



# AGENDA

COUNCIL MEETING

19 SEPTEMBER 2024

**SHIRE OF NORTHAMPTON – COUNCIL MEETING AGENDA****19 SEPTEMBER 2024****NOTICE TO ALL COUNCILLORS**

**An Ordinary Meeting of Council is called for Thursday 19 September 2024 commencing at 2:00 PM in the Council Chamber, Hampton Road, Northampton.**



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**Andrew Campbell  
CHIEF EXECUTIVE OFFICER**

13 September 2024

**DISCLAIMER**

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**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 19 SEPTEMBER 2024****TO BE HELD  
IN THE COUNCIL CHAMBER, HAMPTON ROAD,  
NORTHAMPTON****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:

Cr Tim Hay has an approved Leave of Absence granted at the Council Meeting held 20 June 2024.

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 15 August 2024 be confirmed.**

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

**9. OFFICERS' REPORTS:**

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### 9.1.1 Confirmation of Correct Naming of "Gidamarra Spring", Kalbarri

<b>PROPONENT OWNER</b>	Shire of Northampton Crown with Management Order to the Shire of Northampton
<b>LOCATION / ADDRESS:</b>	Reserve 25307, Grey Street, Kalbarri
<b>ZONE:</b>	Parks and Gardens
<b>BUSINESS AREA:</b>	Office of CEO
<b>FILE REFERENCE:</b>	9.1.4
<b>LEGISLATION:</b>	N/A
<b>AUTHOR:</b>	Andrew Campbell
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	29 August 2024
<b>DECLARATION OF INTEREST:</b>	Nil

#### BACKGROUND:

At the meeting 18 July 2024, Council resolved the following:

<b>MOVED: Pike, D</b>	<b>SECONDED: Suckling, K</b>
<b>07/24-84</b>	
That Council:	
<ol style="list-style-type: none"> <li>1. Request the Chief Executive Officer confirm the spelling, pronunciation and meaning of "Gidamarra Spring" with the Nanda Board; and</li> <li>2. Once feedback has been received from the Nanda Board, report back to Council with further recommendations if required based on the response received.</li> </ol>	
<b>MOTION CARRIED 6/0</b>	

The Chief Executive Officer sought advice from the Nanda Aboriginal Corporation (NAC) via the Yamatji Marlpa Aboriginal Corporation. The purpose of this report is for Council to consider NAC advice in relation to the correct spelling, pronunciation and meaning of "Gidamarra Spring".

#### PUBLIC CONSULTATION UNDERTAKEN:

Nil.

#### COMMENT (Includes Options):

The advice received back from NAC is detailed as follows:

*Naming, and spelling is not necessarily a simple task for community.*

*The NAC board would like to incorporate the spelling of both names if possible, with the main name remaining Gidamarra Spring. Essentially, it's the same meaning, just slightly different pronunciations. One spelt more*

*‘traditionally’ with the other being more of a westernised spelling. Otherwise, both names actually mean the same thing.*

On this basis it is recommended that Council continue with the predominant name of “Gidamarra Spring” with the additional use of the name “Tjita-mia” in circumstances whenever it permits.

**STATUTORY ENVIRONMENT:**

Nil.

**POLICY / STRATEGIC IMPLICATIONS:**

Nil.

**ORGANISATIONAL RISK MANAGEMENT:**

Risk rating is considered Moderate based primarily on reputational risk and also the need to collaborate constructively with Traditional Owners.

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

**FINANCIAL IMPLICATIONS:**

Nil.

**SUSTAINABILITY:**

Environmental: Nil.

Economic: Nil.

Social: The recognition of Traditional Owners is important to protect the history of an area.

**VOTING REQUIREMENTS:                      SIMPLE MAJORITY**

**OFFICER RECOMMENDATION:**

**That Council continue to use the predominant name of “Gidamarra Spring” and where possible incorporate dual naming of “Tjita-mia” whenever possible.**



**ATTACHMENT  
APPENDIX**

**9.1.2 Proposed Review of the Shire of Northampton Register of Delegations, Authorisations and Appointments**

<b>PROPONENT</b>	Chief Executive Officer
<b>OWNER</b>	Shire of Northampton
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>ZONE:</b>	All
<b>BUSINESS AREA:</b>	Office of CEO
<b>FILE REFERENCE:</b>	4.2.8
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Andrew Campbell
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	29 August 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

Each financial year Council is required to review its Register of Delegations, Authorisations and Appointments (Register). The last review of the Register occurred on 15 December 2023.

The existing Shire of Northampton Register of Delegations, Authorisations and Appointments for 2023/24 is appended.

**APPENDIX: 9.1.2 (A)**

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

Substantively changing the previous Shire of Northampton Delegation Register during a major review in December 2023, the 2023/24 Shire of Northampton Register of Delegations, Authorisations and Appointments was introduced and is still considered a contemporary instrument to capture statutory delegations of the Shire of Northampton.

With an annual review required and changes to organisational structure, it is the right time for Council to be undertaking a review of the 2024/25 Shire of Northampton Register of Delegations, Authorisations and Appointments which is attached for Council's consideration.

**ATTACHMENT: 9.1.2 (1)**

The Chief Executive Officer has thoroughly reviewed the 2023/24 Register and based on no issues being experienced through the application of the Register, only minor changes are proposed.

Changes proposed throughout the document are limited to:

- changing the reviewed date from 15 December 2023 to 19 September 2024;
- replacing the Executive Manager Corporate Services with either the Manager Financial Services or the Manager Corporate Services throughout the document; and
- adding the Manager Parks and Gardens to relevant sections throughout the document.

It is recommended that Council adopt the 2024/25 Shire of Northampton Register of Delegations, Authorisations and Appointments.

### STATUTORY ENVIRONMENT:

Section 5.42 of the *Local Government Act 1995* and other statutes provide a mechanism to delegate duties and responsibilities from Council to the Chief Executive Officer. In turn, some of these duties and responsibilities enable the Chief Executive Officer to sub-delegate to employees where permitted.

### POLICY / STRATEGIC IMPLICATIONS:

Delegation of various elements of statute is important in Local Government otherwise Council could be overwhelmed with significant volumes of decision making responsibilities for all matters.

### ORGANISATIONAL RISK MANAGEMENT:

Risk rating is considered Level 3 – Moderate mainly based on compliance and reputational issues.

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

**FINANCIAL IMPLICATIONS:**

Nil.

**SUSTAINABILITY:**

Environmental: Nil.

Economic: Nil.

Social: Nil.

**VOTING REQUIREMENTS:                      ABSOLUTE MAJORITY**

**OFFICER RECOMMENDATION:**

**That Council delegate the exercise of its powers and duties in accordance with the 2024/25 Shire of Northampton Register of Delegations, Authorisations and Appointments as contained in ATTACHMENT: 9.1.2 (1).**

**ATTACHMENTS**

<b>1</b> ⇨ 2024/25 Register of Delegations, Authorisations and Appointments	115 Pages
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**APPENDICES**

<b>A</b> ⇨ 2023/24 Register of Delegations, Authorisations and Appointments	115 Pages
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## APPENDIX

### 9.1.3 Proposed Deletion of Council Policy 5.3 Camping for Aboriginal Cultural Purposes

<b>PROPONENT</b>	Shire of Northampton
<b>OWNER</b>	Shire of Northampton
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>ZONE:</b>	Reserve
<b>BUSINESS AREA:</b>	Office of CEO
<b>FILE REFERENCE:</b>	4.1.15
<b>LEGISLATION:</b>	<i>Caravan Parks and Camping Grounds Act 1995</i>
<b>AUTHOR:</b>	Andrew Campbell
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	9 September 2024
<b>DECLARATION OF INTEREST:</b>	Nil

#### BACKGROUND:

On 20 June 2024 the Chief Executive Officer commenced a major review of Council's Policy Manual.

During this review Council Policy 5.3 Camping for Aboriginal Cultural Purposes (Policy) was identified as requiring review. A copy of this Policy is appended.

#### APPENDIX: 9.1.3 (A)

#### PUBLIC CONSULTATION UNDERTAKEN:

Nil.

#### COMMENT (Includes Options):

Upon a more detailed review of this Policy, it appears to relate directly to the use of the Lucky Bay Camping Area. It is understood that aside from the leased huts at Lucky Bay, all other areas now fall under the Department of Biodiversity, Conservation and Attractions with a view to handing over to the Traditional Owners once conditions of an Indigenous Land Use Agreement are met.

On this basis it is recommended that the Policy is deleted as it is no longer relevant.

#### STATUTORY ENVIRONMENT:

The *Caravan Park and Camping Grounds Act 1995* and subsidiary legislation enable the regulation of camping of land under the control of the Shire of Northampton. Policies that step outside of the statute may be ultra vires and should not be entertained by Council.

#### POLICY / STRATEGIC IMPLICATIONS:

It is proposed to delete this existing Policy.

**ORGANISATIONAL RISK MANAGEMENT:**

Risk rating is considered insignificant as the Policy could not be currently applied.

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

**FINANCIAL IMPLICATIONS:**

Nil.

**SUSTAINABILITY:**

Environmental: Nil.

Economic: Nil.

Social: Nil.

**VOTING REQUIREMENTS:**

**SIMPLE MAJORITY**

**OFFICER RECOMMENDATION:**

**That Council delete Policy 5.3 Camping for Aboriginal Cultural Purposes.**

**APPENDICES**

**A⇒ 5.3 Camping for Aboriginal Cultural Purposes 1 Page**

**ATTACHMENT  
APPENDIX**

**9.1.4 Proposed Review of Council Policy 10.2 Community Bus**

<b>PROPONENT OWNER</b>	Shire of Northampton
<b>LOCATION / ADDRESS:</b>	Shire of Northampton
<b>ZONE:</b>	Whole of Shire
<b>BUSINESS AREA:</b>	All
<b>FILE REFERENCE:</b>	Office of CEO
<b>LEGISLATION:</b>	4.1.15
<b>AUTHOR:</b>	<i>Local Government Act 1995</i>
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	Andrew Campbell
<b>DECLARATION OF INTEREST:</b>	10 September 2024
	Nil

**BACKGROUND:**

On 20 June 2024 the Chief Executive Officer commenced a major review of Council's Policy Manual.

During this review Council Policy 10.2 Community Bus (Policy) was identified as requiring review. A copy of this Policy is appended.

**APPENDIX: 9.1.4 (A)**

The purpose of this report is for Council to consider the review of the current Policy.

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

The review of the Policy has resulted in several changes recommended for Council's consideration. These proposed changes are as follows:

<b>Proposed Change</b>	<b>Reason</b>
Renumbering	To fit the current nomenclature.
Name change to add the word "Hire".	Titles of policies should reflect what the actual policy is about.
Remove bond amounts from the policy.	Bond amounts are captured annually in the Fees and Charges.
Re-working of the clause about Hire Conditions.	Provides clarity and flexibility for Hire Conditions to be adjusted as required by the Administration.
Re-working of the clause about the Community Bus Hire in other towns for seniors and youth.	Adds clarity to the clause.

A copy of the proposed Administration Policy 3.3 Community Bus Hire is attached and recommended for Council approval.

**ATTACHMENT: 9.1.4 (1)**

In addition to this the current Conditions of Hire of the Community Bus are attached for Council's information.

**ATTACHMENT: 9.1.4 (2)**

**STATUTORY ENVIRONMENT:**

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

**POLICY / STRATEGIC IMPLICATIONS:**

This is a review of an existing policy.

**ORGANISATIONAL RISK MANAGEMENT:**

Risk rating is considered Minor as the bus could be managed administratively, without the need for policy, if required.

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

**FINANCIAL IMPLICATIONS:**

Nil.

**SUSTAINABILITY:**

Environmental: Nil.

Economic: Nil.

Social: Nil.





**ATTACHMENT****9.2.1 Monthly Financial Statements for the Period Ending 31 July 2024**

<b>PROPONENT OWNER</b>	Shire of Northampton
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>ZONE:</b>	All
<b>BUSINESS AREA:</b>	Corporate and Financial Services
<b>FILE REFERENCE:</b>	1.1.1
<b>LEGISLATION:</b>	<i>Local Government (Financial Management) Regulation 1996, Local Government Act 1995</i>
<b>AUTHOR:</b>	Leanne Rowe
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	21 August 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

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

The Monthly Statements of Financial Activity for the period ending 31 July 2024 are detailed from page 1 to page 23 per the attached Monthly Financial Report.

A copy of the Monthly Financial Report is attached.

**ATTACHMENT: 9.2.1 (1)**

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

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

**STATUTORY ENVIRONMENT:**

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

**POLICY / STRATEGIC IMPLICATIONS:**

Nil.

**ORGANISATIONAL RISK MANAGEMENT:**

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

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

### FINANCIAL IMPLICATIONS:

The 31 July 2024 financial position is comprised of the following:

Total operating revenue has a deficit position of \$831,273 and the operating expenditure has a deficit position of \$1,903,316.

Further explanations of material variances are detailed by reporting program in Note 3 of the Monthly Financial Report.

### SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

### VOTING REQUIREMENTS: SIMPLE MAJORITY

### OFFICER RECOMMENDATION:

**That Council receives the Monthly Financial Report for the period ending 31 July 2024 in accordance with ATTACHMENT: 9.2.1 (1).**

### ATTACHMENTS

1⇒ Monthly Financial Report ending 31 July 2024 23 Pages

**ATTACHMENT****9.2.2 Proposed Accounts for Endorsement on 19th September 2024**

<b>PROPONENT OWNER</b>	Shire of Northampton
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>ZONE:</b>	All
<b>BUSINESS AREA:</b>	Corporate and Financial Services
<b>FILE REFERENCE:</b>	1.1.1
<b>LEGISLATION:</b>	<i>Local Government (Financial Management) Regulation 1996, Local Government Act 1995</i>
<b>AUTHOR:</b>	Leanne Rowe
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	23 August 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

A full list of payments is submitted to Council on 19<sup>th</sup> September 2024 for consideration.

A copy of the Payment List is attached.

**ATTACHMENT: 9.2.2 (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 EFT26665 to EFT26803 totalling \$2,120,968.30; Municipal Fund Cheques 22500 to 22508 inclusive totalling \$15,757.61; Direct Debit payments numbered GJ0101 TO GJ0210 inclusive, payroll and superannuation totalling \$746,355.09, and itemised fuel card purchases, be declared authorised expenditure in accordance with ATTACHMENT: 9.2.1 (1).

### ATTACHMENTS

1 ➡ Proposed Accounts for endorsement 19 September 2024 8 Pages

#### 9.4.1 Request for Authority to Commence Legal Action - Unauthorised Occupation of Properties Not Containing a Dwelling

<b>PROPONENT</b>	Shire of Northampton
<b>OWNER</b>	Various
<b>LOCATION / ADDRESS:</b>	Various
<b>ZONE:</b>	Various
<b>BUSINESS AREA:</b>	Community, Development & Regulation
<b>FILE REFERENCE:</b>	10.6.1.1
<b>LEGISLATION:</b>	<i>Building Act 2011</i> <i>Health (Miscellaneous Provisions) Act 1911</i>
<b>AUTHOR:</b>	Brian Robinson
<b>APPROVING OFFICER:</b>	Brian Robinson
<b>DATE OF REPORT:</b>	21 August 2024
<b>DECLARATION OF INTEREST:</b>	Nil

#### **BACKGROUND:**

Within Western Australia utilising a building not approved for human habitation constitutes an offence under the *Building Act 2011* and National Construction Code. It is also an offence to modify a Class 10 building (outbuilding) for the purposes of habitation.

Currently Shire Officers are dealing with several situations in both Northampton and Kalbarri, where it has been identified that people are residing on properties that do not contain a dwelling. Examples including unauthorised occupation of domestic sheds, transportable buildings, other structures, caravans and tents. Occupants vary from absentee landowners using a property for weekenders to permanent occupants.

In most cases, offences under the *Health (Miscellaneous Provisions) Act 1911* are also being committed as there is not a toilet with an approved effluent disposal system available.

The response to Shire Officers identifying that these circumstances are not acceptable varies greatly, with some respondents immediately ceasing the activities and use. Other respondents unfortunately are not co-operative, with Shire Officers receiving multiple complaints over significant periods of time. It also appears that the existence of some cases (such as residing in a shed) is leading to other members of the public seeing the approach as acceptable.

The purpose of this agenda item is to inform Council that it is intended to use a range of actions including building orders and legal action for ongoing breaches. Court orders are to be sought to ensure the demolition of improvement works undertaken and prohibiting ongoing occupation of the premises.

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

As outlined Shire Officers are currently dealing with a number of circumstances where people are residing on properties that do not contain a dwelling. In some of these circumstances an outbuilding has been modified to facilitate the unauthorised use of the building for human habitation.

Often proving the unauthorised occupation can be complicated due to occupants simply not wishing to comply. To ensure resolution of such circumstances it is intended that court orders will be sought.

In accordance with the *Building Act 2011*, orders may be issued to require the demolition of unauthorised building work. Given that in some cases, this evidence is not visible external to the premises, the *Building Act 2011* also allows for warrants to be issued to force inspection of a premises where it is suspected that breaches have occurred.

Warrants are usually seen as a last resort for the Local Government to obtain the necessary evidence for court action. To ensure compliance with a warrant and ensure entry of the premises, local government officers are usually accompanied by members of the Western Australian Police Force.

Shire Officers have until now been attempting to resolve situations of non-compliance through an educational and co-operational approach. Further actions are now considered necessary to ensure compliance with legislation and this may include the issue of warrants, demolition orders, court orders and fines.

It should be noted that in some cases, the costs of pursuing these matters will exceed the fines imposed by the courts. Where the required building and/or demolition work are not completed, there will be an obligation on the Shire to complete those works and recover the costs.

In order to provide offending landowners and occupiers with an opportunity to comply, it is proposed that each party will be given a further 21 days to vacate the premises and undertake the required demolition work to remove unauthorised improvements and modifications.

**STATUTORY ENVIRONMENT:**

The following legislation is applicable to the occupation of a residential property not containing a dwelling:

- *Building Act 2011*;
- *Health Act (Miscellaneous Provisions) 1911*;
- *Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974*;
- *Local Government Act 1995*;
- *Caravan Parks and Camping Grounds Act 1995*;

- Shire of Northampton Health Local Laws; and
- National Construction Code 2022.

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

The Shire's Chief Executive Officer and other relevant Shire Officers have the authority to commence legal action for breaches of legislation. No further delegation of authority is required for Shire Officers

### **ORGANISATIONAL RISK MANAGEMENT:**

Risk rating is considered Major given the potential damage to the Shires reputation for failing to enforce applicable legislation.

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

### **FINANCIAL IMPLICATIONS:**

Every effort will be made by Shire Officers to ensure compliance with the Shire's 2024/25 Annual Budget, with the Shire to seek costs where legal action is required. Costs will also be sought where the Shire needs to complete the works to ensure development is brought into compliance.

It should however be noted that in some, penalties imposed by the court will not 100% cover the costs associated with the action.

### **SUSTAINABILITY:**

Environmental: Unauthorised effluent disposal systems have the potential to impact on the environment and amenity of adjacent properties.

Economic: As per Financial Implications.

Social: It is recognised that in some cases, occupants have been occupying non-habitable buildings due to a perceived lack of legitimate housing options and that some hardship may result from legal action. However, minimum standards apply to habitable buildings to ensure an adequately level of health and safety.

**VOTING REQUIREMENTS:                      SIMPLE MAJORITY**

**OFFICER RECOMMENDATION:**

**That Council note that:**

- 1. Chief Executive Officer will be utilising a number of actions available under relevant legislation to ensure the cessation unauthorised occupation of buildings and property not approved for human habitation, where on-going non-compliance is occurring; and**
- 2. These actions will commence should the activities not cease following a final demand period of 21 days.**



**ATTACHMENT  
APPENDIX**

**9.4.2 Proposed New Pelican Feeding Area - Reserve 25307 Grey Street, Kalbarri**

<b>PROPONENT OWNER</b>	Shire of Northampton Crown Reserve – Management Order with Shire of Northampton
<b>LOCATION / ADDRESS:</b>	Part Reserve 25307 Grey Street, Kalbarri
<b>ZONE:</b>	Local Reserve – Parks and Recreation
<b>BUSINESS AREA:</b>	Planning Services
<b>FILE REFERENCE:</b>	9.10.1
<b>LEGISLATION:</b>	<i>Planning and Development Act 2005</i>
<b>AUTHOR:</b>	Brian Robinson
<b>APPROVING OFFICER:</b>	Brian Robinson
<b>DATE OF REPORT:</b>	21 August 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

The Kalbarri Pelican Feeding Area is located on Reserve 25307 Grey Street, just north of the intersection between Grey Street and Woods Street as shown on the location plan below.

**Location Plan**



07/24-92) as **APPENDIX: 9.4.2 (A)**

**PUBLIC CONSULTATION UNDERTAKEN:**

The application has been advertised for public comment over a period 21-day period. In accordance with Council Resolution 07/24-92 a sign was erected on-

site, an advertisement was placed in the local paper and on the Shire's social media and correspondence was forwarded to the adjacent landowners.

In response a total of 14 submissions were received. By way of summary, 7 submissions offered support, 1 submission was marked indifferent, 2 submissions on behalf of pelican feeders recommended modifications, 3 submissions were received from unit owners on the corner of Grey and Woods Street expressing concerns/objecting to the proposal. A letter of concern was raised also by the owner of the Pelican Café.

A Schedule of Submissions is shown at Attachment: 9.4.2 (1), whilst full copies of the submissions are shown at Attachment: 9.4.2 (2).

**ATTACHMENT: 9.4.2 (1)**

**ATTACHMENT: 9.4.2 (2)**

**COMMENT (Includes Options):**

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

Matters to be Considered

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

- (a) *The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (f) *Any local planning strategy for this Scheme endorsed by the Commission;*
- (m) *The compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality, including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) *The amenity of the locality; and*
- (y) *Any submissions received on the application.*

Kalbarri Foreshore Master Plan

The Shire of Northampton is the recipient of a grant to the value of \$8.1 million for Stage 1 of the redevelopment of the Kalbarri Foreshore. The Grant application, prepared by the Mid-West Development Commission and Tourism WA, was supported by a conceptual budget based on the Kalbarri Foreshore Master Plan.

On page 9 of the Master Plan, the opportunity to improve facilities for the Pelican Feeding is recognised, identifying the opportunity to established terraced seating and improved accessibility. The Master Plan details a larger facility, immediately south of the current infrastructure location.

Proposed Location

As detailed in the 18 July 2024 agenda item, it was recommended that consideration be given to the new structure being located immediately south of the current location for the following reasons:

- a) To facilitate ongoing use of the existing facility whilst new facilities were being constructed; and
- b) To better align with the Grey Street/Wood Street intersection, minimising the impact of views from adjacent properties.

As detailed in the Schedule of Submissions, submission 14 questions the location of new facility given the current opening within the tussocks that separate the beach and existing facility. In addition, objections/concerns regarding the impact on views was identified within 4 of the submissions received.

On further examination of the location issue, it is acknowledged that by moving the structure southward, the new facilities would be located directly in front of the units located on the corner of Grey Street and Woods Street. It is also acknowledged that the existing topography and vegetation adjacent to the current facility are more conducive for access from the river foreshore.

Given the above, it is now recommended that any new facilities be established in the location of the existing facilities.

Previous Letter of Support – Pelican Feeders

As reflected at Attachment: 9.4.2 (1), submission 14 being made on behalf of the Pelican Feeders raises several concerns with the current design. Whilst these comments are addressed in the balance of the report, it should be noted that prior to considering the application at its 18 July 2024 meeting, Council was provided with a letter of support on behalf of the Pelican Feeders.

A copy of the letter of support previously provided is appended.

**APPENDIX: 9.4.2 (B)**Amenity

Submissions 11, 12 and 13, all raise the issue that the new shelter will directly impact on the view for tourist and guests staying at their accommodation. They further raise concerns regarding the integrity of the waterfront with new structures being introduced.

The current Pelican Feeding relies on the use of a shade sail mounted on four upright posts. The shade structure is approximately 3-3.5m in height on the side facing the Murchison River. If approved in the current location, the new structure would be substantially lower than the height of the current shade sail.

Submission 11 submits that the current shade sail is low impact and periodically removable. They further submit that shade sail has lasted 14 years and represents a low-cost option.

The author of submission 11 is correct in stating that the shade sail is not permanently in place. The Shade Sail is periodically removed and re-instated for peak holiday periods by volunteers associated with the Pelican Feeders Group. Whilst a new structure would be a permanent fixture, as stated above the new structure is proposed to be substantially lower.

It should also be noted that the cost of replacing the shade sail is in the vicinity of \$10,000. Due to the wind and sized of the sale, the manufacturer has advised the Pelican Feeders that they would not be able to guarantee its life.

The Shire has an opportunity to establish a permanent shelter at no direct cost to the organisation, residents or ratepayers. Replacement of the shade shelter will also remove the burden on volunteers associated with erecting, removing and repairing of the sail.

#### Views

Each of the submissions from the adjacent unit owners object on the basis that the structure will impact on the view from their units. It is important to note that whilst the structure will be seen, it will not result in the loss of any views.

Additionally, it is well recognised in law that there is in fact no legal entitlement or proprietary right relating to an owner, or occupiers' views over public land. Case law is well established, confirming that the loss of views from adjacent land from a proposal are not material planning considerations, i.e. they are not valid in determining an application for Development Approval.

It is also recognised that local government's management of reserves can impact on a view through the retention or growth of vegetation or through the construction of buildings consistent with a Management Order. Given this, objections on the basis of loss of view can be summarily dismissed.

Despite this, there is an opportunity for Council to minimise the visual impact on views by approving the proposed structure in the location of the existing Pelican Feeding facilities. Whilst this will result in a period of time when the feeding cannot operate it will ensure that the structure is most appropriately located.

#### Appearance of Shelter

Submission 11 objects to the use of the flat roof structure as proposed, referring to it as a shed structure. As the structure does not have any form of walls it cannot be reasonably referred to as a shed. It should also be noted that the form of the proposed structure has been designed to maximise the impact on the amenity of the foreshore and impacts on adjacent views.

Whilst the majority of existing structures on the foreshore have a pitched roof, such a roof at the Pelican Feeders would have significantly more visual impact than a relatively flat roof.

The author of Submission 14 also raised concern regarding the visual appearance of the structure on behalf of the Pelican Feeders, stating that:

- a) The roof is too low;
- b) A more aesthetically pleasing roof structure would be better; and
- c) Suggests the use of the same structures used in the Kalbarri Gorges.

In response Council is advised that, the low relatively flat roof and use of colours is considered the best way to minimise the structure's appearance and impact on views. Council is also advised that the shelter design in the National Park uses much more substantial (bulky) materials and would be significantly higher than the structure proposed, increasing visual impacts on the reserve and as viewed from adjacent land.

In terms of heights, a minimum height of approximately 2.4m to the underside of the roof is equivalent to the internal ceiling height of a dwelling. Given that the ground slopes downward to the foreshore a greater height will be provided on the river side of the structure. The author is not aware of any benefit that would be gained from a greater internal height.

Given the above considerations and the fact that shelters in the National Park have an estimated construction cost of approximately \$300,000 each (including paving), it is recommended that these aspects of the submission cannot be supported.

### Roof Design

In addition to the shelter's appearance, submission 14 raises concern regarding the position of supporting posts on the riverside of the proposed structure and their impact on the feeding activity.

To address these concerns, it is recommended that the roof design be revisited to remove the two central posts on the riverside of the structure. This can be achieved by using slightly larger corner support posts and supporting beams to span the distance between the corner posts.

### Seating

There are currently six bench seats of replas construction (recycled plastic). The artist impressions do not reflect re-use of these seats but shows a series of timber stumps on the ground abutting the feeding area. It is acknowledged that the current plans do not reflect the ongoing use of the replas benches, and this should be reviewed so as to ensure Disability Discrimination Act compliant seating.

Should Council support the removal of the two central support posts referred to above, an opportunity will exist to introduce 2-3 tiers for seating, similar to the concepts contained in the Tourism WA Kalbarri Foreshore Master Plan. If established at appropriate widths, each tier could accommodate formal

benches at the rear, with the separating retaining walls providing additional seating space.

It is recommended that this aspect of the plan is revisited in consultation with the Pelican Feeders.

#### Fencing

Submissions 2 and 14 identify that there is a need for a fence to separate members of the public from the feeding activity. As it is considered that a permanent fence would impact on the ability for other uses of the area, it is recommended that consideration be given to either:

- a) Demarcation of the feeding area i.e. a single layer of limestone blocks;  
or
- b) The Pelican Feeders being encouraged to utilise a portable fence.

#### Potential Impact on Business

Submission No 1 supports an upgrade of the facilities but expresses concerns regarding permanent obstruction of the view, and impact on available carparking during construction.

By way of background, the Pelican Café does not have any on-site parking and there is no street side parking on their side of the street. Patrons seeking to park in close proximity to the business utilising parking on Grey Street. Directly opposite the business are 10 angled parking bays, including one accessible parking bay. It should be noted however that:

- a) These bays are not the exclusive use of the business;
- b) Being the in the closest proximity to the Pelican Feeders the bays are no doubt also popular with volunteers and patrons at the feeding activity;
- c) Whilst there is potential for the availability of these bays to be affected during construction:
  - i) The Shire will be undertaking the works outside of peak holiday periods; and
  - ii) There is parallel parking available on the west side of Grey Street less than 50m in both directions and there is a more substantial carpark approximately 100m to the south.

#### Role of Foreshore Advisory Committee

There is a separate item in this agenda relating to the appointment of members to the Kalbarri Foreshore Advisory Committee. The purpose of the Advisory Committee is to:

1. To assist Shire Officers in the refinement and detailed designs for conceptual elements contained within the Kalbarri Foreshore Masterplan as prepared by the Mid-West Development Commission and Tourism Western Australia;
2. To assist in the identification of priorities in respect of the Foreshore Redevelopment;

3. Make recommendations to Council on potential developments and commercial opportunities not identified within the Kalbarri Foreshore Masterplan;
4. Assist co-ordination of community participation in public consultation processes; and
5. Communicate and inform the member organisations and local community about the proposed project, its elements and timeframes for work.

In this case, as the proposal is consistent with the Master Plan recommendation for a new Pelican Feeding Facility, it is recommended that conditional approval be granted, with the final modified plans to be presented to the Advisory Committee for comment.

### Conclusion

The majority of the submissions received support the installation of a permanent roof structure for the Pelican Feeding Area. Whilst it is recommended that objections on the basis that views may be impacted may be dismissed as potential loss of views is not a valid planning consideration, careful placement of built infrastructure can minimise the impact.

The installation of new infrastructure associated with the Kalbarri Pelican Feeding area as proposed has merit given that the proposal is consistent with the Kalbarri Foreshore Master Plan and the existing shade sail is now in need of replacement. It is therefore recommended that the plan be approved subject to the plans being modified as follows:

- a) The new facilities being located where the current facilities exit;
- b) Deletion of the proposed Rammed Earth Wall consistent with Council's July 2024 resolution (07/24-92)
- c) The proposed roof design be modified to remove the two central supporting posts on the river side of the structure and reflect the use of colours in accordance with Council's July 2024 decision;
- d) Revision of the design to incorporate curved seating terraces utilising the existing benches and additional benches to ensure the provision of additional seating.

### **STATUTORY ENVIRONMENT:**

Local Planning Scheme No 11 and the *Planning and Development Act 2005*.

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

The proposal as submitted is consistent with the following Key Outcomes and objectives of the Shire of Northampton Strategic Community Plan 2020-2030.

	Key Outcomes	Objectives	Success Measures	Timelines
1.1.3	To maintain a tourism strategy within budget possibilities to have tourist facilities of the highest standard that the Council can afford	Increase in numbers of visitors accessing local business and tourist attractions.	Trends in visitor numbers and tourist enterprises operating.	Ongoing.

1.1.4	Support for visitor attraction and for community driven events-based tourism	Increase of events that attract overseas , regional, and local people to support the local economy.	Increase or decrease of visitors and number of events held.	Ongoing.
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### ORGANISATIONAL RISK MANAGEMENT:

Risk rating is considered Moderate should the Shire fail to deliver new/upgraded facilities for the Pelican Feeding Area as part of the Kalbarri Foreshore Redevelopment project.

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:

As outlined within the Comment Section.

### SUSTAINABILITY:

Environmental: Nil.

Economic: Improved facilities will allow for an increase in the number of persons that can attend Pelican Feeding sessions and allow for improved visitor experiences.

Social: New infrastructure is required to ensure compliance with accessibility standards and provide for a more inclusive experience for visitors and residents alike.



**VOTING REQUIREMENTS: SIMPLE MAJORITY**

**OFFICER RECOMMENDATION:**

**That Council:**

**A. In accordance with Local Planning Scheme No 11 – Kalbarri and having regard to the submissions, grant planning approval to the proposed Kalbarri Pelican Feeding Area on Part Reserve 25307 Grey Street, Kalbarri subject to compliance with the following conditions:**

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

<b>Reference</b>	<b>Document Title</b>	<b>Dated</b>
<b>1.</b>	<b>Application for Development Approval</b>	
<b>2.</b>	<b>Site Plan</b>	<b>30/1/2024</b>
<b>3.</b>	<b>Ground Floor Plan</b>	<b>30/1/2024</b>
<b>4.</b>	<b>Section SS</b>	<b>30/1/2024</b>
<b>5.</b>	<b>South Arrival View</b>	<b>undated</b>
<b>6.</b>	<b>View from Pelican Café</b>	<b>undated</b>
<b>7.</b>	<b>Internal View</b>	<b>undated</b>

- 2. Notwithstanding condition No 1 above, prior to the application for a Building Permit, the proposed plans are required to be modified to address the following matters to the satisfaction of the Shire of Northampton:**

- The proposed roofing material being “Surfmist”;**
- The central two support posts shown on the river side of the proposed structure being deleted;**
- Deletion of the proposed Rammed Earth Wall;**
- The proposed path being relocated to the southern side of the structure support posts;**
- Introduction of 2-3 seating tiers under the proposed roof, stepping downward towards the lower levels on the riverside of the structure.**

- 3. All stormwater and drainage runoff is to be retained on the subject property or to be provided with stormwater drainage connections to the drainage system in the area at the developers cost to the satisfaction of the Shire of Northampton.**

- 4. The proposed footpath connection being constructed to comply with accessibility standards.**

**Advice to Applicant:**

- a) This Development approval is NOT a building permit. A building permit must be formally applied for and obtained from Building Services BEFORE the commencement of any site and/or development works. (Land clearing to facilitate development and BAL report is permitted).
  - b) If the development/use the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.
- B. Advise those persons who lodged submissions of Council's decision; and**
- C. Following revision of the plans in accordance with condition No 2 above, request the Chief Executive Officer refer the final design to the Kalbarri Foreshore Redevelopment Advisory Committee for their comment.**

**ATTACHMENTS**

- 1** ⇨ Attachment No 1 - Schedule of Submissions 4 Pages
- 2** ⇨ Attachment No 2 - Copies of Submissions 17 Pages

**APPENDICES**

- A** ⇨ Appendix A - Copy of Plans previously considered by Council. 8 Pages
- B** ⇨ Appendix B - Pelican Feeders Previous Letter of Support 1 Page

## ATTACHMENT

## 9.4.3 Delegated Planning Decisions for August 2024

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

**BACKGROUND:**

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

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

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

**ATTACHMENT: 9.4.3 (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 August 2024

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

	<b>August 2023</b>	<b>August 2024</b>
<b>Delegated Decisions</b>	6 - \$54,340 **1	7 - \$628,500 **7
<b>Council Decisions</b>	4 - \$645,000 **1	1 - \$0 1 Refused
<b>Total</b>	<b>10 - \$699,340</b>	<b>8 - \$628,500</b>

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

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

	YTD 2023	YTD 2024
<b>Delegated Decisions</b>	45 - \$5,633,648 **16	44 - \$2,081,436 **15
<b>Council Decisions</b>	13 - \$3,020,125 **12	23 - \$5,154,742 **2
<b>Total</b>	<b>58 - \$8,653,773</b>	<b>67 - \$7,236,178</b>

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

### **STATUTORY ENVIRONMENT:**

The *Local Government Act 1995* creates and gives powers to local governments. The Act then empowers the local government to delegate its powers to the CEO and committees (1) which gives the CEO authorisation to exercise its 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 August 2024 as detailed in Attachment: 9.4.3 (1)**

**ATTACHMENTS**

1 [⇒](#) Delegated Planning Decisions August 2024 1 Page

## ATTACHMENT

#### 9.4.4 Retrospective Approval for a Patio at Lot 977 (No. 33) Ralph Street, Kalbarri

<b>PROPONENT</b>	S & C Rust
<b>OWNER</b>	S & C Rust
<b>LOCATION / ADDRESS:</b>	Lot 977 (No. 33) Ralph Street, Kalbarri
<b>ZONE:</b>	Residential
<b>BUSINESS AREA:</b>	Planning Services
<b>FILE REFERENCE:</b>	10.6.1.1/A3014
<b>LEGISLATION:</b>	<i>Planning and Development Act 2005</i>
<b>AUTHOR:</b>	Kaylene Roberts
<b>APPROVING OFFICER:</b>	Michelle Allen
<b>DATE OF REPORT:</b>	9 September 2024
<b>DECLARATION OF INTEREST:</b>	Nil

#### BACKGROUND:

Council is requested to determine an application for a patio and retaining wall at Lot 977 (No. 33) Ralph Street, Kalbarri. A location plan is shown below.

#### LOCATION PLAN



The subject lot has an area of 760m<sup>2</sup> and contains a dwelling, garage and a swimming pool. The landowner has constructed a patio that measures 4.14m x 6.22m (25.7m<sup>2</sup>) and is setback 0.65m from the south-western side boundary. A planning application was submitted, and subsequent site inspection by Shire Officers identified that the structure had already been constructed.

The structure has been constructed of galvanised tubing while the roof is to be Colorbond® in cream. A wall height of 2.5m and a maximum roof height of 2.8m are proposed over composite decking. A copy of the plans is attached.

#### **ATTACHMENT: 9.4.4 (1)**

Council is requested to determine the application as Shire Officers do not have delegated authority to approve retrospective applications.

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

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

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

The provisions of the Shire of Northampton Local Planning Scheme – No. 11 – Kalbarri (the Scheme) include the land within the Residential Zone, where a dwelling is “P” use. That is a use, which is permitted subject to compliance with development standards.

The proposed development is therefore required to comply with the requirements relating to R17.5 under the State Planning Policy 7.3 – Residential Design Codes Volume 1 (the R-Codes).

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

#### Matters to be Considered

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

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

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

### Residential Design Codes (R-Codes)

The proposed patio is to be setback 19m from the front boundary, 9m from the rear boundary, 16.5m from the eastern boundary and 0.65m from the western boundary.

In accordance with clause C3.1 of the R-Codes, for carports, patios, verandahs or the equivalent, setbacks may be reduced to nil for supporting posts, where the structure meets the following criteria:

- i) *Is not more than 10m in length and 2.7m in height;*
- ii) *Is located behind the primary street setback; and*
- iii) *Has eaves gutters and roofs setback at least 450mm from the lot boundary.*

In this case, the proposed height of 2.8m exceeds the limitations reflected in point 1 above. As a result the application must be assessed against the “*Design Principles*”, which are as follows:

#### *P3.1 Buildings setback from lot boundaries or adjacent buildings on the same lot so as to:*

- *Reduce the impacts of building bulk on adjoining properties;*
- *Provide adequate sunlight and ventilation to the building and open spaces on the site and adjoining properties; and*
- *Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.*

The patio development has been assessed against the site coverage, open space and outdoor area requirements and meets the deemed to comply provisions with the exception of the side setback. In this instance, the proposal only represents a very minor variation to the R-Code deemed to comply provisions in that the structure is 100mm taller than allowed for in clause C3.1 of the R-Codes.

The plans show a retaining wall to the western side but there is insufficient information provided in submitted plans to assess this aspect, therefore a further development application will be required to be submitted for the retaining wall.

### Bushfire Prone Area

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

### Impact on Amenity

No impact is expected from the structure being 100mm taller than permitted as of right under the R-Codes. Conditional approval is therefore recommended.



### Retrospective Nature of Works

As stated above the application before Council is retrospective in nature, with the applicant having already completed the work to construct the patio. The works have therefore been undertaken without the necessary planning and building approval for the works.

Notwithstanding that the development has already been completed, approval may be granted for development already commenced or carried out. Applications for retrospective approval are subject to fees equivalent to the normally required fee, plus way of penalty, twice that fee.

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

### Legal Action Potential

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

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

In this instance, it is considered that the offence is not significant enough to warrant the commencement of legal action. However, as the applicant/owner completed the works without prior development approval in place, it is recommended that a modified penalty of \$500 is issued.

### Conclusion

Given the proposal is not expected to have an impact on the amenity of the area and conforms to the provisions of the Scheme and R-Code Design Principles. The application is therefore recommended for retrospective approval subject to appropriate conditions.

The issuing of a modified penalty of \$500 is also recommended given the works were completed with not prior approvals in place.

### **STATUTORY ENVIRONMENT:**

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

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

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

### **ORGANISATIONAL RISK MANAGEMENT:**

Nil.

**FINANCIAL IMPLICATIONS:**

The retrospective application fee in accordance with the Shire of Northampton's 2024/2025 Fees and Charges Schedule has been paid by the applicant.

**SUSTAINABILITY:**

Environmental: Nil.

Economic: Nil.

Social: Nil.

**VOTING REQUIREMENTS:                      SIMPLE MAJORITY**

**OFFICER RECOMMENDATION:**

**That Council:**

**A. In accordance with Local Planning Scheme No. 11 – Kalbarri grant retrospective development approval for a patio at Lot 977 (No. 33) Ralph Street, Kalbarri in accordance with the plans and specifications at Attachment (1), subject to the following conditions:**

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

Reference	Document Title	Date
1	Site Plan	11 June 2024
2 & 3	End and Front Elevation	11 June 2024
4	Floor Plan	11 June 2024

- 2 Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and development approval for that use/addition;**
- 3 The proposed development shall be clad or coloured to complement either the surroundings in which it is located or adjoining developments to the satisfaction of the Shire of Northampton but the use of reflective materials and colours is not permitted;**
- 4 Unless otherwise approved, all stormwater and drainage runoff is to be retained on the subject property to the satisfaction of the Shire of Northampton;**
- 5 Any soils disturbed or deposited on site shall be stabilised to the approval of the Shire of Northampton;**
- 6 The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of**

smoke, dust, fumes, odour, noise, vibration, waste product or otherwise.

**Advice Notes:**

- 1 This development approval is NOT a building permit. A building permit must be formally applied for and obtained from Building Services BEFORE the commencement of any site and/or development works. (Land clearing to facilitate development and BAL report is permitted).
  - 2 A private Building Surveyor will need to be appointed by the landowner to certify the structural integrity of the building and compliance with the requirements of the Building Code of Australia.
  - 3 Any retaining walls in excess of 500mm in height required in connection with development shall be so constructed as to accord with plans and specifications prepared by a practising structural engineer to the satisfaction of the Shire of Northampton and details and particulars of the certified plans and specifications shall be provided to Shire of Northampton as part of a separate application for a building permit.
  - 4 If the development/the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.
  - 5 The Applicant is advised that compliance with any and all governmental legislation and regulations, including but not limited to *Health (Miscellaneous Provisions) Act 1911*, the National Construction Code of Australia and the relevant *Aboriginal Cultural Heritage Act*, is required at all times.
  - 6 If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of determination.
- B. Request the Chief Executive Officer to issue a modified penalty of \$500 for breach of Local Planning Scheme No. 11 with respect to the completion of the patio being the subject of point A above, without the required prior development approval being obtained.

**ATTACHMENTS**

- 1 ➡ Attachment No. 1 - Site and Development Plans 4 Pages

## ATTACHMENT

### 9.4.5 Retrospective Approval for Carport and Verandah at Lot 527 (No. 38) Magee Crescent, Kalbarri

<b>PROPONENT</b>	LK Bengier
<b>OWNER</b>	LK Bengier and TA Everest
<b>LOCATION / ADDRESS:</b>	Lot 527 (No. 38) Magee Crescent, Kalbarri
<b>ZONE:</b>	Residential
<b>BUSINESS AREA:</b>	Planning Services
<b>FILE REFERENCE:</b>	10.6.1.1/A1932
<b>LEGISLATION:</b>	<i>Planning and Development Act 2005</i>
<b>AUTHOR:</b>	Michelle Allen/Kaylene Roberts
<b>APPROVING OFFICER:</b>	Michelle Allen
<b>DATE OF REPORT:</b>	10 September 2024
<b>DECLARATION OF INTEREST:</b>	Nil

#### BACKGROUND:

Council is requested to consider a retrospective application for repairs and extensions to a Single House Lot 527 (No. 38) Magee Crescent, Kalbarri. A location plan is provided below.

#### LOCATION PLAN



The subject property is 800m<sup>2</sup> in size, is located within the Residential R15 zone of the townsite of Kalbarri and currently consists of a dwelling and outbuilding.

In June 2024, application was submitted to the Shire of Northampton's Planning Services department relating to remediation and repair works proposed to the subject property following the impact of Cyclone Seroja.

A subsequent site inspection identified the proposed works had already been constructed without the required building and planning approvals and included work in addition to repairs required from the cyclone event. A copy of the application is attached.

**ATTACHMENT: 9.4.5 (1)**

Aerial views of the subject property are shown at Attachment No. 2 include current and post-cyclone views highlighting structures present at those times. The carport structure is originally shown as 5.8m in length and following completion of work to the structure it now sits 16.5m in length. The rear verandah was 75m<sup>2</sup> in area and following completion of work is now 108m<sup>2</sup>.

**ATTACHMENT: 9.4.5 (2)**

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

**PUBLIC CONSULTATION UNDERTAKEN:**

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

**COMMENT (Includes Options):**

As reflected above the application before Council is retrospective in nature, with the applicant having already completed the work to repair the dwelling. In the course of undertaking repairs to the existing dwelling, the work has included additional elements including substantial extensions to the carport and rear verandah. The owners have therefore undertaken works without the necessary planning approval or Building Permit in place.

Notwithstanding that the development has already been completed, clause 164 of the *Planning and Development Act 2005* prescribes that approval may be granted for development already commenced or carried out. Clause 65 of the Deemed to Apply provisions under the *Planning and Development (Local Planning Scheme) Regulations 2015* stipulate that applications for approval to development already carried out are to be processed in accordance with the normal provisions.

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

Matters to be considered

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

- (a) *The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (b) *Any approved State planning policy;*
- (c) *Any policy of the Commission;*

- (f) Any local planning strategy for this Scheme endorsed by the Commission;
- (g) Any local planning policy for the Scheme area;
- (n) The amenity of the locality; and
- (y) Any submissions received on the application.

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

#### Residential Design Codes (R-Codes)

Assessment of the proposal against Table 2a of the R-Codes has identified that a setback of 1.5m would normally be required, when a setback of 0.350m is proposed from the eastern side boundary.

In accordance with clause C3.1 of the R-Codes, setbacks for carports, patios and like maybe reduced to nil setback to supporting posts, where the structure:

- Is not more than 10m in length and 2.7m in height;
- Is located behind the primary street setback line; and
- Has eaves, gutters and roofs set back at least 450mm from the lot boundary.

In this case as the carport has a length of 16.5m in length and a post of height of 3.5m, the proposal does not comply with the above requirements. Given this, the proposal must be assessed against the following Design Principles:

*P3.1 Buildings set back from lot boundaries or adjacent buildings on the same lot so as to:*

- *reduce impacts of building bulk on adjoining properties;*
- *provide adequate sunlight and ventilation to the building and open spaces on the site and adjoining properties; and*
- *minimise the extent of overlooking and resultant loss of privacy on adjoining properties.*

*P3.2 Buildings built up to boundaries (other than the street boundary) where this:*

- *makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;*
- *does not compromise the design principle contained in clause 5.1.3 P3.1;*
- *does not have any adverse impact on the amenity of the adjoining property;*
- *ensures sunlight to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and*
- *positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework.*

The carport and verandah development has been assessed against the site coverage, open space, outdoor living area and setbacks and it is considered that the proposal does not detrimentally impact on the amenity and is compliant with the R-Code Design Principles.

### Impact on Amenity

In this instance the repair and extension work undertaken on Lot 527 has been assessed against the site coverage, open space, outdoor living area and setback provisions and is compliant.

Inspection of Lot 527 shows completion of the development as shown below with no detrimental impact to the quality or character of the area:



### Retrospective Nature of Work

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

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

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

### Potential for Legal Action

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

- a) Take no action; or
- b) Issue a modified penalty of \$500; or

- c) Commence legal action for a breach, seeking a more substantial penalty.

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

#### Conclusion

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

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

#### **STATUTORY ENVIRONMENT:**

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

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

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

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

Nil.

#### **FINANCIAL IMPLICATIONS:**

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

#### **SUSTAINABILITY:**

Environmental: Nil.

Economic: Nil.

Social: Nil.

#### **VOTING REQUIREMENTS:**

**SIMPLE MAJORITY**

#### **OFFICER RECOMMENDATION:**

**That Council:**

- A. in accordance with Local Planning Scheme No. 11 – Kalbarri grant retrospective development approval for a patio on Lot 527 (No. 38) Magee Crescent, Kalbarri in accordance with the plans and specifications at Attachment 9.4.5(1), subject to the following conditions:**

- 1 The development hereby approved is to be carried out generally in accordance with the plans and specifications submitted with the application and these shall not be altered**



**and/or modified without the prior knowledge and written consent of the Shire of Northampton:**

Reference	Document Title	Date
1 and 2	Site Plans	7 June 2024
3	Elevation Plan	7 June 2024
4	Floor Plan (Carport and Verandah)	7 June 2024

- 2 Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and development approval for that use/addition:**
- 3 Any soils disturbed or deposited on site shall be stabilised to the approval of the Shire of Northampton;**
- 4 Unless otherwise approved, all stormwater and drainage runoff is to be retained on the subject property to the satisfaction of the Shire of Northampton;**
- 5 The proposed development shall be clad or coloured to complement either the surroundings in which it is located or adjoining developments to the satisfaction of the Shire of Northampton but the use of reflective materials and colours is not permitted; and**
- 6 The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product or otherwise.**

**Advice Notes:**

- 1 This development approval is NOT a building permit. A building permit must be formally applied for and obtained from Building Services BEFORE the commencement of any site and/or development works. (Land clearing to facilitate development and BAL report is permitted).**
- 2 A private Building Surveyor will need to be appointed by the landowner to certify the structural integrity of the building and compliance with the requirements of the Building Code of Australia.**
- 3 If the development/use the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.**

- 4 The Applicant is advised that compliance with any and all governmental legislation and regulations, including but not limited to *Health (Miscellaneous Provisions) Act 1911*, the National Construction Code of Australia and the relevant *Aboriginal Cultural Heritage Act*, is required at all times.
  - 5 If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of determination.
- B. Request the Chief Executive Officer to issue a modified penalty of \$500 for a breach of Local Planning Scheme No 11 with respect to the completion of the carport and verandah being the subject of point A above, without the required prior development approval being obtained.

#### **ATTACHMENTS**

- 1⇒ Copy of Submitted Plans 4 Pages
- 2⇒ Site Coverage photos - 2021 and 2024 1 Page

## ATTACHMENT

## 9.5.1 Building Approvals Report August 2024

<b>PROPONENT OWNER</b>	Shire of Northampton
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>ZONE:</b>	Northampton and Kalbarri
<b>BUSINESS AREA:</b>	Building
<b>FILE REFERENCE:</b>	N/A
<b>LEGISLATION:</b>	Local Government Act 1995 Building Act 2011 Building Regulations 2012
<b>AUTHOR:</b>	Michaela Simpson
<b>APPROVING OFFICER:</b>	Brian Robinson
<b>DATE OF REPORT:</b>	9 September 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

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

**ATTACHMENT: 9.5.1(1)**

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

During August 2024, nine (9) 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 August 2024 in accordance with Attachment: 9.5.1 (1).**

**ATTACHMENTS**

[1](#) ⇨ Building Approvals Report 2024 1 Page

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

<b>PROPONENT</b>	Executive Manager of Works and Technical Services
<b>OWNER</b>	N/A
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>ZONE:</b>	All
<b>BUSINESS AREA:</b>	Office of Executive Manager of Works and Technical Services
<b>FILE REFERENCE:</b>	N/A
<b>LEGISLATION:</b>	N/A
<b>AUTHOR:</b>	Tina Souroup
<b>APPROVING OFFICER:</b>	Neil Broadhurst
<b>DATE OF REPORT:</b>	27 August 2024
<b>DECLARATION OF INTEREST:</b>	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 Ajana East, Ajana Back, Bella Whelarra, Starling, Olivia, Percy, Isachar East, Kalbarri Tip, Normans Well, Ellen, Oakabella East, Oakabella, Hosken, Ogilvie West, Teakle, Ruddaway, Routledge, Frosty Gully, Carson, Yallabartharra, Swamp, Oakabella, James, Elliot, Isachar, and Northampton Air Strip Road/s.
- Gravel Patching/Sheeting/Verge works carried out on Rubble, Isachar Back, Olivier, Hatch, Ellen, Starling, Teakle, James, Isseka Back, James, Elliot, Suckling, Carson, Isachar, Back Beach, Jacques Beach and Kalbarri Tip Road/s.
- Shoulder grading carried out on Balla Whelarra Road.

Maintenance Items

- General – Various signage and road furniture works.
- General – Potholes and edges various locations.
- General – Northampton and Kalbarri – Various tree lopping/vegetation works for 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.
- General - Drain Clearances – Various locations.

- Northampton – Show Preparation Works.
- Rainfall Event/s – 5<sup>th</sup> August 2024 to 10<sup>th</sup> September 2024.  
Northampton and Kalbarri staff have almost entirely been 100% involved with Planning 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’ 11<sup>th</sup> to 12<sup>th</sup> August 2024.  
 Horrocks Road – ‘Closed to all Traffic’ 17<sup>th</sup> to 20<sup>th</sup> August 2024.  
 Horrocks Road – ‘Closed to all Traffic’ 24<sup>th</sup> August 2024.  
 Warribanno Chimney Road – “Closed to all traffic” 30 June 2024.  
 (Remains closed at date of report).  
 Coolcalalaya Road – “Closed to all traffic” 4<sup>th</sup> July 2024. (Remains closed at date of report).  
 Northampton received 95.2mm rainfall for August 2024. 8.6mm rainfall for September 2024  
 Kalbarri received 68.0 mm rainfall for August 2024. 1.2mm rainfall for September 2024.  
 Management undertaking assessment of damage to infrastructure following rainfall events from June and July 2024.  
 Preliminary Event Notification (PEN) information has been compiled by consultants GHD for the combined rainfall event/s as per above. Information compiled and has been submitted on Friday (6 September 2024) 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 has been granted. The Shire of Northampton is continuing with assistance from consultants Greenfields Technical Services to overcome contractual requirements regarding practical completion requirements. Submission to Solicitor on 09 September 2024. The solicitor has confirmed receipt of the submission and will review the documents, providing comments in the coming weeks.  
 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 has commenced NEO Civil granted “Possession of Site” documents completed. Works have commenced onsite.
- Port Gregory toilet leach drains
- Bowes asbestos removal and gravel.
- Stephen Street block clearance as part of house placement works.

### Plant Items

- 3 x Utilities – Parks and Gardens Manager Vehicle  
 Town Maintenance Vehicle  
 Ranger Vehicle

Quotes requested by WALGA Preferred Supplier format. Supply of three (3) Isuzu DMax Utilities awarded to Geraldton Auto Wholesalers (10 September 2024)

### Staff Items

- Vacant positions to be advertised.  
1 x Water Custodian (Port Gregory).
- Staff leaving Lisa Cox and Sue Koppensteiner (both casual)
- Staff x 3 Traffic Management training

### Vacant positions Advertised

- 1 x Full Time Parks and Gardens Officer (Advertised)

A copy of the Executive Manager of Works and Technical Services – Works Crew Budget – Program and Progress Report, September 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 September 2024. In accordance with attachment 9.8.1 (1).**

**ATTACHMENTS**

1 ➡ Works Program September 2024 7 Pages



**ATTACHMENT  
APPENDIX**

**9.9.1 Nominations for Kalbarri Foreshore Redevelopment Advisory Committee**

<b>PROPONENT OWNER</b>	Shire of Northampton
<b>LOCATION / ADDRESS:</b>	Crown Vested in Shire of Northampton Reserve 25307 & 52436 Grey Street, Kalbarri
<b>ZONE:</b>	Local Recreation Reserve
<b>BUSINESS AREA:</b>	Community, Development and Regulation
<b>FILE REFERENCE:</b>	13.2.1
<b>LEGISLATION:</b>	<i>Local Government Act 1995 Planning &amp; Development Act 2005</i>
<b>AUTHOR:</b>	Brian Robinson
<b>APPROVING OFFICER:</b>	Brian Robinson
<b>DATE OF REPORT:</b>	2 September 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

At its Ordinary Meeting held on 20 June 2024, Council resolved (Resolution 06/24-79) to form the Kalbarri Foreshore Redevelopment Advisory Committee and adopt a Terms of Reference in accordance with the provisions of the *Local Government Act 1995*. A copy of the Terms of Reference as adopted by Council is appended.

**APPENDIX: 9.9.1 (A)**

In addition, Council resolved to advertise calling for interests for two community representative positions on the Advisory Committee and request that the following organisations nominate a representative and proxy:

- a) The traditional custodians of the land, being the Nanda people;
- b) Kalbarri Development Association; and
- c) Kalbarri Visitors Centre.

At time of writing this agenda item, the nominations for the Kalbarri Visitors Centre and Nanda Board Member names were yet to be confirmed.

Council is requested to confirm the appointment of representatives for the Kalbarri Development Association, Midwest Development Commission, and Tourism WA. Council is also requested to consider the nominations that have been received for the two community representatives.

**PUBLIC CONSULTATION UNDERTAKEN:**

The two Community Representative Positions were advertised for a period of 21 days, with a total of 3 nominations being received.

Whilst the nominations are discussed in the Comment Section below, a summary of the nominations is shown attached. A full copy of the nominations will be provided to Councillors prior to the meeting.

**ATTACHMENT: 9.9.1 (1)**

**COMMENT (Includes Options):**

In order to assist Council in determining the nominations received, the following comments are offered:

Current Composition

The Terms of Reference as adopted by Council in June 2024, comprising a total of 9 voting members, including two community members.

In accordance with the provisions of the *Local Government Act 1995*, Council may vary the Terms of Reference, including the composition of the committee by adopting a new Terms of Reference by Absolute Majority.

Committee Purpose

As set out in Appendix: 9.9.1 (A), the purpose of the Committee is to:

1. *To assist Shire Officers in the refinement and detailed designs for conceptual elements contained within the Kalbarri Foreshore Masterplan as prepared by the Mid-West Development Commission and Tourism Western Australia;*
2. *To assist in the identification of priorities in respect of the Foreshore Redevelopment;*
3. *Make recommendations to Council on potential developments and commercial opportunities not identified within the Kalbarri Foreshore Masterplan;*
4. *Assist co-ordination of community participation in public consultation processes; and*
5. *Communicate and inform the member organisations and local community about the proposed project, its elements and timeframes for work.*

The Terms of Reference were available on the Shire website for all potential nominees.

Nominations Received

As reflected within the summary of nominations for the Community Representative shown at Attachment: 9.9.1 (1) all nominees have been long term residents and are active community members. Given that each person appears to have different attributes and knowledge, it is recommended that all nominations be accepted.

The representatives from the Kalbarri Development Commission, Mid-West Development Commission and Tourism WA have been identified and their names have been included in a proposed Terms of Reference shown attached.

**ATTACHMENT: 9.9.1 (2)**

With respect to the remaining nominees, it is recommended that the first meeting be scheduled for the first week of October with invitations to be issued to all existing members as well as the Kalbarri Visitor Centre and Nanda Board Members.

#### **STATUTORY ENVIRONMENT:**

In accordance with Division 2 of the *Local Government Act 1995*. As prescribed by the Act, by resolution passed by absolutely majority, a local government may establish, committees to assist the Council. Committee's may be comprised of:

- (a) council members only; or*
- (b) council members and employees; or*
- (c) council members, employees, and other persons; or*
- (d) council members and other persons; or*
- (e) employees and other persons; or*
- (f) other persons only.*

Persons appointed to the Committee will be bound the requirements of the *Local Government Act 1995* and the associated Regulations.

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

The Murchison River Foreshore plays a significant role in connecting the Kalbarri Community and Tourists with the Murchison River and wider coastal environment. Comprehensive improvements to the Foreshore Reserve and level of facilities provided are consistent with the following recommendations of the Shire of Northampton Strategic Community Plan:

- 1.1.3 To maintain a tourism strategy within budget possibilities to have tourist facilities of the highest standard that the Council can afford;*
- 1.1.4 Support for visitor attraction and for community driven events-based and tourism.*
- 2.1.1 Natural environmental and biodiversity are conserved and protected;*
- 3.1 Providing community and recreation facilities within budget constraints;*
- 3.2 Support community action groups where practical to achieve positive outcomes in their locality to enhance lifestyle;*
- 3.3 Advocate for services or facilities the Shire cannot provide;*
- 4.1.3 To ensure the built assets enhance the ambience of each town or location.*
- 5.1.3 To demonstrate a proactive approach to community and economic development, and service delivery.*

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

Risk rating is considered Major given the potential for substantial reputational damage should the project or its potential impacts fail to be appropriately managed or fail to be delivered in a timely co-ordinated manner as required by the grant.

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

### FINANCIAL IMPLICATIONS:

While there are no financial applications directly associated with the appointment of representatives to the committee members, voting members of the committee will be expected to provide input into substantial projects associated with the Foreshore Revitalisation Works.

The funding allocation of \$8.1 million is substantial and will allow a significant amount of improvement works and new facilities within the Kalbarri Foreshore Reserves. However, there is potential for further funding to be obtained, consolidating the opportunities for improvement works. For example, the Shire has made allocations toward certain works (i.e. the RSL memorial) and it may be possible to obtain community grants through Lotteries West for works on improving accessibility and facilities for youth and/or disadvantaged sections of the community.

Due care will be needed, taking into account ongoing maintenance requirements. With an increased level of facilities, it is expected that maintenance requirements will increase with additional staff resources and maintenance funding required in the short to medium term.

### SUSTAINABILITY:

Environmental: Opportunities exist for the redevelopment work on Kalbarri Foreshore to provide environmental outcomes such as increased shade, increased areas of native vegetation and reduced water usage.

Economic: A revitalised foreshore precinct will result in a higher standard of facilities, providing additional drawcards for tourists. Opportunities exist to consolidate, and potential expand existing income generating commercial activities and tourist facilities.

Social: The Kalbarri Foreshore provides for a wide range of both active and passive recreational opportunities. The foreshore is an integral part of the community fabric.

**VOTING REQUIREMENTS: ABSOLUTE MAJORITY**

**OFFICER RECOMMENDATION:**

**That Council:**

- 1. Accept the nominations received and amend the Terms of Reference for the Kalbarri Foreshore Redevelopment Advisory Committee as shown at ATTACHMENT: 9.9.1 (2);**
- 2. Request the Chief Executive Officer to arrange the first meeting of the Kalbarri Foreshore Redevelopment Advisory Committee for the first week of October, inviting all committee members and organisations to attend.**

#### **ATTACHMENTS**

- 1** [⇒](#) Attachment No 1 - Summary of Nominations 1 Page  
**2** [⇒](#) Attachment No 2 - Proposed Terms of Reference 1 Page

#### **APPENDICES**

- A** [⇒](#) Appendix A - Adopted Terms of Reference 1 Page

### 9.9.2 Unconfirmed Minutes of the Community Grants Advisory Committee Meeting Held 16 September 2024

<b>PROPONENT</b>	Shire of Northampton
<b>OWNER</b>	Shire of Northampton
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>ZONE:</b>	All
<b>BUSINESS AREA:</b>	Office of CEO
<b>FILE REFERENCE:</b>	4.1.14
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Andrew Campbell
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	9 September 2024
<b>DECLARATION OF INTEREST:</b>	Nil

#### **BACKGROUND:**

A meeting of the Community Grants Advisory Committee was held on 16 September 2024 in the Council Chambers, Northampton.

The purpose of this report is for Council to receive the minutes of the meeting and consider the awarding of Round 1 (2024/25) Community Grants recommended by the Committee. The minutes of the meeting are tabled.

#### **TABLED DOCUMENT**

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

Nil.

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

Due to the timing of the Community Grants Advisory Committee meeting relative to the Council meeting, the minutes of the meeting including recommendations for the awarding of Round 1 (2024/25) Community Grants recommended by the Committee will be tabled at the Council meeting.

#### **STATUTORY ENVIRONMENT**

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

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

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

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

Risk rating is considered Level 1 - Insignificant.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response
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**FINANCIAL IMPLICATIONS:**

Nil.

**SUSTAINABILITY:**Environmental: Nil.Economic: Nil.Social: Nil.**VOTING REQUIREMENTS:****SIMPLE MAJORITY****OFFICER RECOMMENDATION:**

**That Council receive the tabled minutes of the Community Grants Advisory Committee held on 16 September 2024 including the endorsement of the award of the Round 1 (2024/25) Community Grants.**

**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.**