13 Prior to the issue of any Building Permit for the use of second hand structures the Shire of Northampton shall require the lodging of:
  - a) A bond amount or bank guarantee of \$40,000 equivalent to 20% of the estimated value of the approved works to be undertaken to ensure the building presentation is of an acceptable standard; and
  - b) A Statutory Declaration, signed by the Applicants and appropriately witnessed indicating that the bond will be forfeited to Council if:
    - i) The approved works are not carried out within the approved timeframe; or
    - ii) Any notice duly served upon the builder is not promptly complied with.

**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 Any retaining walls in excess of 500mm in height required in connection with the development shall be so constructed as to accord with plans and specifications prepared by a practising structural engineer to the satisfaction of the Shire of Northampton and details and particulars of the certified plans and specifications shall be provided to the Shire of Northampton as part of any application for a building permit;
- 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 A private Building Surveyor will need to be appointed by the landowner to certify structural integrity of the buildings and compliance with the requirements of the Building Code of Australia.
- 5 Assessment of the application was based on the use of the dwelling for residential purposes and any changes to this use (eg. for tourist/holiday accommodation) requires further application and development approval for that use.
- 6 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.
- 7 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.
- 8 With regard to Condition No. 10, the minimum tree planting area is to be provided for each tree and shown on the site plan. The tree planting area is to be free of impervious surfaces and roof cover.
- 9 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.

**MOTION CARRIED 7/0**

**FOR**

Cr L Sudlow  
Cr R Horstman  
Cr R Burges  
Cr T Gibb  
Cr T Hay  
Cr D Pike  
Cr R Suckling

**AGAINST**

**ATTACHMENT****9.5.1 Building Approvals Report May 2024**

<b>PROPONENT</b>	Shire of Northampton
<b>OWNER</b>	N/A
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>ZONE:</b>	Northampton and Kalbarri
<b>BUSINESS AREA:</b>	Building
<b>FILE REFERENCE:</b>	N/A
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i> <i>Building Act 2011</i> <i>Building Regulations 2012</i>
<b>AUTHOR:</b>	Michaela Simpson
<b>APPROVING OFFICER:</b>	Brian Robinson
<b>DATE OF REPORT:</b>	8 May 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

This report has been produced to assist Council understand the Building and Demolition Permits approved and issued for the period of 01<sup>st</sup> May 2024 to 31<sup>st</sup> May 2024.

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

**ATTACHMENT: 9.5.1 (1)**

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

During May 2024, sixteen (16) building and demolition applications were determined under delegated authority.

**STATUTORY ENVIRONMENT:**

Nil.

**POLICY / STRATEGIC IMPLICATIONS:**

Nil.

**ORGANISATIONAL RISK MANAGEMENT:**

Risk rating is considered 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 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 May 2024 in accordance with Attachment 9.5.1(1).**

**COUNCIL RESOLUTION:**

**MOVED:** Hay, T

**SECONDED:** Suckling, R

**06/24-75**

**That Council receive the Building Approvals Report May 2024 in accordance with Attachment 9.5.1(1).**

**MOTION CARRIED 7/0**

**FOR**

Cr L Sudlow  
Cr R Horstman  
Cr R Burges  
Cr T Gibb  
Cr T Hay  
Cr D Pike  
Cr R Suckling

**AGAINST**

**ATTACHMENT****9.7.1 Proposed Introduction of Parking Local Laws for Shire of Northampton**

<b>PROPONENT</b>	Shire of Northampton
<b>OWNER</b>	All
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>ZONE:</b>	All
<b>BUSINESS AREA:</b>	Community, Development & Regulation
<b>FILE REFERENCE:</b>	4.2.3
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Brian Robinson
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	4 April 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

Within Western Australia, local government may regulate the parking of vehicles through the introduction of Parking Local Laws. Such Laws typically allow for the following:

- a) The application of typical restrictions relating to car parking (e.g. the establishment of loading zones and no parking areas);
- b) The formal introduction of time parking, restricting the time that vehicles may park at specific identified locations;
- c) The identification of appropriate penalties for various parking offences; and
- d) Enforcement of parking requirements by Shire Officers, including the ability to require vehicles to be moved and to impose fines where deemed necessary.

The Shire of Northampton currently has no Local Laws relating to Parking. As a result Shire Rangers are legally unable to enforce current signage relating to parking.

Shire Officers have drafted the Shire of Northampton Parking Local Laws 2024, which have been based on a number of recently gazetted Parking Local Laws. A copy of the draft Local Law is shown attached.

**ATTACHMENT: 9.7.1 (1)**

Council is requested to consider adopting the Shire of Northampton Parking Local Laws 2024 for the purposes of advertising.

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.



**COMMENT (Includes Options):**

The provisions of the *Local Government Act 1995* (the Act) enable Western Australian Local Government to make local laws considered necessary for the good governance of their districts. The procedure for making a local law, which is prescribed by section 3.12 of the Act.

The procedure for preparation, processing and finalising a local law under Section 3.12 of the Act, is summarised as follows:

<b>Step</b>	<b>Status</b>
Drafting of a Local Law;	Completed
Council resolving to make a local law and the presiding member to give notice of the purpose and effect of the local law;	The purpose of this agenda item.
Providing State wide public notice summarising and calling for submissions over a minimum of six weeks;	To be completed.
Providing a copy of the proposed local law to the Department of Local Government for submission to the relevant Minister;	To be completed.
Council resolving by absolute majority to make the local law taking into account any submissions received;	To be completed.
Providing State wide notice that the Local Law has come into effect;	To be completed.
Providing an explanatory memorandum to the Joint Standing Committee on Delegated Legislation for assessment.	To be completed.

In accordance with Section 3.14 of the Act, local laws come into effect 14 days after the Gazettal Notice. It should be noted however that following gazettal, the local laws are still subject to review by the Joint Standing Committee on Delegated Legislation. The Joint Standing Committee can require modifications to the local laws following their gazettal, or disallow the local laws where considered necessary.

**STATUTORY ENVIRONMENT:**

As detailed in section 3.12, Draft Local Laws must be adopted by Absolute Majority and must contain a clear statement/notice of purpose and effect of local. In this regard, the proposed purpose and effect of the Draft Shire of Northampton Parking Local Law 2024, the purpose and effect of the Local Laws are as follows:

Purpose – to provide for the management and regulation of parking throughout the Shire of Northampton.

Effect – to require a person parking a vehicle within the district is to comply with the provisions of this local law and any restrictions within areas specifically signed or marked.

**POLICY / STRATEGIC IMPLICATIONS:**

The adoption of new Parking Local Laws will ensure that Shire Rangers have adequate statutory authority to ensure the regulation of Vehicle Parking within the district.

**ORGANISATIONAL RISK MANAGEMENT:**

The Risk rating is considered Moderate given existing signage relating to parking is not currently enforceable.

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:**

Costs associated with finalising the Draft Local Law will be wholly contained within the Shires approved budget for the 2024/25 financial year.

**SUSTAINABILITY:**

Environmental: Nil.

Economic: The introduction of Local Laws will permit Council to introduce formal time limits on parking within identified areas. The Local Laws will also enable Shire Rangers to enforce existing timed parking signage such as adjacent to the Northampton Post Office where signs were erected to discourage longer periods of parking and ensure opportunities to access to the business premise are maximised.

Social: The regulation of parking within the district ensures that the parking of vehicles does not detrimentally impact on the amenity or safety of the community.

**VOTING REQUIREMENTS: ABSOLUTE MAJORITY**

**OFFICER RECOMMENDATION:**

**That Council:**

1. Pursuant to section 3.12(3) and (3a) of the *Local Government Act 1995* give statewide and local notice that it intends to make the Shire of Northampton Parking Local Laws 2024, as shown at Attachment: 9.7.1 (1) with the following purpose and effect:

**Purpose** – to provide for the management and regulation of parking throughout the Shire of Northampton.

**Effect** – to require a person parking a vehicle within the district is to comply with the provisions of this local law and any restrictions within areas specifically signed or marked.

2. Advertise the Draft Local Laws as referred to in point 1 above for a period of not less than 6 weeks, with advertisements to appear in the Western Australian Newspaper and local newspapers circulating within the district;
3. In accordance with the *Local Government Act 1995* section 3.12(3) advise the Minister for Local Government of the proposed local laws; and
4. Await a further agenda item on the draft Local Laws following the completion of the advertising period identified in point 2 above.

**COUNCIL RESOLUTION:**

**MOVED:** Burges, R      **SECONDED:** Gibb, T

**06/24-76**

**That Council:**

1. Pursuant to section 3.12(3) and (3a) of the *Local Government Act 1995* give statewide and local notice that it intends to make the Shire of Northampton Parking Local Laws 2024, as shown at Attachment: 9.7.1 (1) with the following purpose and effect:

**Purpose** – to provide for the management and regulation of parking throughout the Shire of Northampton.

**Effect** – to require a person parking a vehicle within the district is to comply with the provisions of this local law and any restrictions within areas specifically signed or marked.

2. Advertise the Draft Local Laws as referred to in point 1 above for a period of not less than 6 weeks, with advertisements to appear in the Western Australian Newspaper and local newspapers circulating within the district;

3. In accordance with the *Local Government Act 1995* section 3.12(3) advise the Minister for Local Government of the proposed local laws; and
4. Await a further agenda item on the draft Local Laws following the completion of the advertising period identified in point 2 above.

**MOTION CARRIED 7/0**

**FOR**

Cr L Sudlow  
Cr R Horstman  
Cr R Burges  
Cr T Gibb  
Cr T Hay  
Cr D Pike  
Cr R Suckling

**AGAINST**

## ATTACHMENT

### 9.8.1 Information Items - Maintenance/Construction - Works Program

<b>PROPONENT</b>	Executive Manager of Works and Technical Services
<b>OWNER</b>	N/A
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>ZONE:</b>	All
<b>BUSINESS AREA:</b>	Office of Executive Manager of Works and Technical Services
<b>FILE REFERENCE:</b>	N/A
<b>LEGISLATION:</b>	N/A
<b>AUTHOR:</b>	Neil Broadhurst
<b>APPROVING OFFICER:</b>	Neil Broadhurst
<b>DATE OF REPORT:</b>	7 June 2024
<b>DECLARATION OF INTEREST:</b>	Nil

#### BACKGROUND:

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

#### PUBLIC CONSULTATION UNDERTAKEN:

Nil.

#### COMMENT (Includes Options):

##### Specific Road Works

- Maintenance grading carried out on Frosty Gully, Elliot, Pigeon Well, Wundi, Box, Chilimony, Erriary, Ogilvie West, Magee, Swamps, Brook, Ajana East, Coolacalaya, Hosken and Ajana Back Road/s.
- Gravel Patching/Sheeting/Verge works carried out on Ajana Back and Frosty Gully Road/s.

##### 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 road verge and Western Power line clearance.
- General – Rain event preparation works.
- Northampton – Vegetation pruning Isachar Back Road to reinstate clearance lines.
- Kalbarri – Preparation works for 2024 Murchison River dredging.
- Kalbarri – Oval posts replaced/installed (east end)
- Horrocks Road closure/s – Rainfall event 8 to 11 June 2024.
- Rubbish tip site/s – Push up and associated tip management works.
- Street Sweeping Northampton townsite.

Other Items (Budget)

- Northampton – Reseal of town street/s. Budget works for Bruce and John Streets plus 2 x internal cemetery road/s. Final Road sweep and tidy up completed.
- Kalbarri widening – Main Roads WA full funding (Blackspot funding) to the 10 kilometres of widening immediately to the east of Kalbarri as far as the Skywalk lookout turnoff. Practical completion pending review. Centreline marking completed.

Plant Items

- Backhoe – New (correct specification) backhoe arrived.
- EMWTS – Ford Ranger, delivered end of May 2024.

Staff Items

- Vacant positions to be advertised.
  - 1 x Water Custodian. (Port Gregory)
  - 1 x Administration Assistant (Works and Technical Service.)
  - 1 x Parks and Garden Manager (Works and Technical Services.)

A copy of the Executive Manager of Works and Technical Services – Works Crew Budget – Program and Progress Report (2023/24), June 2024 is attached.

**ATTACHMENT: 9.8.1 (1)**

**STATUTORY ENVIRONMENT:**

Nil.

**POLICY / STRATEGIC IMPLICATIONS:**

Nil.

**ORGANISATIONAL RISK MANAGEMENT:**

Risk rating is considered Level 1 – Insignificant.

Measures of Consequence					
Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
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
\$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
\$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
\$50,001 - \$150,000	Prolonged interruption of services – additional resources; performance affected < 1 month	Non-compliance results in termination of services or imposed penalties	Substantiated, public embarrassment, high impact, high news profile, third party actions	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies

Measures of Consequence					
Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
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 Program report for June 2024.**

**COUNCIL RESOLUTION:**

**MOVED: Suckling, R      SECONDED: Burges, R**

**06/24-77**

**That Council receive the Executive Manager of Works and Technical Services Information Items – Maintenance/Construction – Works Program report for June 2024.**

**MOTION CARRIED 7/0**

**FOR**

Cr L Sudlow  
Cr R Horstman  
Cr R Burges  
Cr T Gibb  
Cr T Hay  
Cr D Pike  
Cr R Suckling

**AGAINST**

## ATTACHMENT

**9.9.1 Unconfirmed Minutes of the Community Grants Advisory Committee Meeting Held 20 May 2024**

<b>PROPONENT</b>	Shire of Northampton
<b>OWNER</b>	Shire of Northampton
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>ZONE:</b>	All
<b>BUSINESS AREA:</b>	Office of CEO
<b>FILE REFERENCE:</b>	4.1.14
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Andrew Campbell
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	23 May 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

A meeting of the Community Grants Advisory Committee was held on 20 May 2024 in the Council Chambers, Northampton.

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):**

Actions or recommendations of the Committee requiring Councils' noting or endorsement are as follows:

Committee Recommendation	Officer Comment
<b><i>"That the minutes of the Community Grants Advisory Committee held 23 April 2024 be received as a true and correct record."</i></b>	This Committee decision is administrative only.

**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 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:**

Nil.

**SUSTAINABILITY:**

Environmental: Nil.

Economic: Nil.

Social: Nil.

**VOTING REQUIREMENTS:**

**SIMPLE MAJORITY**

**OFFICER RECOMMENDATION:**

**That Council receive the minutes of the Community Grants Advisory Committee held on 20 May 2024.**

**COUNCIL RESOLUTION:**

**MOVED: Suckling, R      SECONDED: Gibb, T**

**06/24-78**

**That Council receive the minutes of the Community Grants Advisory Committee held on 20 May 2024.**

**MOTION CARRIED 7/0**

**FOR**

Cr L Sudlow  
Cr R Horstman  
Cr R Burges  
Cr T Gibb  
Cr T Hay  
Cr D Pike  
Cr R Suckling

**AGAINST**

### 9.9.2 Proposed Formation of Kalbarri Foreshore Redevelopment Advisory Committee

<b>PROPONENT OWNER</b>	Shire of Northampton
<b>LOCATION / ADDRESS:</b>	Crown Vested in Shire of Northampton Reserve – Grey Street, Kalbarri
<b>ZONE:</b>	Local Recreation
<b>BUSINESS AREA:</b>	Community, Development & Regulation
<b>FILE REFERENCE:</b>	13.2.1
<b>LEGISLATION:</b>	<i>Local Government Act 1995;</i> <i>Planning &amp; Development Act 2005</i>
<b>AUTHOR:</b>	Brian Robinson
<b>APPROVING OFFICER:</b>	Brian Robinson
<b>DATE OF REPORT:</b>	27 May 2024
<b>DECLARATION OF INTEREST:</b>	Nil

#### **BACKGROUND:**

Within the Kalbarri Townsite, the Murchison River Foreshore Reserve comprises the following crown reserves being vested with the Shire for the purposes of Recreation and Parkland:

- Reserve 25307 - Total Area of 25.4864ha, extending from the coastal reserve, around Sunrise Point and extending up to Clotworthy Street;
- Reserve 52436 – Department of Lands Fishing/Tourism purposes;
- Portion of Reserve 26591 – being the balance of foreshore to north of above the marina reserves.

A plan detailing the above reserves is shown overleaf.

As Councillors are aware, Tourism WA previously prepared a Foreshore Master Plan that was used as the basis for a grant application which was co-ordinated by the Midwest Development Commission. On 9 May 2024, the State Government announced that as part of the 2024/25 State Budget an amount of \$8.1 million had been allocated towards Phase 1 of the Kalbarri Foreshore redevelopment. This funding will be available to the Shire from 1 July 2024, with an acquittal period of 2 years.

This funding is in addition to the Cyclone Seroja recovery funding, being the subject of Items 9.1.5 & 9.1.6 within this agenda.

Subsequent to the announcement, a meeting was held between representatives of the Shire, Mid West Development Commission and Tourism WA, where copies of all plans and preliminary costings that were used in the grant submission were to provide to Shire Officers.

To assist Shire Officers and Council in refining of the project details, Council is requested to form an Advisory Committee comprising of Councillors, Shire Officers and members of the public.

## LOCATION PLAN



Further details regarding the proposed Advisory Committee and the Terms of Reference are provided in the comment section below.

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

To assist Council in determining the need for the committee, its composition and the proposed Terms of Reference, the following comments are offered:

Existing Development

The Kalbarri Foreshore an extensive foreshore area extending along the southern shore of the Murchison River, from the river mouth to the eastern extent of the Kalbarri townsite. It can generally be described as an open grassed foreshore reserve with isolated trees and patches of native vegetation both on and adjacent to the beach front.

Existing development includes a range of recreational and tourist facilities including an extensive path network, several boat launching ramps, Kalbarri Boat Hire, the Pelican Feeding area, a large Nature Playground and a smaller playground adjacent to the marina. The reserve also contains the Kalbarri Sea Rescue Group, RSL Memorial and a significant level of park infrastructure including shelters, seating, with large portions of the reserve containing reticulated grass and landscaping.

Kalbarri Foreshore Masterplan 2022

Tourism WA facilitated the creation of the Kalbarri Foreshore Masterplan relating to the coastal reserve and Murchison River foreshore, extending from Jacques Point to the eastern extent of the Kalbarri townsite. The plan was developed in partnership with the Kalbarri community Mid-West Development Commission and the Shire of Northampton. Whilst the plan was completed in 2022, the Masterplan was not formally considered by Council until its Ordinary Meeting held on 20 October 2023.

Council resolved (Resolution 10/23-12) to endorse the Masterplan concept for grant funding purposes.

Grant Funding

The successful grant fund application was supported by detailed concept plans and a budget that excluded areas being dealt with under the disaster recovery banner. By way of summary, the budget identified five primary areas for expenditure, being:

1. Gidamarra Springs – A budget of just over \$1.7 million for raised walkway, interpretative signage, shade structures, paths and park furniture;
2. Boat Trailer Park (adjacent to sea rescue/RSL Memorial) – A budget of just under \$800,000 for works on the proposed terracing adjacent to the RSL memorial, a deck on the sea rescue group building and shade shelters and landscaping;
3. Chainman's Beach – A budget of just under \$5 million for works on concrete paths, a new toilet, park furniture and landscaping;



4. Zuytdorp Lookout – A budget of just under \$650,000 for a 2m walkway, elevated lookout platform and interpretative artwork representation of the Zuytdorp ship hull.

A copy of the draft budget figures as supplied to the Shire will be provided to Councillors under separate cover.

It should be noted that the budget figures as submitted for the grant include a substantial amount for shelters and associated paving. It is understood that these figures are based on the same shelters located in the National Park being used on the foreshore. Actual costs will be dependant on the final design and form of shelter construction.

Discussion with the Mid West Development Commission indicates that there is some scope for reallocation of funding provided compliance with the overall budget is achieved.

#### Impacts on Ability to Deliver

Given the level of works to be achieved, the acquittal period of 2 years is considered a tight timeframe, particularly having regard to:

- a) The need to refine the conceptual designs;
- b) Formal approvals that must be obtained (i.e. Development approvals, building permits etc);
- c) The need for public consultation on detailed designs;
- d) Potential applications for additional funding (e.g. Lotteries West);
- e) Procurement processes;
- f) Construction timeframes;
- g) Availability of contractors and materials;
- h) The need to limit impacts on the foreshore during peak tourism periods; and
- i) Weather impacts.

Whilst existing staff resources are limited, it is intended to deliver as much of the project in house as possible. By doing do, the need for project management and consultants is minimised, maximising the level of infrastructure that can be delivered.

#### Priority Projects

Given the relatively tight time frame, there will be a need to prioritise projects. It is proposed that those projects where designs have been refined (e.g. the Pelican feeding area, RSL Memorial and Gidamarra Springs) will be prioritised. This will allow the refinement of remaining projects whilst the first portion of works are being completed.

#### Project Management

An internal project management team is proposed to be formed to support achievement of the project deliverables. The team will be a flexible team comprise the Shire's Senior Management Team, the new Manager of Parks and Gardens (once they commence) and other staff with specific skill sets as

may be required from time to time. For example, the Shire's Building Surveyor when building/structural designs are being considered.

#### Proposed Advisory Committee

To assist Shire Officers and Councillors refine the conceptual concepts, prioritisation of project elements and the selection of park furniture etc, it is proposed that a formal Advisory Committee be established in accordance with Division 2 of the *Local Government Act 1995*. As prescribed by the Act, by resolution passed by absolutely majority, a local government may establish, committees to assist the Council. Committee's may be comprised of:

- (a) council members only; or*
- (b) council members and employees; or*
- (c) council members, employees, and other persons; or*
- (d) council members and other persons; or*
- (e) employees and other persons; or*
- (f) other persons only.*

In this case, it is recommended that the Advisory Committee include:

- The Shire President (as Chair);
- 3 x Councillors;
- A representative from Kalbarri Development Association;
- A representative from the Kalbarri Visitors Centre;
- A representative from the Nanda peoples;
- 2 members of the general public;
- Non-Voting Shire Officers; and
- Non-voting representatives from Tourism WA and the Mid West Development Commission.

It is intended that the Advisory Committee will be managed by the Executive Manager of Community, Development and Regulation, with regular participation by Executive Management, including the Chief Executive Officer.

A draft of the proposed Terms of Reference is shown attached.

#### **ATTACHMENT: 9.9.2 (1)**

##### Proposed Advisory Committee Functions

As outlined within Attachment: 9.9.2 (1), it is proposed that the specific functions of the Advisory Committee will be as follows:

1. To assist Shire Officers in the refinement and detailed designs for conceptual elements contained within the Kalbarri Foreshore Masterplan as prepared by the Mid-West Development Commission and Tourism Western Australia;
2. To assist in the identification of priorities in respect of the Foreshore Redevelopment;

3. Make recommendations to Council on potential developments and commercial opportunities not identified within the Kalbarri Foreshore Masterplan;
4. Assist co-ordination of community participation in public consultation processes; and
5. Communicate and inform the member organisations and local community about the proposed project, its elements and timeframes for work.

### **STATUTORY ENVIRONMENT:**

*Local Government Act 1995.*

### **POLICY / STRATEGIC IMPLICATIONS:**

The Murchison River Foreshore plays a significant role in connecting the Kalbarri Community and Tourists with the Murchison River and wider coastal environment. Comprehensive improvements to the Foreshore Reserve and level of facilities provided are consistent with the following recommendations of the Shire of Northampton Strategic Community Plan:

- 1.1.3 *To maintain a tourism strategy within budget possibilities to have tourist facilities of the highest standard that the Council can afford;*
- 1.1.4 *Support for visitor attraction and for community driven events-based and tourism.*
- 2.1.1 *Natural environmental and biodiversity are conserved and protected;*
- 3.1 *Providing community and recreation facilities within budget constraints;*
- 3.2 *Support community action groups where practical to achieve positive outcomes in their locality to enhance lifestyle;*
- 3.3 *Advocate for services or facilities the Shire cannot provide;*
- 4.1.3 *To ensure the built assets enhance the ambience of each town or location.*
- 5.1.3 *To demonstrate a proactive approach to community and economic development, and service delivery.*

### **ORGANISATIONAL RISK MANAGEMENT:**

Risk rating is considered Major given the potential for substantial reputational damage should the project or its potential impacts fail to be appropriately managed or fail to be delivered in a timely co-ordinated manner as required by the grant.

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



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

### FINANCIAL IMPLICATIONS:

The funding allocation of \$8.1 million is substantial and will allow a significant amount of improvement works and new facilities within the Kalbarri Foreshore Reserves. However, there is potential for further funding to be obtained, consolidating the opportunities for improvement works. For example, the Shire has made allocations toward certain works (i.e. the RSL memorial) and it may be possible to obtain community grants through Lotteries West for works on improving accessibility and facilities for youth and/or disadvantaged sections of the community.

It should however be noted that with an increased level of facilities, it is expected that maintenance requirements will increase with additional staff resources and maintenance funding required in the short to medium term. Shire Officers will explore additional opportunities for ongoing funding of maintenance, utilising the project works.

### SUSTAINABILITY:

Environmental: Opportunities exist for the redevelopment work on Kalbarri Foreshore to provide environmental outcomes such as increased shade, increased areas of native vegetation and reduced water usage.

Economic: A revitalised foreshore precinct will result in a higher standard of facilities, providing additional drawcards for tourists. Opportunities exist to consolidate, and potential expand existing income generating commercial activities and tourist facilities.

Social: The Kalbarri Foreshore provides for a wide range of both active and passive recreational opportunities. The foreshore is an integral part of the community fabric.

**VOTING REQUIREMENTS: ABSOLUTE MAJORITY**

**OFFICER RECOMMENDATION:**

**That Council:**

1. **Nominate Councillor \_\_\_\_\_, Councillor \_\_\_\_\_, Councillor \_\_\_\_\_ as Councillor Representatives on the Kalbarri Foreshore Redevelopment Advisory Committee;**
2. **Adopt the draft Terms of Reference for the Shire of Northampton – Kalbarri Foreshore Redevelopment Advisory Committee as shown at Attachment: 9.9.2 (1), with the inclusion of those Councillors detailed in point 1 above;**
3. **Request following organisations to nominate a representative as a voting member, and proxy representative on the Kalbarri Foreshore Redevelopment Advisory Committee:**
  - a) **The traditional custodians of the land, being the Nanda people;**
  - b) **Kalbarri Development Association; and**
  - c) **Kalbarri Visitors Centre.**
4. **Request Tourism WA and the Mid West Development Commission to nominate a non-voting representative and proxy member for attendance at the Kalbarri Foreshore Redevelopment Advisory Committee meetings;**
5. **Request the Chief Executive Officer to advertise calling for expressions of interest for two community representatives, being electors of the district residing within the Kalbarri Community; and**
6. **Await a further report following the receipt of nominations to be sought in accordance with points 3, 4 and 5 above.**

**COUNCIL RESOLUTION:**

**MOVED: Pike, D**

**SECONDED: Burges, R**

**06/24-79**

**That Council:**

1. **Nominate Councillor Richard Burges, Councillor Trevor Gibb, - Councillor Rob Horstman as Councillor Representatives on the Kalbarri Foreshore Redevelopment Advisory Committee with Councillor Des Pike as a proxy;**
2. **Adopt the draft Terms of Reference for the Shire of Northampton – Kalbarri Foreshore Redevelopment Advisory Committee as shown at Attachment: 9.9.2 (1), with the inclusion of those Councillors detailed in point 1 above;**

3. **Request following organisations to nominate a representative as a voting member, and proxy representative on the Kalbarri Foreshore Redevelopment Advisory Committee:**
  - a) **The traditional custodians of the land, being the Nanda people;**
  - b) **Kalbarri Development Association; and**
  - c) **Kalbarri Visitors Centre.**
4. **Request Tourism WA and the Mid West Development Commission to nominate a non-voting representative and proxy member for attendance at the Kalbarri Foreshore Redevelopment Advisory Committee meetings;**
5. **Request the Chief Executive Officer to advertise calling for expressions of interest for two community representatives, being electors of the district residing within the Kalbarri Community; and**
6. **Await a further report following the receipt of nominations to be sought in accordance with points 3, 4 and 5 above.**

**MOTION CARRIED 7/0**

**FOR**

Cr L Sudlow  
 Cr R Horstman  
 Cr R Burges  
 Cr T Gibb  
 Cr T Hay  
 Cr D Pike  
 Cr R Suckling

**AGAINST**

**10. LATE REPORTS:**

Nil

**11. QUESTIONS FROM MEMBERS:**

11.1 Response to questions from members taken on notice.

Nil.

11.2 Questions from members.

Nil.

**12. MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING**

Nil.

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

Nil.

**14. APPLICATIONS FOR LEAVE OF ABSENCE:**

Cr Tim Hay applied for leave of absence from the Council Meeting to be held on Thursday 19 September 2024.

**COUNCIL RESOLUTION:**

**MOVED: Burges, R      SECONDED: Sudlow, L**

**06/24-80**

**That Council approve Cr Tim Hay to be granted a Leave of Absence for the Council Meeting to be held on Thursday 19 September 2024.**

**MOTION CARRIED 7/0**

**FOR**

**AGAINST**

- Cr L Sudlow
- Cr R Horstman
- Cr R Burges
- Cr T Gibb
- Cr T Hay
- Cr D Pike
- Cr R Suckling

**15. CLOSURE:**

The President congratulated Councillor Rob Horstman on being preselected for the Upper House candidate for the National Party of Australia being alongside some great representatives from the region with Julia Freeman from Mullewa, Kirrilee Warr from Chapman Valley and Sandra Carr from Geraldton.

There being no further business to discuss the Shire President thanked those in attendance and closed the meeting at 3.20pm.

**SIGNED:.....DATE: .....**

**Cr Liz Sudlow  
Shire President**