



AGENDA

COUNCIL MEETING

15 AUGUST 2024

SHIRE OF NORTHAMPTON – COUNCIL MEETING AGENDA

15 AUGUST 2024

NOTICE TO ALL COUNCILLORS

An Ordinary Meeting of Council is called for Thursday 15 August 2024 commencing at 2:00 PM in the Allen Centre, Kalbarri.



**Andrew Campbell
CHIEF EXECUTIVE OFFICER**

9 August 2024

DISCLAIMER

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

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

SHIRE OF NORTHAMPTON**COUNCIL MEETING THURSDAY 15 AUGUST 2024****TO BE HELD
IN THE ALLEN CENTRE, KALBARRI****COMMENCING AT 2:00 PM****AGENDA**

- 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS:**
- 2. ANNOUNCEMENTS BY THE PRESIDENT:**

Acknowledgement of Country

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

- 3. ATTENDANCE:**
 - 3.1 Apologies:
 - 3.2 Approved Leave of Absence:

- 4. DECLARATIONS OF INTEREST:**

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

- 5. PUBLIC QUESTION TIME:**

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

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

6. PRESENTATIONS:

- 6.1 Petitions
- 6.2 Presentations
- 6.3 Deputations
- 6.4 Councillor reports
- 6.5 Conference Reports

7. CONFIRMATION OF PREVIOUS MINUTES:

_____ / _____

That the Minutes of the Ordinary Meeting of the Council held on 18 July 2024 be confirmed.

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

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9.1.1 Proposed Amalgamation of 3 and 5 Rake Place, Northampton

PROPONENT	Shire of Northampton
OWNER	Shire of Northampton
LOCATION / ADDRESS:	3 and 5 Rake Place, Northampton
ZONE:	Residential (R10)
BUSINESS AREA:	Office of CEO
FILE REFERENCE:	A4891; A4892
LEGISLATION:	<i>Local Government Act 1995, Planning and Development Act 2005 and Land Administration Act 1997</i>
AUTHOR:	Andrew Campbell
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	5 August 2024
DECLARATION OF INTEREST:	The Chief Executive Officer occupies 3 Rake Place, Northampton as part of his employment contract.

BACKGROUND:

With the rainfall in Northampton since the start of June 2024, it has highlighted a significant issue with wastewater and stormwater drainage on 3 Rake Place, Northampton.

In short, the issues have arisen due to the following matters during the construction of the dwelling and associated infrastructure at 3 Rake Place, Northampton:

- 1) The original creation of 1, 3 and 5 Rake Place as 1003m² land parcels from an old school oval that had already been subject to a very significant alteration to natural ground levels via cutting of the landform to create a level surface for an oval, placing the ground level of the land closer to the perched groundwater;
- 2) The creation of 1003m² land parcels with the need for onsite wastewater disposal due to the absence of a reticulated sewerage system. There is a clear disconnect between the R10 zoning of the lots (that allowed them to be created) and the Western Australian Country Sewerage Policy requires a minimum of 2000m² land parcels to be created to enable sufficient area for onsite wastewater disposal systems;
- 3) The construction of a large four-bedroom house relative to the small land parcel;
- 4) Limited consideration given to the finished floor level of the house given the proximity to the perched groundwater;
- 5) Installation of septic tanks at approximately 600mm below the finished floor level of the dwelling;
- 6) Installation of the leach drains approximately 900mm below the finished floor level of the dwelling (determined by the heights of the septic tanks);
- 7) The use of small soak wells to capture stormwater runoff from the patio; and

8) Downpipes from the shed running straight to the ground.

To enable Council to understand the magnitude of the current situation, 3 Rake place became unfit for habitation when the wastewater services in the dwelling malfunctioned twice resulting in the septic tanks and leach drains being pumped out (17,000L) and urgent repairs made toward the end of June 2024 at a cost of approximately \$5,000. Three weeks later in early July 2024, the leach drains were again pumped out (11,000L) at a cost of approximately \$2,500. Since that time the water level inside the leach drains has steadily risen with both leach drains now more than half full again. To give this more perspective, with the Chief Executive Officer (CEO) on leave and no-one residing in the house from 27 June 2024 to 4 August 2024, the leach drain water level rose 100mm.

In addition to the above, as the soil on the property is now saturated, any new rainfall event over 10mm in a 24 hour period results in water pooling on the paved area resting against the house often at a depth of 30mm to 50mm on the western side of the house until it eventually dissipates presumably under the hardstand and building. Of concern with this situation is eventually the water will penetrate into the house which will cause damage and mould.

The purpose of this report is for Council to consider a proposal to remedy the current situation.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

As Council will be aware, the CEO is a qualified Environmental Health Officer and has many years of onsite wastewater disposal knowledge and experience. It is considered that the built out nature of 3 Rake Place will not allow any works to attempt to rectify the current situation without very significant property disturbance including the removal of the existing shed, the use of an ground independent leach drain field fed by a pump pit feeding effluent from the existing septic tanks, and major drainage works through existing landscaped areas to run stormwater to the road. Whilst potentially possible, these options are not considered acceptable due to the removal of the only external storage shed plus disruption and damage to existing landscape improvements have been implemented in the past year to bring the property back to an executive standard.

An alternate option which makes most sense to resolve the current issue is to expand the land parcel size of 3 Rake Place by either amalgamating 1 or 5 Rake Place into the land parcel. Fortunately, the Shire owns both adjoining properties and the process of amalgamation is relatively straight forward.

An aerial photograph of the three land parcels is shown below with 5 Rake Place highlighted in red, 3 Rake Place with the dwelling shown in the middle and 1 Rake Place to the right of the photograph.



Of the two vacant land parcels 5 Rake Place is the preferred property for amalgamation for the following reasons:

- 1) 1 Rake Place is the preferred option for the Shire of Northampton to build a future dwelling due to corner access enabling two road entry points;
- 2) Either land parcel will require a small future dwelling to provide sufficient land for an elevated leach drain system;
- 3) 5 Rake Place has a very narrow frontage and the most suitable location for a dwelling toward the rear of the property, limiting the future placement of a leach drain system;
- 4) With the most likely location of a dwelling at 5 Rake Place toward the rear of the property, the visual outlook from the dwelling will be restricted to side and rear laneway fencing which is not particularly desirable.

If Council agrees to the proposal to amalgamate 3 and 5 Rake Place, the following improvements are proposed although plans are yet to be finalised.

- 1) Fencing the property to coincide with the new boundaries including, where possible, the reuse of the western fence separating both properties;
- 2) Creating a ground independent leach drain field in a significant portion of the south west corner of the land parcel;
- 3) Creating an onsite stormwater drainage system suitable to alleviate existing stormwater issues;
- 4) Landscaping;
- 5) A new shed suitable to house a caravan, boat or used for storage as an improvement for the executive property; and
- 6) Front to rear drive through access on the property.

Following informal discussion with Councillors on 6 August 2024 during the budget process, general support for the proposal was received and an expense was included in the draft budget. It is on this basis that the proposal to amalgamate Lots 3 and 5 Rake Place, Northampton is recommended to Council.

STATUTORY ENVIRONMENT:

The *Land Administration Act 1997* sets out the process of amalgamation and the *Planning and Development Act 2005* enables an amalgamation of properties to occur. Ownership and funding of proposals occurs under the *Local Government Act 1995*.

POLICY / STRATEGIC IMPLICATIONS:

Shire of Northampton needs to be kept in a state fit for human habitation at all times. This proposal will ensure the dwelling at 3 Rake Place, Northampton achieves this.

ORGANISATIONAL RISK MANAGEMENT:

Risk rating is considered moderate if the house was deemed unfit for human habitation under law.

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 cost of amalgamation is estimated in the order of \$3,500. By amalgamating the vacant land, the Shire of Northampton will also forgo an opportunity to sell

the land, or improve the vacant land with an additional dwelling. All improvements are proposed to be funded by the 2024/25 budget.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council authorise the Chief Executive Officer to initiate the process to amalgamate Number 3 (Lot 23) and 5 (Lot 24) Rake Place, Northampton.

9.1.2 Proposed Adoption of 2024/25 Budget

PROPONENT OWNER	Shire of Northampton
LOCATION / ADDRESS:	Shire of Northampton
ZONE:	Whole of Shire
BUSINESS AREA:	All
FILE REFERENCE:	Office of CEO
LEGISLATION:	4.1.1
AUTHOR:	<i>Local Government Act 1995</i>
APPROVING OFFICER:	Andrew Campbell; Leanne Rowe
DATE OF REPORT:	Andrew Campbell
DECLARATION OF INTEREST:	6 August 2024
	The authors are both employees of the organisation and this has an impact on budget.

BACKGROUND:

The 2024/25 Annual Statutory Budget Document is tabled for Council's consideration and adoption.

DOCUMENT TABLED

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

Council has provided input and review of the 2024/25 Annual Budget through multiple Budget workshop processes held over the past few months.

At the Budget workshop held on the 6 August 2024 Council considered a draft version of the 2024/25 Budget and that process facilitated a balanced budget. Following that meeting the 2024/25 budget computations were finalised and the statutory budget documentation completed by financial consultants Moore. There have been one significant change made to the final Budget document presented to Council at the Budget Workshop being an additional untied \$35,000 of income identified that now is proposed be assigned to, and assist in the replenishment of, the Housing and Building Reserve.

The Statutory Budget format for the 2024/25 financial year is presented as a balanced budget for Council's consideration with a net current assets surplus position at the start of the 2024/25 financial year of \$3,290,004.

The 2024/25 carry forward position includes, amongst other items, the following items of restricted and unrestricted cash:

Prepaid Financial Assistance Grant	\$2,363,169
Local Roads and Community Infrastructure	\$433,853

Bicycle Network Grant	\$20,000
Roads to Recovery – Fifth Avenue	\$133,983
MWDC Kalbarri Workers Accommodation	\$130,000
DFES Community Benefit Grant	\$346,770
DFES Resilience Fund	\$31,928

In accordance with the *Local Government Act 1995* and associated regulations, Council is requested to consider the adoption of the 2024/25 Budget.

STATUTORY ENVIRONMENT:

Adoption of the budget

Section 6.2 of the *Local Government Act 1995* requires a Local Government to prepare and adopt an annual budget for the financial year 1 July to 30 June each year but with the adoption being no later than the 31 August in that financial year.

Granting of a discount for early payment

Section 6.46 of the *Local Government Act 1995* “Discounts” is applicable. As with previous years, it is proposed that for the 2024/25 budget, no early payment discounts apply.

Granting of rate concessions

Section 6.47 of the *Local Government Act 1995* “Concessions” prescribes circumstances where concessions and waivers can be applied. Concessions are proposed for properties that are situated on leased Shire land or other properties that are exempt or considered for exemption for rates are the subject of a separate item.

POLICY / STRATEGIC IMPLICATIONS:

Various strategic initiatives identified in the Shire of Northampton’s Strategic Community Plan and underlying documents are included in the 2024/25 Budget.

ORGANISATIONAL RISK MANAGEMENT:

Adoption of the 2024/25 Budget reduces financial risk to the organisation by clearly articulating what the Shire of Northampton’s priorities are for the coming 12 months and how rates money is to be expended in achieving those priorities. 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
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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
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FINANCIAL IMPLICATIONS:

The Annual Budget has been prepared as a balanced budget and incorporates items from the Corporate Business Plan process plus other budget requests identified by staff.

The financial implications of the 2024/25 budget are summarised below with further details provided in the Statutory Budget 2024/25 document.

Rate Rise

It is proposed that the average general rate rise across the district of 4.0%. This will result in increased rate revenue of \$247,314 compared to the rate revenue raised during 2023/24. For comparative reference, Perth Consumer Price Index (CPI) (June 2023 to June 2024) is 4.6%.

The Valuer General assessed Shire of Northampton Unimproved Value (UV) properties as at 1 July 2024. This revaluation has seen an overall increase to the UV data base of approximately 26.28%. The Shire of Northampton's 2024/25 UV rate in the dollar has been adjusted to reflect these value changes to facilitate an average 4.0% rates change across the UV data base in 2024/25.

The Valuer General undertook a revaluation of Shire of Northampton Gross Rental Value (GRV) properties in 2024/25 with GRV adjustments across the district. This could cause significant swings to GRV valuations on an individual property basis.

Total Rates to be raised 2024/25 Budget are \$5,295,242.

General Rates

That the rate in the dollar for all rateable Gross Rental Value properties be set at \$0.075526 (7.5526¢) and the rate in the dollar for all rateable Unimproved Value properties be set at \$0.006980 (0.6980¢).

Minimum Rates

The minimum rate on rateable Gross Rental Value and Unimproved Value properties is proposed at \$640.00 per assessment.

Specified Area Rates

Port Gregory Specified Area Rate

Each year Council raises a specified area rate on properties located in the Port Gregory townsite to assist with the cost to operate and maintain the Port Gregory Water supply. The specified area rate to be raised is based on the cost of operating the supply the previous financial year which has been estimated at approximately \$29,000 for 2023/24 excluding major repair works and upgrades.

To raise \$29,000 for 2024/25 all rateable Port Gregory Gross Rental Value properties within the Port Gregory Townsite will be levied a Specified Area Rate of \$0.038677 (3.8677c).

Kalbarri Tourism Specified Area Rate

Each year Council raises a Specified Area Rate on Kalbarri Properties for TV, digital and print media campaigns and attendance at tourism trade shows. The amount to be raised for 2024/25 is proposed at \$30,000.

To raise \$30,000 for 2024/2025 all rateable Kalbarri Gross Rental Value properties zoned Residential, Residential Development, Places of Public Assembly, Special Site, Special Rural, Commercial, Tourist Accommodation, Service Industry, Light Industry, Composite Light Industry, within the Kalbarri Town Planning Scheme No. 11 be set at \$0.001349 (0.1349¢).

Refuse Charge

The following charges have been incorporated into the 2024/25 Budget;

Kalbarri Residential Collection	\$400
Kalbarri Business Collection (Double)	\$800
Northampton & Other Residential Collection	\$400
Northampton & Other Business Collection (Double)	\$800
Half Way Bay Cottages	\$290 (inc GST)

Fees & Charges

For the 2024/25 Fees & Charges are proposed to have a 3.4% increase. This increase represented a portion of the Perth CPI figure of 4.6% (June 2023 to June 2024). The 3.4% increase excludes statutory based fees determined by external State departments, however since Council adopted the 2024/25 Fees & Charges in June, the Food Act Registration fee has increased to \$265.00.

Loan Funds

The 2024/25 Annual Budget proposes a 20 year housing loan of \$789,000, for the purchase of two modular houses, one for Lot 7 Stephen Street Northampton, and the other for Lot 514 Wood Street Kalbarri.

Bonds and Deposits and Reserve Fund

The Bonds and Deposits (Ex Trust) and Reserve Fund Budgets for 2024/25 are included in the 2024/25 Budget for adoption. The 2024/25 Budget includes the creation of a new reserve account titled “Plant Replacement Reserve” for the provision of future acquisition and replacement of plant and machinery within the Shire.

Tenders for Plant, Vehicles, Bitumen, Goods & Services

Management, as per previous years, seeks authorisation from Council to commence calling tenders for material items over \$250,000. Purchases required under this amount are now dealt with in accordance with Council’s Purchasing Policy.

Material Variance

Council is required annually to adopt what it considers to be material variances that are required to be reported to Council. These are as a percentage and/or dollar value. Materiality levels are recommended set as \$10,000 for the 2024/25 financial year, which is a change from \$5,000 in 2023/24. The reason for the proposed change is as the cost of doing business for the Shire of Northampton has increased, financial systems including auditing, internal control and risk management has improved significantly and provides much greater oversight. A materiality variance amount of \$10,000 is considered a contemporary approach adopted by many Local Government’s throughout Western Australia.

SUSTAINABILITY:

Environmental: The proposed 2024/25 Budget endeavours to financially support key environmental initiatives and components of the operations of the Shire of Northampton.

Economic: Sound financial management and accountability is the fundamental component of economic sustainability. The proposed 2024/25 Budget delivers a sustainable and responsible economic outcome on behalf of Council.

Social: Local Government is a foundation of local community governance in Australia and sound financial management is required to execute responsibilities to the social betterment of the district.

VOTING REQUIREMENTS: ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council:

- 1. Adopt the 2024/25 Budget as tabled and set the following rates, discounts, instalments and interest for the 2024/25 financial year:**
 - a. General Rates**
 - (i) Gross Rental Value \$0.075526 (7.5526¢) cents in the dollar**
 - (ii) Unimproved Value \$0.006980 (0.6980¢) cents in the dollar**

b. Minimum Rates

- (i) Gross Rental Value \$640.00
- (ii) Unimproved Value \$640.00

c. Specified Area Rates

- (i) Port Gregory Specified Area Rate \$0.038677 (3.8677¢)
- (ii) Kalbarri Tourism Specified Area Rate \$0.001349 (0.1349¢)

d. Discounts

That no rate discount be provided on 2024/25 rates.

e. Due Date and Instalments

The due date for payment of rates shall be 4 October 2024.

Ratepayers will be offered the option of paying their general rates only by four instalments, and that the following additional charges will apply on the second (2nd), third (3rd), and fourth (4th) instalments:

- Interest 5.0%
- Administration Charge - \$5.00 for each instalment.

Further that the instalment due dates are as follows:

1st instalment	Due 4-10-2024
2nd instalment	Due 6-12-2024
3rd instalment	Due 7-02-2025
4th Instalment	Due 11-04-2025

f. Late Payment Interest

That a late payment interest charge of 7.0% be applied to outstanding moneys to Council as follows:

- Commence accruing daily (simple interest calculation) thirty five (35) days after the date stated on the account as being the due date the account was issued.
- Late payment interest is to apply to all general rates, rubbish and waste management rates, and sundry debtors.
*Pensioners and Seniors are exempt from penalty interest.

2. Adopt the following waste collection fees and charges for the 2024/2025 financial year:

Rubbish Bin Collection Service	
240 Litre Bin Collection - Residential per bin	\$400.00
240 Litre Bin collection - Business per bin	\$800.00
Half Way Bay Cottages – per property	\$290.00 inc GST.

3. Creation of Reserve Account

That Council approve the creation of a new reserve for the provision of future plant replacement titled “Plant Replacement Reserve” with

the purpose of “Future acquisition and replacement of plant and machinery”.

4. **Bonds and Deposits, and Reserve Fund**
That the Bonds and Deposits, and Reserve Fund Budgets for 2024/25 be adopted.
5. **Tenders**
That the Chief Executive Officer be authorised to call tenders, as per the requirements and provisions of the *Local Government Act 1995*, for the provision of goods and services as approved within the 2024/25 Budget.
6. **Material Variance**
That the Budget Variance parameters for the 2024/25 financial year be set at \$10,000 as per *Local Government (Financial Management) Regulations 1996 r.34(5)*.
7. **Fees & Charges 2024/25**
That within the Schedule of Fees & Charges 2024/25 adopted June 2024 (06/24-65), the *Food Act 2008* registration fee be increased to \$265.00.

9.1.3 Proposed Rate Waivers and Concessions 2024/25

PROPONENT	Shire of Northampton
OWNER	N/A
LOCATION / ADDRESS:	Whole of Shire
ZONE:	All
BUSINESS AREA:	Office of the CEO
FILE REFERENCE:	3.1.3
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Leanne Rowe
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	8 August 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Each year Council is presented with a list of properties that could be considered for a waiver or concessions on Rates. Some of the properties are located on Shire of Northampton managed land, and others have special circumstances attached.

In 2024/25, Council is requested to consider the waiver of rates for the following properties in accordance, with s.6.47 of the *Local Government Act 1995*:

- Northampton Bowling Club – Northampton Lot 39 (255) Hampton Road, (A2175).
- Northampton Golf Club – Portion of Reserve 23432 (A1974) and Crown Grant in Trust Volume 1620 Folio 052, (A1852).
- Northampton Community Centre – Portion of Reserve 23432, (A1974).
- Kalbarri Camp and Community Hall – Kalbarri Town Lot 500 Reserve No 35559, (A2457).
- Kalbarri Golf and Bowling Club – part of Reserve No 30953, (A2628).
- Kalbarri Sport and Recreation Club – part of Reserve No 25447, (A4824).
- Regional Early Education and Development Inc. (REED) – Lot 233 (A1877) and 232 (A1878) Smith Street, Kalbarri,
- Regional Early Education and Development Inc. (REED) (Edna Bandy Centre) – Reserve 2038, Stephen Street Northampton, (A1693).
- Old School Community Centre – Lot 31, Robinson Street Northampton, (A4899;).

- Binnu Tennis Club – Reserve 23699, Northwest Coastal Highway, Binnu, (A3721).
- Northampton Doctors Surgery - Lot 10 (51) Robinson Street, Northampton, (A1594).
- Kalbarri Doctors Surgery – Lot 833 (24) Hackney Street, Kalbarri, (A2398).
- LIA Units 4 Kitson Circuit Northampton, Unit 1, Unit 2, Unit 3, Unit 4, (A5039).
- Kalbarri Town Talk – Lot 175 (5) Kaiber Street, Kalbarri, (A2450).
- Horrocks Community Centre - Lot 9503 North Court, Horrocks, (A4932).

Aged Care Facilities

- Pioneer Lodge Inc. - Lot 7 (A2642) Robinson Street & 52 (A1894) Essex Street, Northampton.
- Kalbarri Aged Care (Department of Housing) - Lot 1001 Hackney Street, (A2941).

Health Housing

- Housing (Community Housing Ltd) Lot 921 (14) Gliddon Avenue, Kalbarri (A3256).
- Housing (Community Housing Ltd) Lot 929 (20) Crocos Circuit, Kalbarri (A3297).
- Housing (Community Housing Ltd) Lot 607 (9) Bateman Street, Northampton (A4876).

In previous years in accordance with s.6.47 of the *Local Government Act 1995*, Murchison Region Aboriginal Corporation rates have had an 80% concession applied to the Rate amount charged, for the properties listed below:

- Housing (Murchison Region Aboriginal Corporation) Lot 32 (62) Mary Street, Northampton (A3209).
- Housing (Murchison Region Aboriginal Corporation) Lot 299 (44) West Street, Northampton (A1310).
- Housing (Murchison Region Aboriginal Corporation) Lot 20 (77) West Street, Northampton (A1349).
- Housing (Murchison Region Aboriginal Corporation) Lot 4 (30) Gwalla Street, Northampton (A4671).

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

Council considers the waiving and discounting of rates each year for various clubs, organisations and community groups in accordance with requirements specified in the *Local Government Act 1995*.

STATUTORY ENVIRONMENT:

The *Local Government Act 1995* (s.6.47) enables Council to consider Rate waivers and concessions.

POLICY / STRATEGIC IMPLICATIONS:

Rate waivers and concessions provide financial assistance to community groups, clubs and special circumstance operators which enable them to continue providing services and support to the local community.

ORGANISATIONAL RISK MANAGEMENT:

The associated Risk Rating of not approving a rate waiver or concession for the listed properties is considered Moderate mainly due to reputational impacts and possibly service interruption.

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

FINANCIAL IMPLICATIONS:

There will be no impact to the Shires financial position associated with the Rate waivers or concession as the properties have not been rated in prior years, or

have concessions applied, and are not included in the 2024/25 budget. There are no new proposed additions to this list in 2024/25.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: The approval of rate waivers and concessions facilitate the provision of support to the community.

VOTING REQUIREMENTS: ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1) In accordance with s.6.47 of the *Local Government Act 1995* waive the rates on the following properties in the 2024/25 financial year:

- **Northampton Bowling Club – Lot 39 (255) Hampton Road Northampton;**
- **Northampton Golf Club – Portion of Reserve 23432 and Crown Grant in Trust Volume 1620 Folio 052;**
- **Northampton Community Centre – Portion of Reserve 23432;**
- **Kalbarri Camp and Community Hall – Kalbarri Town Lot 500 Reserve No 35559;**
- **Kalbarri Golf and Bowling Club – part of Reserve No 30953;**
- **Kalbarri Sport and Recreation Club – part of Reserve No 25447;**
- **Kalbarri Occasional Childcare Centre – Lot 233 and 232 Smith Street, Kalbarri;**
- **Northampton Child Care Centre (Edna Bandy Centre) – Reserve 2038, Stephen Street, Northampton;**
- **Old School Community Centre – Lot 475, Stephen Street Northampton;**
- **Binnu Tennis Club – Reserve 23699, Northwest Coastal Highway, Binnu;**
- **Doctors Surgery – 51 (Lot 10) Robinson Street, Northampton;**
- **Doctors Surgery – 24 (Lot 833) Hackney Street, Kalbarri;**

- **LIA Units 1 – 4 lot 83 (4) Kitson Circuit, Northampton;**
 - **Kalbarri Town Talk - Lot 175 Kaiber Street, Kalbarri;**
 - **Horrocks Community Centre - Lot 9503 North Court Horrocks;**
 - **Pioneer Lodge Inc – Lot 7 Robinson Street & 52 Essex Street, Northampton; and**
 - **Department of Housing (Kalbarri Aged Care Units) - Lot 1001 Hackney Street, Kalbarri.**
 - **Housing (Community Housing Ltd) Lot 921 (14) Gliddon Avenue, Kalbarri.**
 - **Housing (Community Housing Ltd) Lot 929 (20) Crocos Circuit, Kalbarri.**
 - **Housing (Community Housing Ltd) Lot 607 (9) Bateman Street, Northampton.**
- 2) In accordance with s.6.47 of the *Local Government Act 1995* apply a Rates concession of 80% of rate amount charged for the properties listed below in the 2024/25 financial year:
- **Housing (Murchison Region Aboriginal Corporation) Lot 32 (62) Mary Street, Northampton.**
 - **Housing (Murchison Region Aboriginal Corporation) Lot 299 (44) West Street, Northampton.**
 - **Housing (Murchison Region Aboriginal Corporation) Lot 20 (77) West Street, Northampton.**
 - **Housing (Murchison Region Aboriginal Corporation) Lot 4 (30) Gwalla Street, Northampton.**

ATTACHMENT

9.2.1 Proposed Accounts for Endorsement on 15th August 2024

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

BACKGROUND:

A full list of payments is submitted to Council on 15 August 2024 for consideration.

A copy of the Payment List 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 the 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:

The 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 EFT26548 to EFT26664 totalling \$816,790.65; Municipal Fund Cheques 22496 to 22499 inclusive totalling \$933.40; and itemised fuel card purchases, be declared authorised expenditure in accordance with ATTACHMENT: 9.2.1 (1).

ATTACHMENTS

1 Proposed Accounts for endorsement 15 August 2024 6 Pages

ATTACHMENT

9.3.1 Request to Purchase Portion of Shire Freehold Land Abutting Lot 65 Horan Way, Horrocks

PROPONENT OWNER	Mr M Davidson Shire of Northampton
LOCATION / ADDRESS:	Lot 65 (No 6) Horan Way, Horrocks Portion of Lot 9003 Glass Street, Horrocks
ZONE:	Lot 65 – Residential (R20) Pt Lot 9003 – Public Open Space
BUSINESS AREA:	Planning Services
FILE REFERENCE:	10.5.3.5
LEGISLATION:	<i>Local Government Act 1995;</i> <i>Planning and Development Act 2015;</i> <i>Transfer of Land Act 1893</i>
AUTHOR:	Brian Robinson
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	31 July 2024
DECLARATION OF INTEREST:	Nil

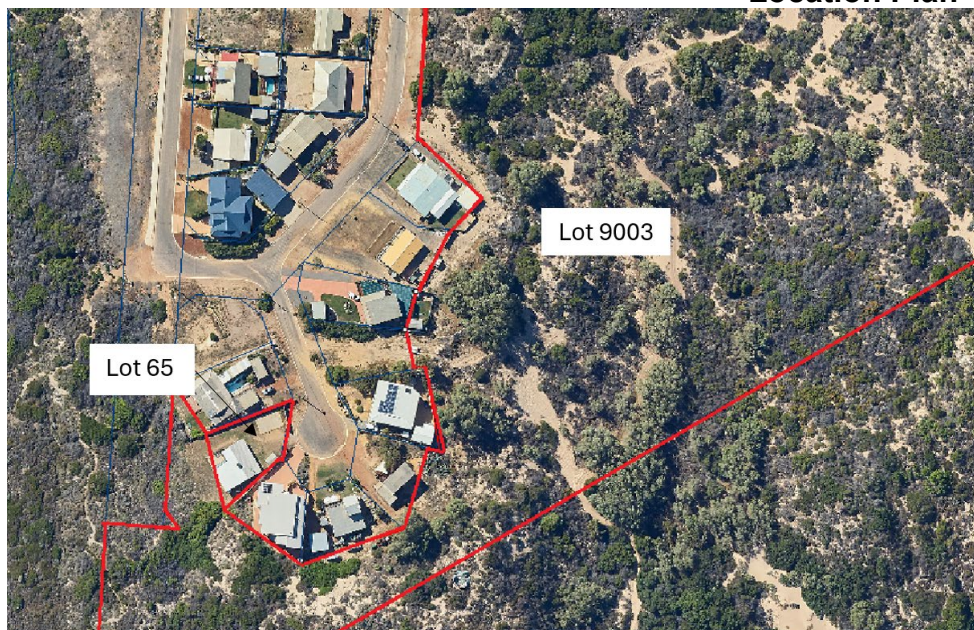
BACKGROUND:

Lot 65 (No 6) Horan Way is a 640m² residential lot that is currently developed with a single storey dwelling and a garden shed. As shown Attachment: 9.3.1 (1), the home is not wholly contained within the property, with portion of the home being located on Lot 9003.

ATTACHMENT: 9.3.1 (1)

Lot 9003 is a 17.5769ha property owned freehold by the Shire, being the balance of land resulting from previous subdivisions in the Horrocks Townsite.

Location Plan



Following an enquiry with the Shire Rates Officer, it was brought to the attention of the landowner that the home was not fully contained within their property. As a result, the landowner is now seeking to acquire portion of Lot 9003 to ensure that the dwelling is wholly contained in Lot 65. A copy of the landowner's request is shown attached.

ATTACHMENT: 9.3.1 (2)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

Whilst the applicant has provided a sketch showing the area of land they desire to purchase, the plan does not at this stage identify the exact area of land. From the information provided it is estimated that an area of approximately 45m² is being sought.

To assist Council in determining the request, the following information and comments are provided:

Zoning

The provisions of the Shire's Local Planning Scheme No 11 (the Scheme) include Lot 65 within the Residential Zone with an applicable density of R20. The portion of Lot 9003 the applicant seeks to purchase is reserved under the Scheme for the purposes of Public Recreation.

Should the purchase occur, an anomaly will exist whereby portion of the amended Lot 65 would remain as a reserve until the preparation of a new scheme occurs.

Required Setback

In accordance with the Residential Design Codes of Western Australia, single storey residential development with an identified density of R20 is usually required to be setback a minimum of 1-1.5m depending on the length of the wall and location of openings.

Building Encroachment

The current dwelling on Lot 65 encroaches approximately 2.2m over the common boundary with Lot 9003. Compliance with normal setback requirements would require demolition of portion of the existing building.

As shown at Attachment: 9.3.1 (1) the common fence between Lot 65 and Lot 66 to the north extends approximately 6.4m into Lot 9003. Giving the impression that portion of Lot 9003 forms part of their private land.

It should be noted that the current landowner purchased the property with the dwelling as is and they are seeking to rectify the situation without the need to modify the dwelling.

Proposed Area to be Purchased

As reflected at Attachment: 9.3.1 (2), the applicant is seeking to acquire a triangular section of land, set out to be 1m from the north west corner of the dwelling. It is estimated that this alignment would result in 45m² of Lot 9003 being purchased.

If the area to be purchased was extended to the location of the current common fence between Lot 65 and Lot 66, a more rational boundary shape would result. However this would substantially increase the area of land to be purchased to approximately 88.5m². The applicant is seeking to minimise the cost whilst ensuring they do not have to modify the existing dwelling.

Fencing

As reflected in Attachment: 9.3.1 (1), portion of Lot 9003 has been grassed, giving the appearance that the land forms part of Lot 65. In order to ensure the new boundary is clearly defined on-site it is recommended that the applicant/landowner be required to erect a fence, at least 1.2m in height on any new boundary. As a minimum it is recommended a post and wire fence could be used.

Sales Process

In order to complete the sale of a portion land to the applicant, the following steps will be required:

- a) Preparation of a Diagram of survey, identifying that portion of land to be excised from Lot 9003 and amalgamated into Lot 65;
- b) Establishment of a market value for the area of land to be acquired.
- c) An application for approval to the subdivision and amalgamation from the Western Australian Planning Commission; and
- d) The clearance of subdivision conditions and endorsement of the Diagram of Survey facilitating the creation of new land titles.

Other Encroachments on Lot 9003

Examination of aerial photography indicates that several other properties in the Horrocks area have historically encroached into the adjacent Shire owned freehold. Records show whilst several landowners in Mitchell Way and one in Horan Way have purchased additional land from the Shire. A number of other properties continue to encroach on Shire land, and these will need to be addressed at some point in the future.

Conclusion

The request to purchase portion of Lot 9003 from the Shire is conditionally supported as it will ensure that the existing dwelling on Lot 65 is wholly contained within their property.

STATUTORY ENVIRONMENT:

In accordance with section 3.58 of the *Local Government Act 1995*, land owned by the Shire of Northampton may be disposed of by either:

- a) Public auction.
- b) Public tender; or
- c) Local public providing notice of the intention to dispose.

Given that the subject area of Lot 9003 is of no benefit to any other party, it is recommended that neither a public auction nor tender process is an appropriate approach.

If the market value of the land is less than \$5,000, Regulation 30 of the *Local Government (Functions and General Regulations) 1996* identifies that the local public notice is not required where the land is to be sold to an adjacent landowner. At this stage, a market valuation has not been completed so the value of the land in question is not known.

POLICY / STRATEGIC IMPLICATIONS:

Due to the configuration and topography of the subject portion of Lot 9003, there are no strategic implications associated with the sale.

ORGANISATIONAL RISK MANAGEMENT:

The Risk rating associated with not agreeing to the applicants request is considered moderate for the organisation, but major for the landowner who would then need to consider modification of the existing dwelling.

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:

Should Council support the application, it is recommended that the applicants be required to meet all costs associated with the purchase of the land and modification of the titles.

In the event the sale be completed, Council will be requested to consider the allocation of the funds, which could include the funding of other projects within the Horrocks Community.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Approval to the request as submitted would resolve the issue of development encroaching onto Shire freehold land without the adjacent landowner having to modify the existing dwelling.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. Approve the sale of approximately 45m² of Lot 9003 Glass Street, Horrocks to the owner of No 6 (Lot 65) Horan Way, Horrocks in accordance with the request shown at ATTACHMENT: 9.3.1 (2), subject to compliance with the following at the cost of the applicant:
 - a) Preparation of a diagram of survey by a licensed land surveyor to reflect a new boundary consistent with the applicants proposed boundary alignment, being not less than 1m from the existing dwelling;
 - b) A market valuation being obtained from a licensed real estate valuer;
 - c) Application being made to the Department of Planning, Lands and Heritage for conditional approval to the proposed subdivision/amalgamation and compliance with any conditions identified on any approval;
 - d) The titles of Lots 65 and Lot 9003 being adjusted accordingly; and
 - e) Following issue of new titles, the applicant shall erect a fence being a minimum of 1.2m in height of post and rail construction within 60 days;
2. Subject to the land market valuation referred to in point 1b) above being less than \$5,000 and the owner of Lot 65 agreeing to proceed with the purchase, acknowledge that the Chief Executive Officer will finalise the land disposal in accordance with legislated requirements;
3. In the event that the land market valuation referred to in point 1b) above is more than \$5,000, the Chief Executive Officer be requested

to advertise the proposed land disposal in accordance with Section 3.58 of the Local Government Act 1995 and await a further report prior to the close of advertising;

- 4. Consider the allocation of any funds resulting from the disposal of land in accordance with points 1-3 above once the sale has been finalised.**

ATTACHMENTS

- | | | |
|----------|---|----------------|
| 1 | Attachment No 1 - Site Plan for Lot 65 Horan Way, Horrocks | 1 Page |
| 2 | Attachment No 2 - Copy of Request to Purchase | 2 Pages |

ATTACHMENT

9.4.1 Proposed Additions to Group Dwelling - No 3 (Unit 2) North Court, Horrocks

PROPONENT	JPA Town Planning Consultants
OWNER	M Hasleby
LOCATION / ADDRESS:	No 3 (Unit 2) North Court, Horrocks
ZONE:	Commercial
BUSINESS AREA:	Planning Services
FILE REFERENCE:	10.5.2.1 & A939
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Brian Robinson
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	2 August 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The subject land is located on the western side of North Court within the Horrocks Townsite. With an area of 424m², the strata titled property is developed with a relatively small single storey two-bedroom, one bathroom dwelling of framed construction.

As reflected on the location plan below, similar development is located on the west side of North Court, whilst the Horrocks Caravan Park is developed on the eastern side of the road.

Location Plan



Approval is being sought to substantially modify the existing dwelling extending the building to the rear, southern side and front in order to create a 3-bedroom,

two bathroom dwelling with single car garage, an outdoor area under the main roof and a verandah. Relevant pages of the submitted plans showing the proposed floor plan and elevations are shown attached.

ATTACHMENT: 9.4.1 (1)

Council is requested to determine the application as determination of the proposed development involves the use of discretion that is not delegated to Shire Officers.

PUBLIC CONSULTATION UNDERTAKEN:

The proposal has been referred to the adjacent landowners for comment over a 14-day period in accordance with Local Planning Policy – Consultation for Planning Proposals. No submissions were received in response.

COMMENT (Includes Options):

Clause 78E of the Deemed to Apply provisions of the Planning and Development (Local Planning Scheme) Regulations 2015 requires that Council has regard to various matters when determining an application for Planning Approval. These matters include, but are not limited to:

- (a) *The aims and provisions of the Scheme and any other local planning schemes operating within the Scheme area;*
- (c) *Any approved State planning policy;*
- (g) *Any local planning policy for the Scheme area;*
- (m) *the compatibility 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 locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development.*
- (s) *the adequacy of*
 - (i) *the proposed means of access to an egress from the site; and*
 - (ii) *arrangements for the loading, unloading, manoeuvring and parking of vehicles.*
- (y) *any submissions received on the application.*

Zoning

The provisions of the Shire's Local Planning Scheme No 10 include the subject land within the Commercial Zone. Within the Commercial Zone a Single House is a D use. That is a use which is not permitted unless the local government has exercised its discretion by granting development approval. It is therefore open to Council to consider the application.

Applicable Density

In accordance with clause 32(21), where land is connected to the Water Corporation's reticulated sewerage system, development "*may be permitted in accordance with the maximum density and standards of the R40 Code.*"

State Planning Policy 7.3 – Residential Design Codes

The application has been assessed against the requirements of State Planning Policy No 7.3 (the R-Codes). The following summary is provided for Council's consideration:

a) Setbacks

The proposed development will result in setbacks of 2.75m to the southern side, 3.5m to the rear and approximately 3m to the northern side. These setbacks comply with the deemed to comply setback requirements.

In terms of the front setback, it is proposed that the single car garage will be established with a setback of 1.5m. A new verandah is also proposed to the front of the existing dwelling, which will have a minimum setback of 1.7m to the front boundary.

Clause C3.3.1 of the R-Codes outlines that in order to meet the Deemed to Comply provisions, a setback of 3m is required from the primary street boundary. In accordance with clause C3.3.2, the following reductions are permitted for an R40 density:

- i) The setback may be reduced by up to 1m for a total of 30% of the frontage; and/or
- ii) May be reduced by up to half (i.e. 1.5m) for a porch, verandah, unenclosed balcony or equivalent.

The proposed verandah therefore meets the acceptable development criteria.

b) Proposed Garage

As detailed above, the proposal includes a single car garage with internal dimensions of 5.8m deep by 4.82m wide that will be setback 1.5m from the primary street boundary. As this setback does not meet the deemed to comply requirements must be considered against the design principles. As outlined in clause P3.3.3, the design principles for garages are to:

- i) Contribute positively to the streetscape and appearance of dwellings;
- ii) Maintain clear sightlines along the street, to not obstruct views of dwellings from the street and visa versa; and
- iii) Ensure vehicle parking on a driveway only occurs where space permits and does not impede on any existing or planning adjoining pedestrian, cycle, or dual-use-path.

An assessment of the proposed garage against this criteria and those matters to be considered which are outlined in clause 78E is provided in the balance of this agenda item.

Existing Streetscape

Whilst being of bitumen construction, North Court has a very informal streetscape with no kerbing in place. The road is not located in the centre of the road reserve, with the western verge being some 7.5 metres wide and containing overhead power lines.

A total of six dwellings, being relatively small dwellings of framed construction are located on the western side of the street. Currently none of the properties have a formal driveway or garage facing North Court. Grass verges blend into the adjacent private land, mostly being covered in grass. With the exception of the southern most dwelling, the properties are without boundary fencing.

Existing dwellings are established with a range of front setbacks, ranging from the current dwelling at 4.2m to a situation where the verandah associated with the most northern dwelling in the street, which extends over portion of the road verge. The most southern dwelling, being adjacent to Glance Street has previously been extended with a verandah on three sides and a carport within the front setback, being parallel to the street.

It is considered that approval to a garage located 1.5m from the street is not consistent with the existing streetscape. It is therefore recommended that the Deemed To Comply setback requirement of 3m not be relaxed.

Potential to Modify Design

Examination of the submitted plans confirms that the normal setback requirement of 3m to the garage can be achieved by simply setting back the southern building extension another 1.5m from the front boundary. This would reduce the rear setback to 2m.

Given that the normal setback requirement of 3m can be met, it is considered that there is no justification for relaxation of this standard.

Undesirable Precedent

Currently none of the dwellings located on North Court have a garage. Should the current application be approved, a precedent would be set for the construction of garages with a 1.5m setback, dramatically modifying the current streetscape.

Whilst it is expected that ultimately the current street scape will change as landowners seek to modify and/or replace the current dwellings, garages at 1.5m would dominate the street scape. As the Deemed To Comply setback requirements can be met through a relatively minor redesign of the proposed works, it is recommended that Council avoid the creation of an undesirable precedent and refuse the application.

Conclusion

The submitted application to extend the existing dwelling is consistent with the R-Code's Deemed to Comply setback requirements from side and rear boundaries. Whilst the proposed front verandah also complies with the Deemed to Comply provisions, approval to the proposed garage with a setback

of 1.5 can only be granted through assessment of the proposal against the identified performance criteria.

In this case given the informal nature of the existing development and streetscape, it is considered that the proposed development would not positively contribute to the streetscape and should therefore not be supported.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005.

POLICY / STRATEGIC IMPLICATIONS:

Approval to the application as submitted would create a precedent for the establishment of garages with a setback of 1.5m to the front boundary.

ORGANISATIONAL RISK MANAGEMENT:

The risk rating associated with approving the application is considered to be Moderate to Major given the potential for impact on the streetscape and the creation of an undesirable precedent.

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: Nil.

Economic: Nil.

Social: Approval to the application will set a precedent for future development abutting North Court.

VOTING REQUIREMENTS: ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. Pursuant to clause 68(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 refuse the proposed extensions to the existing dwelling on No 3 (Unit 2) North Court, Horrocks dated 12 April 2024 for the following reasons:
 - a) The proposed 1.5m setback to the proposed garage does not comply with the Deemed to Comply provisions of Clause 3.3.4 of the Residential Design Codes of Western Australia;
 - b) The proposal to reduce the required front setback to the garage from 3m to 1.5m is not consistent with the Design Principals outlined in clause P3.3.3 of the Residential Design Codes of Western Australia as the garage will not positively contribute to the streetscape;
 - c) Approval to the development as submitted would be inconsistent with the existing and likely future character of the streetscape, resulting in the garage being the predominant feature of the dwelling as viewed from the street;
 - d) Sufficient room exists for the proposed garage setback to be increased to 3m in accordance with the clause 3.3.4 of the Residential Design Codes of Western Australia; and
 - e) Approval to the application as submitted would result in the creation of an undesirable precedent.
2. Invite the applicants to re-apply for Planning Approval with a minimum setback of 3m to the proposed garage, by increasing the setback to the southern portion of the proposed extension from 1.5m to 3m;
3. Advise the applicant that an application lodged in accordance with clause 2 above would be capable of being processed under delegated authority; and
4. Waive the required \$640 application fee for a revised application submitted in accordance with point 2.

ATTACHMENTS

- 1 Attachment No 1 - Proposed Plans for Dwelling Extention 3 Pages

ATTACHMENT

9.4.2 Delegated Planning Decisions for July 2024

PROPONENT	Shire of Northampton
OWNER	Various
LOCATION / ADDRESS:	Various
ZONE:	Various
BUSINESS AREA:	Planning Services
FILE REFERENCE:	10.4.1
LEGISLATION:	<i>Planning and Development Act 2005</i> <i>Local Government Act 1995</i>
AUTHOR:	Kaylene Roberts
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	6 August 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

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

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

A register of Delegated Development Approvals, detailing those decisions made under delegated authority in July 2024 is attached.

ATTACHMENT: 9.4.2 (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 July 2024, one (1) development application was determined under delegated authority. **Table 1** shows the number and value of development applications determined under both delegated authority and by Council for July 2023 compared to July 2024:

Table 1: Planning Decisions made in July 2024

	July 2023	July 2024
Delegated Decisions	2 - \$6,000 **2	1 - \$0 **1
Council Decisions	4 - \$140,000 **2	0 - \$0
Total	6 - \$146,000	1 - \$0

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
Delegated Decisions	39 - \$5,579,308 **15	30 - \$1,452,936 **8
Council Decisions	9 - \$2,375,125 **11	21 - \$5,154,742 **4
Total	48 - \$7,954,433	51 - \$6,607,678

** 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.

The Shire's Local Planning Schemes, made in accordance with the *Planning and Development Act 2005* and associated regulations, set 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 July 2024 as detailed in Attachment: 9.4.2 (1).

ATTACHMENTS

1 Delegated Planning Decisions July 2024 1 Page

ATTACHMENT**9.4.3 Proposed Nature Based Caravan Park - Lot 103 (No 180)
Eastough Road, Ajana**

PROPONENT	B & C Hazell
OWNER	B & C Hazell
LOCATION / ADDRESS:	Lot 103 (No 180) Eastough Road, Ajana
ZONE:	Rural
BUSINESS AREA:	Planning Services
FILE REFERENCE:	10.8.1.3 & A4952
LEGISLATION:	<i>Planning and Development Act 2005 Caravan Parks & Camping Grounds Act 1995</i>
AUTHOR:	Brian Robinson
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	6 August 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The subject property is a 40.5ha rural property, located on the southern side of Eastough Road, approximately 4km west of Warribano Chimney Road as shown on the location plan below. A dwelling and multiple domestic and rural outbuildings are located in the northwestern corner of the property abutting Eastough Road.

Location Plan

In August 2023, the owners advised Shire Officers via email that they had “started selling camping sites on their property at 180 Eastough Road, Ajana”. The email advised that they had listed the camp sites online through Hipcamp. A copy of that email is shown attached.

ATTACHMENT: 9.4.3 (1)

An application for planning approval form was subsequently received by the Shire and the landowners were requested to liaise with the Shire's Environmental Health Officer over the requirements of the *Caravan Parks and Camping Grounds Act 1995*.

By of summary, the landowners advised via email that they were seeking to continue operation of 5 campsites, one of which was able to accommodate a large group. They advised that the sites "*were suitable for self- contained campers, caravans, any size vehicle, towed boats etc to pull through park and set up camp in a bush setting.*" A management plan for a Naure Based Caravan Park was subsequently provided to the Shire in late February this year. A copy of the proposed management plan is shown attached.

ATTACHMENT: 9.4.3 (2)

Given the current provisions of the Shire's Local Planning Scheme No 10 (the Scheme), Council is requested to refuse the application. Council is also requested to commence an amendment to the Scheme to facilitate the applicants reapplying for approval and order the use to cease until such time as formal approval has been obtained under both the Scheme and the *Caravan Parks and Camping Grounds Act 1995*.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

To assist Council in considering the proposal, the following comments are offered:

Zoning

The provisions of the Scheme include the subject land within the Rural Zone. As detailed within clause 16 of the Scheme, the broad objectives of the Rural Zone are as follows:

- *To provide for the maintenance or enhancement of specific local rural character.*
- *To protect board acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural 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 watercourse 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.*

Land Use Classification

The Scheme defines a Caravan Park as “*premises that are a caravan park as defined in the Caravan Parks and Camping Grounds Act 1995 section 5(1).*” With the Scheme containing no other land use definitions relating to caravan parks, or camping grounds, all forms of Caravan Park are captured by this definition.

Land Use Permissibility

A Caravan Park is a prohibited use within all zones under the Scheme, with the exception of the “Caravan, Camping and Cabin” Zone. Given this, all forms of caravan park or camping grounds are prohibited within the Rural Zone.

Definition of Caravan Park

Section 5(1) of the *Caravan Parks and Camping Grounds Act 1995* outlines the following definitions:

Camping Ground - means an area of land on which camps, but not caravans, are situated for habitation but does not include any land prescribed for the purposes of this definition.

Caravan – means a vehicle that is fitted or designed for habitation, and unless the contrary intention appears, includes an annex.

Caravan Park – means an area of land on which caravans, or caravans and camps, are situated for human habitation.

Types of Caravan Park Licenses

Schedule 2 of the *Caravan Parks and Camping Grounds Regulations 1997* outline that there are six types of licenses that may be issued in accordance with the Act. These are:

1. Caravan Park licence.
2. Camping Ground licence.
3. Caravan Park and camping ground licence;
4. Park home park licence.
5. Transit Park licence; and
6. Nature based park licence.

Nature Based Parks

The *Caravan Parks and Camping Grounds Regulations 1997* define a Nature based park as a facility in an area that:

- (a) *Is not in close proximity to an area that is built up with structures used for business, industry or dwelling houses at intervals of less than 100m for a distance of 500m or more; and*
- (b) *Has been predominantly formed by nature; and*
- (c) *Has limited or controlled artificial light and noise intrusion.*

Given the above definition/requirements, Rural-Residential land or land located within or in close proximity of a townsite is generally not suitable for a nature based park. Generally speaking, land within Rural areas is more suited to meeting the definition and requirements for a Nature Based Park. The current scheme provisions therefore effectively rule out the only areas of the shire that may be suitable for nature-based parks, unless a scheme amendment is undertaken.

Nature Based Park Requirements

Unlike standard Caravan Parks and Camping Grounds, Nature Based Parks are far less formal with minimal facilities. For example, internal roadways need not be sealed and buildings within a Nature Based Park are limited to a Managers House, ablutions and washing up facilities (where non self-contained vehicles are catered for), a carport or pergola, storage shed and a campers kitchen. Recreational areas are also not required in a Nature Based Park.

Reduced requirements apply to the number of toilets, showers and laundry facilities. Where sites cater for fully self-contained vehicles, those sites draw no requirement for such facilities. Self-contained being a Caravan or other vehicle that contains ablution, toilet and laundry facilities.

Proposed Facilities

As reflected within the proposed Management Plan shown at Attachment: 9.4.3 (2), the applicants are proposing no facilities stating on page 7 that the facility will cater for *“Self contained vehicles only, campers being referred to the nearest dump points in Kalbarri and Northampton.”*

Unauthorised Activity

In accordance with the applicable legislation, a person(s) may not commence the operation of a Nature Based Park without first having obtained both a Development Approval under the Scheme and a licence under the *Caravan Parks and Camping Grounds Act 1995*. Examination of the camping websites indicates that the facility has been operating for over a year, with the first review appearing on 9 July 2023. The activity has therefore been undertaken for a substantial amount of time with no approvals in place.

Given that the required approvals have not been obtained, ongoing operation of the facility constitutes an offence under both the *Planning and Development Act 2005* and the *Caravan Parks and Camping Grounds Act 1995*. The applicant should therefore be required to cease all operations and advertising until such time as the required approvals are in place.

Legal action is not recommended on the basis that directions should have been issued requiring the activity to cease until such time as all required approvals were obtained following their initial contact with the Shire,.

Self-Contained Vehicles

Advertising of the camp can currently be found on Hipcamp, Trip Advisor and the RAC website. Examination of the Hipcamp website also confirms that:

- a) The owners are advertising 4 vehicle/tent sites and 2 caravan/recreational vehicle sites; and
- b) Photographs of the facility shown on Hipcamp clearly show that campers have included people utilising tents.

Photographs demonstrating people in standard 4wd vehicles staying in tents are attached.

ATTACHMENT: 9.4.3 (3)

Standard vehicles and tents do not meet the definition of self-contained vehicles as these vehicles do not contain ablution, toilet and laundry facilities. The facility therefore does not appear to be operated in a manner consistent with the proposed management plan. In the event that the proposed activity continues, the provision of on-site toilets, ablution and laundry facilities will be required if such camping is to continue.

Other Local Government Approaches

As detailed above, within the Shire of Northampton, the Scheme captures all caravan parks under a single definition.

As an alternative approach, the Local Planning Schemes of many other local governments within Western Australia recognise the various forms of caravan park, often listing a Nature Based Park and Transit Park as discretionary uses within the Rural Zone. This allows for these uses to be considered even where standard Caravan Parks and Camping Grounds are not permitted.

Proposed Scheme Amendment

In order to allow Nature Based Parks to be considered in the rural areas of the Shire, it is recommended that the Scheme be modified to include the land use definition for Nature Based Parks and identify the use as an "A" use within the Rural Zone. That is a use that is prohibited unless the local government utilises its discretion and grants planning approval after advertising of the proposal for public comment.

Conclusion

All forms of Caravan Park are currently prohibited from the Rural Zone within the Shire. Given this, the application as submitted must be refused.

From information available, the landowners commenced the operation of campsites on the property more than 12 months ago and from feedback comments on websites such as Hipcamp, it is clear that the owners have continued operation in contravention of both the Scheme and the *Caravan Parks and Camping Grounds Act 1995*.

Whilst it is recommended that the provisions of the Scheme are amended such that an application for a Nature Based Park can be considered in the future, the landowners must be required to cease the activity and withdraw all associated advertising until such time as the required approvals are in place.

STATUTORY ENVIRONMENT:

As per Comment Section of agenda item.

POLICY / STRATEGIC IMPLICATIONS:

Amendment of the Scheme provisions to allow applications for Naure Based Parks within the Rural Zone is consistent with following Key Outcome of the Shire's Strategic Community Plan 2020-2030:

	Key Outcome	Objectives	Success Measures	Timelines
1.1.2	Provision of effective town planning scheme to support visitor expectations or needs and appropriate business development support for local business initiatives	Maintained or increased businesses across towns and locations of the Shire for economic and employment benefits	Trends and the Number of businesses at each Census period.	Ongoing

ORGANISATIONAL RISK MANAGEMENT:

The risk rating associated with approving the application as submitted, or permitting the activity is considered to be major. Given that the land use is currently prohibited, substantial public embarrassment could result.

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	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news	Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment & building	Uncontained, irreversible impact

				damages or penalties	profile, third party actions		
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FINANCIAL IMPLICATIONS:

Shire Officers are capable of producing the draft Scheme Amendment documentation 'in house' minimising the costs associated with amending the Scheme.

SUSTAINABILITY:

Environmental: Without appropriate facilities on-site, non self-contained campers have the potential to detrimentally impact on the environment through human waste and wastewater.

Economic: The operation of all forms of caravan parks provides economic opportunity for the landowners/operators and flow on benefits for other businesses in the district.

Social: Approval to Nature Based Camping in the rural zone will allow an alternative form of accommodation to be available for members of the travelling public, consolidating the site as a tourist destination.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. In accordance with clause 67(1)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015 – Deemed to Apply provisions*, refuse the proposed Nature Based Camping on Lot 103 (No 180) Eastough Road, Ajana as the use is currently prohibited within the Rural Zone;
2. Advise the landowners that:
 - a) the operation of the Nature Based Park or any other form of camping is required to cease within 14 days and must not recommence until all required approvals have been obtained;
 - b) all forms of advertising associated with the activity to be withdrawn immediately; and
 - c) failure to adhere to points 2 and 3 above may result in legal action being taken for contraventions of the *Planning and Development Act 2005* and *Caravan Parks and Camping Grounds Act 1995*;
3. Request the Chief Executive Officer to prepare an amendment to Local Planning Scheme No 10, in order to:
 - a) Introduce the following land use definition:

Nature Based Park – means premises used for a nature based park as defined in the Caravan Parks and Camping Grounds Regulations 1997 (as amended);

- b) List a Nature Based Park as an “A” use within the Rural Zone and an “X” use within all other zones.
4. Await a further agenda item relating to point 3 above; and
 5. Invite the applicants to re-apply for the Shire’s prior Planning Approval and a Licence under the *Caravan Parks and Camping Grounds Act 1995* once the provisions of the Scheme have been amended. It must however be noted that vehicles are not considered to be self-contained unless they contain internal ablutions, toilet and laundry facilities. In order to cater for non self-contained vehicles (such as tents and passenger vehicles) additional on-site facilities will be required.

ATTACHMENTS

- | | | |
|----------|--|----------|
| 1 | Attachment No 1 - Email advice Commenced Operating | 1 Page |
| 2 | Attachment No 2 - Proposed Management Plan | 20 Pages |
| 3 | Attachment No 3 - Photographs taken from Hipcamp | 1 Page |

ATTACHMENT

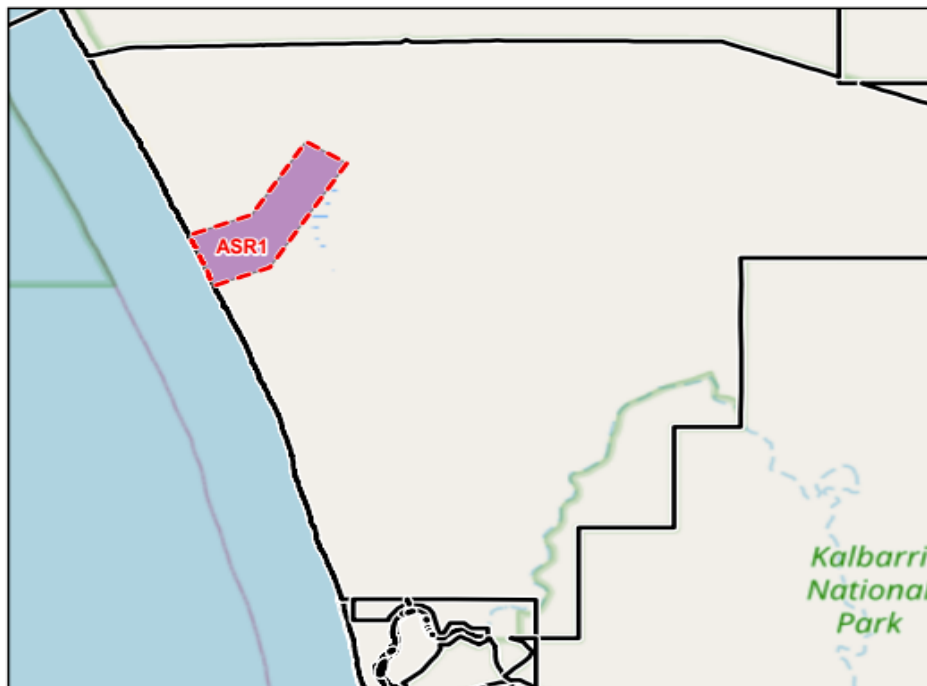
9.4.4 Request for Local Planning Scheme Amendment - Proposed Hydrogen Processing Facility on Murchison House Station

PROPONENT	Murchison Green Hydrogen as subsidiary of Copenhagen Infrastructure Partners (CIP)
OWNER	State of Western Australia (pastoral lease)
LOCATION / ADDRESS:	Part Lot 944, Part Lot 1544, and Part Unallocated Crown Land (ID3846146)
ZONE:	Existing - Rural Proposed - General Industry with Site Specific Site and Development Requirements
BUSINESS AREA:	Planning Services
FILE REFERENCE:	10.9.9
LEGISLATION:	Planning & Development Act 2005
AUTHOR:	Brian Robinson
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	7 August 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Council is requested to consider initiating a Scheme Amendment to rezone a 3,881ha portion of the Murchison House Station from “Rural” to “General Industry”. The purpose of the amendment is to facilitate the proposed land uses associated with the production, conversion, storage and export of renewable energy, including green hydrogen and green ammonia.

Location Plan



Amendment of the Scheme as proposed 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.

The major components of the proposal are:

- The primary plant including desalination plant, electrolyser, power-to-x plant, battery storage system, sub-station, ammonia chiller tanks, contained within an onshore footprint not greater than 635ha;
- A total of 450 wind turbines, with each turbine having a footprint of 0.2ha, although a temporary construction footprint of 2.1ha per turbine;
- Approximately 7,500 - 10,000ha of solar panels;
- Marine export facility located approximately 1.4km offshore;
- Associated infrastructure such as access roads connecting with the Northwest Coastal Highway, onshore pipeline corridors including shoreline infrastructure;
- Sea water intake and brine outfall;
- A temporary workers camp for a peak workforce of 3,600 FTEs in employees, contractors and consultants associated with the construction; and
- An operational workforce of approximately 600 employees.

It should be noted that prior to finalisation of the Scheme Amendment, the applicant intends to reduce the area to be rezoned to being no greater than 635ha prior to gazettal of the Scheme Amendment.

Council has previously considered the request on 18 April 2024 (Item 9.3.3), 16 May 2024 (Item 9.4.5) and most recently on 20 June 2024, whereby Council resolved (Resolution 06/24-72) to:

- 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.***

On 31 July 2024, Shire Officers received, via email, a revised Local Planning Scheme Amendment document and a revised Deed of Agreement. The applicants have also provided details regarding the “Community and Industry Advisory Group”. Copies of the covering email, revised Scheme Amendment Report and information regarding the Community and Industry Advisory Group are shown attached.

ATTACHMENT: 9.4.4 (1)

ATTACHMENT: 9.4.4 (2)

ATTACHMENT: 9.4.4 (3)

The draft Deed of Agreement was forwarded to the Shire’s solicitors and on the evening of Wednesday 7 August, correspondence detailing their opinion was received. Whilst the Solicitors comments are detailed in the Comment Section of this agenda, both the Deed and the Shire Solicitors advice will be provided to elected members under separate cover due to the commercial nature of the matter.

Council is now requested to further consider adopting the Scheme Amendment for the purposes of advertising having regard to the legal advice received and other matters outlined in the comment section below.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

To assist Council in its further consideration of the request to initiate the Scheme Amendment, the following comments and advice are offered.

Project of State Significance

As highlighted in previous agenda item relating to the application, 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.

Given 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.

The Shire of Northampton will have no control over the assessment and determination of the development application, which could result in conditions being to the satisfaction of the State and not the Shire of Northampton.

Revised Deed of Agreement

In accordance with Council Resolution 06/24-72, a copy of the Civic Legal opinion was forwarded to the proponent. As reflected in the proponents email dated 31 July (see Attachment: 9.4.4 (1)), the proponents have accepted the advice of Civic Legal and modified the Deed of Agreement accordingly, with the exception of:

a) Legal Costs

Within the revised draft deed submitted on 31 August, the applicant proposed rewording of clause 16.2(b) relating to costs, to reflect that they would “re-imburse the Shire’s Legal expenses for the Development Agreement up to \$5,000. This approach is not consistent with Council’s previous resolution on 18 April 2024 (Resolution 04/24-09) which required preparation of a legally binding agreement at the applicants costs.

This issue was raised with the applicant, which resulted in a further revised Draft Deed being received by the Shire on 5 August, modifying clause 16(2) to stipulate that the applicant must “*re-imburse the Shire’s reasonable and documented legal expenses for negotiating, preparing and executing the agreement, incurred up to and including 15 August 2024*”

The revised Deed of Agreement was supplied to Civic Legal for their assessment and comment. The legal advice received is detailed below under the heading Legal Advice.

b) Method for Calculating total Community Benefit Sharing Plan

As reflected at point 4 of Council’s resolution 06/24-72, passed on 20 June 2024, Council require the applicant to identify the proposed method to be used in calculating the total expenditure within the Community Benefit Sharing Plan.

In response the applicant has advised at point 1 of the email dated 31 July (see Attachment: 9.4.4 (1)) that “*The proposed method to be used in calculating the total expenditure within the Community Benefit Sharing Plan is to address the social impacts of the Project as identified by the detailed Social Impact Assessment.*” The applicant submits that the Deed of Agreement will be a legally binding agreement requiring the completion and implementation of the detailed Social Impact Assessment and the associated Community Benefit Sharing Plan (the Plan).

The applicant has also outlined the method and timing for the development of the Plan in Schedule 1 of the Deed of Agreement.

Legal Advice

As detailed in the Background Section of this agenda item, copies of the draft Deed of Agreement and the Legal Advice received have been provided to elected members under separate cover. By way of summary, Civic Legal have advised that:

1. With the exception of clause 5(b), the revised Deed of Agreement sufficiently addresses the issues raised in Civic Legal's previous advice;
2. It is recommended that clause 5(b) be reworded as follows in order to achieve greater clarity:
(b) MHR must, prior to the lodgement of an application for development approval for the project:
 - (i) under a detailed SIA in accordance with the SIA LPP (including Schedule 2 – Outline of Social Impact Assessment Process which forms part of the SIA LPP) and good industry practice and standards;*
 - (ii) prepare and complete an SIS if required under the SIA LPP or if requested by the Shire; and*
 - (iii) provide a copy of the final SIA report to the Shire for comment.*
3. Civic Legal considers that the revised wording of clause 16.2(b) sufficiently covers the Shire's legal costs up to the execution of the agreement. However, the Shire is exposed to all legal costs arising thereafter. Civic Legal recommends that clause 16.2(b) be further amended as follows:

"MHR must reimburse the Shire's reasonable and documented legal expenses for negotiating, preparing and executing this document, including any reasonable legal costs incurred by the Shire as a result of non-compliance by MHR."
4. With regard to recital (A), we recommend that Shire adopt the below wording.

"The Shire is responsible for the provision of good government within its district, including the planning and provisions of services and facilities, and the care, control and management of land within its district. This includes the Town of Kalbarri and the surrounding area in which the Murchison Green Hydrogen Project (Project) is proposed to be located."
5. It is Civic's view that the amended draft Agreement (with the above proposed edits) would now set out MHR's obligations in greater detail and creates greater certainty as to the performance of those obligations.
6. Subject to the above changes being implemented, the draft agreement would be in order for the Shire to finalise and execute, *"provided that the Shire is satisfied with the details provided for the Community Benefit Sharing Plan under Schedule 1."*

To assist Council, comments and advice on Schedule 1 is provided below.

Draft Deed of Agreement – Schedule 1

Schedule 1 of the Draft Deed of Agreement as supplied by the applicant currently contains the following wording:

MHR will develop a Community Benefit Sharing Plan to address social impacts of the Project as identified by the detailed Social Impact Assessment to be undertaken in accordance with the Agreement.

The plan will be developed using an iterative, co-designed approach with the community, the Shire and key stakeholders.

The intended method and timing for development of the plan is outlined in the graphic below.

Aligned to the principles of co-design, there is flexibility for the method and timing to be reviewed and changed, including following input from the community, the Shire and key stakeholders.

With respect to the Community Benefit Sharing Plan, at its meeting held on 18 April, Council resolved as follows:

- | | |
|----|--|
| 3. | <i>Invite MGH to nominate the method to be used for calculating the total expenditure within the Community Development Program on an annual basis.</i> |
| 4. | <i>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, the Shire will accept a bond or bank guarantee of \$1,000/MW per annum for the life of the project.</i> |

Council reiterated the invitation to nominate the method of calculating the total expenditure on an annual basis within resolution passed on 16 May 2024. As details on the method of calculating the total expenditure were not provided by the 20 June Council meeting, Council resolved at point 4 of resolution 06/24-72 to require the applicant to “..identify the proposed method to be used in calculating the total expenditure within the Community Benefit Sharing Plan.”

As stated under the heading “Method for Calculating total Community Benefit Sharing Plan” above, the applicants have not provided a specific method for calculating the contribution but instead have included a statement that the total expenditure is to address the social impacts of the project as identified by the Social Impact Assessment. This approach essentially maintains the applicants preferred approach of deferring any financial commitment to be determined as part of the development application process.

It is considered that this statement does not adequately address the Council’s requirement to identify the method of calculating the total expenditure.

If applicant’s proposal to essentially defer a detailed Social Impact Assessment (SIA) and other mitigation measures highlighted above to the Development Application process, the acceptability of the SIA Assessment and the details of the Plan will be at the discretion of the State and not the Shire of Northampton.

In the absence of an SIA, it is recommended that the applicant provides a minimum contribution formula. Such a formula can be introduced into Schedule 1 of the Scheme Amendment, being included within the applicant's documented commitments.

Amendment Document Revisions

Since first being lodged with the Shire, the amendment documentation has been refined to provide significantly more information on issues relating to access, the on-site workers accommodation and other matters. That said, a review of latest document has identified the following:

a) Photomontage Statement

On page 30 it is stated that the Photomontages of the Solar Farm and Wind Farm have been removed at the request of the Shire. The statement has also been included on each of the photomontages shown within Appendix C of the amendment report. The statement does not however relay any information as to why this has occurred, and this is likely to lead to speculation by members of the public.

Removal of the photomontages relating to the Solar and Wind Farms was appropriate given that neither of these aspects of the project will be contained in the Scheme Amendment area. As a result, it is recommended that this wording on page 30 is modified to read as follows:

“Photomontages of project infrastructure shown are restricted to development within the proposed General Industry footprint. Other associated infrastructure including Solar Farm and Wind Farm infrastructure have not been included within this document as these elements do not form part of Scheme Amendment proposal. A detailed assessment of the visual impact of all infrastructure components will be undertaken at the development application stage, as required by Condition 5(c) of the proposed Local Planning Scheme provisions.”

All statements shown on the photomontages in Appendix C should also be modified to reflect the current statement or removed.

b) Bushfire

As part of Council's resolution 05/24-35, passed on 16 May 2024, Council resolved to require proposed special provision 5e) to be modified 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.

Whilst the Scheme Report text has been modified to reflect this, special provision e) is yet to be modified.

c) Formatting errors occur at the bottom of page 36;

d) Within page 10 of the Preliminary SIA, there is a heading “Management plan(s) (in addition to those captured above)” which appears in the column

Mitigation and enhancement measures. No information is provided under that heading.

Workers Camp

Section 4.3.3 has been updated to include further details regarding the associated Workers Accommodation and associated facilities. The proponents have now identified that the facilities will include the following:

• Kitchen and Dry Mess	• Camp Laundry & Waste Collection Centre
• Tavern	• Recreation Room
• Office Complex	• Gymnasium
• Medical and Emergency Response Facilities;	• Specialist sports facilities.

The State Planning Strategy 2050 outlined strategic goals and aspirations for development within the State. As detailed with the aspirations associated with remote settlements/workers camp identify that *“The number and type of services provided for FIFO workforce in a remote settlement is comparable to similarly sized settlements elsewhere in the State”*

Compliance with this requirement would result in a higher level of facilities being provided on-site than current provided within any townsite in the Shire.

Preliminary Social Impact Assessment

The Preliminary SIA has been updated in accordance with the advice contained in the 16 May 2024 agenda item. The revised Preliminary SIA 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.

Since the 20 June 2024 Council meeting, consultants Aurecon have briefed Council on the SIA process and arranged for a workshop with Councillors to be held on 12 August 2024. During this workshop, Councillors will have an opportunity to identify potential impacts on the Shire and Local Community. Prior to adoption of the amendment for advertising purposes, it is recommended that the Preliminary SIA should be updated to reflect the feedback of Councillors provided at that workshop.

Conclusion

The latest Scheme Amendment report substantially differs from the original document that was presented to Council for consideration at its April meeting.

Subject to those modifications identified in this agenda item, it is considered that the document contains sufficient information for relevant government agencies and members of the public to make informed comment on the proposal.

The above said, as reflected within the Preliminary SIA, it is highly likely that the resultant project will impact on communities in the Shire, most particularly Kalbarri and Northampton.

Given that the future applications for Development Approval will be determined by the State and not the Shire of Northampton, it is essential that Council is satisfied that any potential negative impacts will be mitigated. The draft Deed of Agreement will ensure that there is a legal obligation on the proponent to prepare a detailed SIA and to implement a Community Benefit Sharing Plan. However, at this stage the applicant has not defined how the total annual spend associated with the Plan will be calculated. If left to the development stage, the level of expenditure to mitigate any negative impacts will be determined by the State.

Given the above, and those matters identified in the body of this agenda item, it is recommended that the identified modifications to both the Scheme Report and Deed of Agreement are completed prior to adoption of the amendment for the purposes of advertising.

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.

Local Government Role in Managing Impacts

In accordance with the State Planning Framework, a local government is required to take into account the State Planning Strategy 2050, State Planning Policies etc when it is considering an amendment to its Local Planning Scheme. Council's Local Planning Scheme and adopted Local Planning Policies must also be considered.

Before determining if it is appropriate to amend their Local Planning Scheme, there is an obligation for Local Government to be satisfied that the proposal is consistent with the principles of orderly and proper planning, and sustainability are addressed. For this reason, Council's adopted Local Planning Policies identify the need for Local Planning Scheme Amendments to be supported by a detailed Social Impact Assessment. If Council is to vary the requirements of this policy, it must be satisfied that appropriate arrangements are in place and the requirements will be met.

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.

In accordance with Council's resolution number 04/24-09, passed on the April 2024, the required Deed of Agreement is to be prepared at the applicants cost.

SUSTAINABILITY:

Environmental: As a significant industry-based proposal located in a complex landform, 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 the receipt of the revised Local Planning Scheme Amendment Report dated 31 July 2024, the applicant's response to the draft Deed of Agreement and annotated copy of the Deed of Agreement;**
2. **Acknowledge the Legal Opinion received from Civic Legal on 7 August 2024 in respect of the draft Deed of Agreement referred to in point 1 above;**
3. **Having regard to the Legal Advice provided by Civic Legal on 7 August 2024, require the following modifications to be implemented to the Revised Draft Deed of Agreement supplied by the applicant on 5 August 2024:**
 - a) **The wording of clause 5(b), being modified to read as follows:**
 - (b) ***MHR must, prior to the lodgement of an application for development approval for the project:***
 - (i) ***under a detailed SIA in accordance with the SIA LPP (including Schedule 2 – Outline of Social Impact Assessment Process which forms part of the SIA LPP) and good industry practice and standards;***
 - (ii) ***prepare and complete an SIS if required under the SIA LPP or if requested by the Shire; and***
 - (iii) ***provide a copy of the final SIA report to the Shire for comment.***
 - b) **The wording of Clause 16.2(b) being modified to read as follows:**

“MHR must reimburse the Shire's reasonable and documented legal expenses for negotiating, preparing and executing this document, including any reasonable legal costs incurred by the Shire as a result of non-compliance by MHR.”
 - c) **recital (A) being amended to state the following:**

“The Shire is responsible for the provision of good government within its district, including the planning and provisions of services and facilities, and the care, control and management of land within its district. This includes the Town of Kalbarri and the surrounding area in which the Murchison Green Hydrogen Project (Project) is proposed to be located.”
 - d) **Require modification of Schedule 1 to identify a minimum annual total spend associated with the Community Benefit Sharing Plan as required by Council as point 4 of Council's 20 June 2024 resolution (Resolution 06/24-72).**

4. **A further report on the proposed Deed of Agreement be prepared following the receipt of the revised Deed of Agreement referred to in point 3 above;**
5. **Defer adoption of the proposed Scheme Amendment in accordance with section 75 of the Planning and Development Act 2005, pending the receipt of three copies of the proposed amendment documentation, addressing the following matters:**
 - a) **Table 4 in section 6.1.1.1 being modified to reflect the State Planning Strategy 2050 Strategic Goal 3 - Sustainability, with an emphasis on the associated aspiration for *“The number and type of services provided for FIFO workforce in a remote settlement is comparable to similarly sized settlements elsewhere in the State;***
 - b) **The last paragraph on page 30 being modified to read as follows:**

“Photomontages of project infrastructure shown are restricted to development within the proposed General Industry footprint. Other associated infrastructure including Solar Farm and Wind Farm infrastructure have not been included within this document as these elements do not form part of Scheme Amendment proposal. A detailed assessment of the visual impact of all infrastructure components will be undertaken at the development application stage, as required by Condition 5(c) of the proposed Local Planning Scheme provisions.”
 - c) **Statements included on the photomontages within Appendix C being modified to reflect the wording provided in point 4b) above, or deleted;**
 - d) **Proposed special provision 5(e) being modified to read as follows in accordance with Council’s resolution 05/24-35 passed on 16 May 2024:**

“Development shall comply with an approved Bushfire Management Plan to the satisfaction of the local government, having regard to the advice of the Department of Fire and Emergency Services.”
 - e) **The correction of formatting errors at the bottom of page 36;**
 - f) **The Preliminary Social Impact Assessment being updated to reflect in the input of Shire of Northampton Councillors as provided during the workshop facilitate by Aurecon on 12 August 2024;**
 - g) **Correction of page 10 of the Preliminary SIA shown at Appendix D of the Scheme Report, which currently contains a heading “Management plan(s) (in addition to those captured above)” which appears in the column Mitigation and enhancement measures. No information is provided under that heading.**

- 6. Advise the applicant that Council is not prepared to consider adoption of the proposed Scheme Amendment until such time as the modified Deed of Agreement referred to in points 3 and 4 above has been executed by both parties.**

ATTACHMENTS

- | | | |
|----------|--|-----------|
| 1 | Attachment No 1 - Covering Email | 3 Pages |
| 2 | Attachment No 2 - Revised Scheme Amendment Documentation | 182 Pages |
| 3 | Attachment No 3 - Information on Community and Industry Advisory Group | 4 Pages |

ATTACHMENT**9.5.1 Building Approvals Report July 2024**

PROPONENT	Shire of Northampton
OWNER	N/A
LOCATION / ADDRESS:	Whole of Shire
ZONE:	Northampton and Kalbarri
BUSINESS AREA:	Building
FILE REFERENCE:	N/A
LEGISLATION:	<i>Local Government Act 1995</i> <i>Building Act 2011</i> <i>Building Regulations 2012</i>
AUTHOR:	Michaela Simpson
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	8 July 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

This report had been produced to assist Council understand the Building and Demolition Permits approved and issued for the period of 01 July 2024 to 31 July 2024.

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

ATTACHMENT: 9.5.1 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

During July 2024, five (5) 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 July 2024 in accordance with Attachment: 9.5.1 (1).

ATTACHMENTS

1 Building Approvals Report July 2024 1 Page

ATTACHMENT**9.8.1 Information Items - Maintenance/Construction - Works Program**

PROPONENT	Executive Manager of Works and Technical Services
OWNER	N/A
LOCATION / ADDRESS:	Whole of Shire
ZONE:	All
BUSINESS AREA:	Office of Executive Manager of Works and Technical Services
FILE REFERENCE:	N/A
LEGISLATION:	N/A
AUTHOR:	Neil Broadhurst
APPROVING OFFICER:	Neil Broadhurst
DATE OF REPORT:	5 August 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The following works, outside of routine maintenance 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 Murchison House Station, Nolba Stock Route, Ogilvie West, Ogilvie East, Binnu West, Box, Kalbarri Tip, Isachar Back and Reynolds Road/s.
- Gravel Patching/Sheeting/Verge works carried out on Olivier, Elliot, Bishop Gully, Coolacalaya and Yerina Springs 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 works. Drainage clearance prior to and after.
- General – Various roadside verge chemical spraying.
- General – Public ablution septic pump outs for all public ablutions.
- General – Contract dozer in shire undertaking gravel pushup/stockpile works.
- Kalbarri – Murchison River dredging works completed 3rd August 2024.
- Rubbish tip site/s – Dozer push up and associated tip management works, new hole established at Binnu.
- Rainfall Event/s – 18th July to 5th August 2024.

Northampton and Kalbarri staff have almost entirely been 100% involved with preparation for, or undertaking works following rainfall events involving new works, in some cases reworks and larger remedial works to ensure priority roads remain open.

Road closures

Horrocks Road – ‘Closed to all Traffic’ 19th to 20th June 2024.

Horrocks Road – ‘Closed to all Traffic’ 23rd to 25th June 2024.

Horrocks Road – ‘Closed to all Traffic’ 27th July to 2nd August 2024.

Warribanno Chimney Road - “Closed to all traffic” 30 June 2024. (Remains closed at date of report).

Coolcalalaya Road - “Closed to all traffic” 4th July 2024. (Remains closed at date of report).

Northampton received 149.4mm rainfall for July 2024.

Kalbarri received 163.0mm rainfall for July 2024.

Management undertaking assessment of damage to infrastructure following rainfall events from June and July 2024.

Preliminary Event Notification (PEN) information is being compiled by consultants GHD for the combined rainfall event/s as per above. Information compiled to be submitted as part of the activation criteria of the Disaster Recovery Funding Arrangements Western Australia (DRFAWA).

Other Items (Budget)

- 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. The Shire of Northampton is continuing with assistance from consultants Greenfields Technical Services to overcome contractual requirements regarding practical completion requirements.
- Kalbarri – Tropical Cyclone Seroja rebuild works being Red Bluff, Jacques Point, Blue Holes and Chinamans Beach works plus Anchorage Lane temporary overflow workers accommodation works have been awarded to NEO Civil and Possession of Site documents completed. Works have commenced onsite.

Plant Items

- Nil.

Staff Items

- Vacant positions to be advertised.
1 x Water Custodian (Port Gregory).
- New Personnel.
Parks and Gardens Manager – Mr Spencer Roberts commenced 29th July 2024, Mr Spencer Roberts.
Administration Assistant Engineering – Mrs Tina Souroup commenced 29th July 2024.

A copy of the Executive Manager of Works and Technical Services – Works Crew Budget – Program and Progress Report, August 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, as this is a information report only.

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:

Works in accordance with 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 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 leadership, infrastructure provision and community support.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council receives the Executive Manager of Works and Technical Services Information Items – Maintenance/Construction – Works Program report for August 2024.

ATTACHMENTS

1 Maintenance/Construction - Works Program August 2024 7 Pages

10. LATE REPORTS:

11. QUESTIONS FROM MEMBERS:

11.1 Response to questions from members taken on notice.

11.2 Questions from members.

12. MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING:

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

14. APPLICATIONS FOR LEAVE OF ABSENCE:

15. CLOSURE:

There being no further business to discuss the Shire President to thank those in attendance and close the meeting at.....pm.