



AGENDA

COUNCIL MEETING

17 OCTOBER 2024

SHIRE OF NORTHAMPTON – COUNCIL MEETING AGENDA**17 OCTOBER 2024****NOTICE TO ALL COUNCILLORS**

An Ordinary Meeting of Council is called for Thursday 17 October 2024 commencing at 2:00 PM in the Council Chamber, Hampton Road, Northampton.



**Andrew Campbell
CHIEF EXECUTIVE OFFICER**

11 October 2024

DISCLAIMER

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SHIRE OF NORTHAMPTON**COUNCIL MEETING THURSDAY 17 OCTOBER 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 Trevor Gibb has an Approved Leave of Absence granted at the Ordinary Meeting of Council held on Thursday 19th September 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 19 September 2024 be confirmed.

8. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:

8.1 Proposed Council Policy on the Use of Alternate Motions and Amendments to Officer Recommendations

PROPONENT	Cr Des Pike
OWNER	N/A
LOCATION / ADDRESS:	N/A
ZONE:	N/A
BUSINESS AREA:	Office of the CEO
FILE REFERENCE:	4.3.3
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Andrew Campbell
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	04 October 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND

At the Council meeting held 19 September 2024, Councillor Pike introduced a Notice of Motion detailed as follows:

“That Council request the Chief Executive Officer produce a policy to guide Councillors moving alternate motions or amendments to Officer Recommendations as part of the Council agenda.

The policy should focus on the constitution of alternate motions and amendments to Officer Recommendations, periods of prior notice provided to Councillors and Officers, encouragement to utilise Officers in the formulation of alternate motions or

amendments, the use of deferral motions to enable more time for consideration of changes, and any other relevant matter.”

The purpose of this report is to enable Council opportunity to consider the motion put forward by Cr Pike.

OFFICER COMMENT

The Notice of Motion put forward by Cr Pike is often seen as part of governance arrangements (or “rules”) for how Council conducts its business around Officer Recommendations in Local Government in Western Australia. The governance arrangements often form part of Standing Orders Local Laws or policy of the Local Government.

The difference between these governance arrangements forming part of Standing Orders Local Laws or policy is that Standing Orders are generally enforceable and may come with penalty, whereas policy is effectively a recommendation only without a consequence for breach. The Shire of Northampton does not have Standing Orders Local Laws (apparently only one of four Local Governments in Western Australia) and as a result, if the matter is to be contemplated by Council it would need to take the form of policy. With Local Government reform on the near horizon, the Shire of Northampton may have the option to include the matter as part of Standing Orders Local Laws if they are, as expected, standardised and mandated for all Local Government. With all said above, Council has already adopted a meeting procedure that replicates the model Standing Orders Local Law in Western Australia in preparation for the impending legislative reform.

The Notice of Motion from Cr Pike was formulated with the assistance of the Chief Executive Officer on the basis of a policy only with the above in mind. If Council supports the motion the policy produced for Council’s final consideration will be constructed to accord with the following principles:

- Adequate minimum recommended notice periods of 48 hours prior to meetings for all Councillors and Senior Employees on alternate motions or substantive amendments to Officer Recommendations;
- The encouragement to utilise Senior Employees to assist Councillors to draft alternate motions or substantive amendments to Officer Recommendations;
- Due consideration given to legal, organisational and financial risk when drafting alternate motions or substantive amendments to Officer Recommendations are proposed;
- The retention of the ability for Councillors to introduce amendments at any time that do not substantially alter the intent of Officer Recommendations to ensure that flexibility and timeliness is maintained;
- An encouragement for a Councillor to seek a deferment to an Agenda Item where alternate motions or substantive amendments to Officer Recommendations can not be provided

with sufficient notice and a statutory timeframe obligation for decision does not exist;

- The provision of a minimum of three reasons to justify as to why alternate motions or substantive amendments to Officer Recommendations are proposed;
- Clarity on the fact that the policy is not enforceable but is strongly recommended for Councillors to comply; and
- Any other matter that may become apparent during the formulation of the policy.

VOTING REQUIREMENTS SIMPLE MAJORITY

MOVED: CR PIKE

SECONDED:

That Council request the Chief Executive Officer produce a policy to guide Councillors moving alternate motions or amendments to Officer Recommendations as part of the Council agenda.

The policy should focus on the constitution of alternate motions and amendments to Officer Recommendations, periods of prior notice provided to Councillors and Officers, encouragement to utilise Officers in the formulation of alternate motions or amendments, the use of deferral motions to enable more time for consideration of changes, and any other relevant matter.

9. OFFICERS' REPORTS:

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9.1.1 Western Australian Local Government Association - Local Government Election Advocacy Position

PROPONENT	Shire of Northampton
OWNER	WALGA
LOCATION / ADDRESS:	N/A
ZONE:	N/A
BUSINESS AREA:	Office of the CEO
FILE REFERENCE:	4.1.4
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Andrew Campbell
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	24 September 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Western Australian Local Government Association (WALGA) has requested Western Australian Local Government to provide input into their established advocacy position on Local Government elections.

The *Local Government Amendment Act 2023* introduced a range of electoral reforms that came into effect prior to the 2023 Local Government ordinary elections:

- the introduction of Optional Preferential Voting (OPV);
- extending the election period to account for delays in postal services;
- changes to the publication of information about candidates;
- backfilling provisions for extraordinary vacancies after the 2023 election;
- public election of the Mayor or President for larger Local Governments;
- abolishing wards for smaller Local Governments; and
- aligning the size of Councils with the size of populations of each Local Government (change to representation)

The purpose of this report is for Council to consider WALGA's advocacy position and provide feedback into the review before the matter is considered by the WALGA State Council at the December 2024 meeting.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The Elections Analysis Review and Report was presented to State Council 4 September 2024, with State Council supporting a review of WALGA's Local Government Elections Advocacy Positions.

WALGA is requesting Councils consider the current and alternative Elections Advocacy Positions and provide a response back to WALGA for the December 2024 State Council meeting.

The following is a summary of WALGA's current Advocacy Positions in relation to Local Government Elections:

2.5.15 ELECTIONS

Position Statement	<p>The Local Government sector supports:</p> <ol style="list-style-type: none"> 1. Four year terms with a two year spill 2. Greater participation in Local Government elections 3. The option to hold elections through: <ul style="list-style-type: none"> • Online voting • Postal voting, and • In-person voting 4. Voting at Local Government elections to be voluntary 5. The first past the post method of counting votes
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The Local Government sector opposes the introduction of preferential voting, however if 'first past the post' voting is not retained then optional preferential voting is preferred.

Background	The first past the post (FPTP) method is simple, allows an expression of the electorate's wishes and does not encourage tickets and alliances to be formed to allocate preferences.
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State Council Resolution	<p>February 2022 – 312.1/2022 December 2020 – 142.6/2020 March 2019 – 06.3/2019 December 2017 – 121.6/2017 October 2008 – 427.5/2008</p>
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2.5.16 METHOD OF ELECTION OF MAYOR

Position Statement	Local Governments should determine whether their Mayor or President will be elected by the Council or elected by the community.
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State	Council	February 2022 – 312.1/2022
Resolution		March 2019 – 06.3/2019
		December 2017 – 121.6/2017

2.5.18 CONDUCT OF POSTAL ELECTIONS

Position Statement The Local Government Act 1995 should be amended to allow the Australian Electoral Commission (AEC) and any other third party provider including Local Governments to conduct postal elections.

Background Currently, the WAEC has a legislatively enshrined monopoly on the conduct of postal elections that has not been tested by the market.

State	Council	May 2023 – 452.2/2023
Resolution		March 2019 – 06.3/2019
		December 2017 – 121.6/2017
		March 2012 – 24.2/2012

WALGA has requested the following advocacy positions be considered by Councils:

1. PARTICIPATION

(a) The sector continues to support voluntary voting at Local Government elections.

OR

(b) The sector supports compulsory voting at Local Governments elections.

2. TERMS OF OFFICE

(c) The sector continues to support four-year terms with a two year spill;

OR

(d) The sector supports four-year terms on an all in/all out basis.

3. VOTING METHODS

(a) The sector supports First Past the Post (FPTP) as the preferred voting method for general elections. If Optional Preferential Voting (OPV) remains as the primary method of voting, the sector supports the removal of the 'proportional' part of the voting method for general elections

OR

(b) The sector supports Optional Preferential Voting (OPV) as the preferred voting method for general elections.

4. INTERNAL ELECTIONS

(e) The sector supports First Past the Post (FPTP) as the preferred voting method for all internal elections.

OR

(f) The sector supports Optional Preferential Voting (OPV) as the preferred voting method for all internal elections.

5. VOTING ACCESSIBILITY

The sector supports the option to hold general elections through:

- (a) Electronic voting; and/or
- (b) Postal voting; and/or
- (c) In-Person voting.

6. METHOD OF ELECTION OF MAYOR

The sector supports:

- (a) As per the current legislation with no change – Band 1 and 2 local governments directly elect the Mayor or President (election by electors method), with regulations preventing a change in this method.
- (b) Return to previous legislated provisions – all classes of local governments can decide, by absolute majority, the method for electing their Mayor or President.
- (c) Apply current provisions to all Bands of Local Governments – apply the election by electors method to all classes of local governments.

Item	Officer Recommendation	Officer Reason
1	The sector continues to support voluntary voting at Local Government elections.	The argument for voluntary versus compulsory voting has been around for many years. Compulsory voting ensures excellent turnout but comes with the risk of voter fines for not voting. The argument for non-compulsory voting is that only the people who have an interest in Local Government vote and that is who the Local Government should be engaged with.
2	The sector continues to support four-year terms with a two year spill	This option is supported as the potential for all knowledge to be lost at one time under the four-year total turnover is considered problematic particularly where one controversial issue drives the election.

3	The sector supports First Past the Post (FPTP) as the preferred voting method for general elections. If Optional Preferential Voting (OPV) remains as the primary method of voting, the sector supports the removal of the 'proportional' part of the voting method for general elections	FPTP was the election method used prior to legislative reform. As there was no election in 2023, the Shire of Northampton did not see the impacts of OPV. OPV provides the option to elector when voting, however the suggestion to remove the proportional part of the voting method should ensure less politicisation of local government elections.
4	The sector supports First Past the Post (FPTP) as the preferred voting method for all internal elections.	In line with the recommendation above, all elections should be the same regardless of whether it is internal or not.
5	The sector supports the option to hold general elections through: (a) Electronic voting; and (b) Postal voting; and (c) In-Person voting.	All options are viable, and this reflects WALGA's current advocacy position.
6	Return to previous legislated provisions – all classes of local governments can decide, by absolute majority, the method for electing their Mayor or President.	Council's should be able to determine their own structure through a democratic process. Currently the Shire's President is elected by Council by choice as opposed to a directive.

It is open to Council to select any part of the options provided above, or to that point, change all or any part of the Officer Recommendation. It is considered that any decisions of the past by Council on this matter should be tempered as the electoral system has changed under the reform and the advocacy position of Council may now have also changed.

STATUTORY ENVIRONMENT:

This item is only to inform WALGA's advocacy position to the State Government on future Local Government electoral reform.

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

Risk rating is considered insignificant as it is only informing WALGA's advocacy position.

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

FINANCIAL IMPLICATIONS:

Nil.

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

That the Council of the Shire of Northampton recommends that WALGA adopt the following Local Government Election Advocacy Positions:

1	PARTICIPATION	The sector continues to support voluntary voting at Local Government elections.
2	TERMS OF OFFICE	The sector continues to support four-year terms with a two-year spill.
3	VOTING METHODS	The sector supports First Past the Post (FPTP) as the preferred voting method for general elections. If Optional Preferential Voting (OPV) remains as the primary method of voting, the

		sector supports the removal of the 'proportional' part of the voting method for general elections.
4	INTERNAL ELECTIONS	The sector supports First Past the Post (FPTP) as the preferred voting method for all internal elections.
5	VOTING ACCESSIBILITY	The sector supports the option to hold general elections through: (a) Electronic voting; and (b) Postal voting; and (c) In-Person voting.
6	METHOD OF ELECTION OF SHIRE PRESIDENT	Return to previous legislated provisions – all classes of local governments can decide, by absolute majority, the method for electing their Mayor or President.

ATTACHMENT**9.1.2 Chief Executive Officer Activity Report July 2024 to September 2024**

PROPONENT	Chief Executive Officer
OWNER	N/A
LOCATION / ADDRESS:	Whole of Shire
ZONE:	All
BUSINESS AREA:	Office of CEO
FILE REFERENCE:	N/A
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Andrew Campbell
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	3 October 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

This report has been produced to assist Council understand the activity of the Chief Executive Officer (CEO) for the quarterly period of July 2024 to September 2024.

A copy of the CEO Activity Report July 2024 to September 2024 is attached.

ATTACHMENT: 9.1.2 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

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

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

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

ORGANISATIONAL RISK MANAGEMENT:

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

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

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

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

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

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

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council receive the Chief Executive Officer Activity Report July 2024 to September 2024 in accordance with ATTACHMENT: 9.1.2 (1).

ATTACHMENTS

1 ➡ CEO Quarterly Report July 2024 to September 2024 3 Pages

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

PROPONENT	Shire of Northampton
OWNER	N/A
LOCATION / ADDRESS:	Whole of Shire
ZONE:	All
BUSINESS AREA:	Corporate and Financial Services
FILE REFERENCE:	1.1.1
LEGISLATION:	<i>Local Government (Financial Management) Regulation 1996, Local Government Act 1995</i>
AUTHOR:	Leanne Rowe
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	25 September 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

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

The Monthly Statements of Financial Activity for the period ending 31 August 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 August 2024 financial position is comprised of the following:

Total operating revenue has a deficit position of \$1,601,865 and the operating expenditure has a surplus position of \$2,459,802.

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 August 2024 in accordance with ATTACHMENT: 9.2.1 (1).

ATTACHMENTS

1 [⇒](#) Monthly Financial Report ending 31 August 2024 23 Pages

ATTACHMENT

9.2.2 Proposed Accounts for Endorsement on 17th October 2024

PROPONENT	Shire of Northampton
OWNER	N/A
LOCATION / ADDRESS:	Whole of Shire
ZONE:	All
BUSINESS AREA:	Corporate and Financial Services
FILE REFERENCE:	1.1.1
LEGISLATION:	<i>Local Government (Financial Management) Regulation 1996, Local Government Act 1995</i>
AUTHOR:	Leanne Rowe
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	25 September 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

A full list of payments is submitted to Council on 17th October 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 EFT26804 to EFT26928 totalling \$1,682,184.19; Municipal Fund Cheques 22509 to 22517 inclusive totalling \$2,235.10; and itemised fuel card purchases, be declared authorised expenditure in accordance with ATTACHMENT: 9.2.1 (1).

ATTACHMENTS

1 ➡ Proposed Accounts for endorsement 17 October 2024 6 Pages

ATTACHMENT**9.3.1 Quarterly Activity Report for Executive Manager of Community, Development and Regulation July to September 2024**

PROPONENT	Executive Manager Community, Development and Regulation
OWNER	N/A
LOCATION / ADDRESS:	Whole of Shire
ZONE:	N/A
BUSINESS AREA:	Community Development & Regulation
LEGISLATION:	Various
AUTHOR:	Brian Robinson
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	26 September 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

This agenda item has been prepared to assist Councillors in their understanding of the activities undertaken by the Executive Manager of Community, Development and Regulation and their Business Area for the period of 1 July to 30 September 2024. A copy of the activity report is shown attached.

ATTACHMENT: 9.3.1 (1)**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

COMMENT (Includes Options):

The purpose of this agenda item and the attached report is to inform Councillors of the activities of the Executive Manager of Community, Development and Regulation and the employees under their supervision for that period between 1 July and 30 September 2024.

STATUTORY ENVIRONMENT:

Various Legislation is applicable to the activities undertaken by the Executive Manager and the employees under their supervision.

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

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

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

FINANCIAL IMPLICATIONS:

All activities have been undertaken in accordance with the Shire's adopted budget for the 2024/2025 financial year.

SUSTAINABILITY:

Environmental: Activities of the Executive Manager often deal with environmental related matters both from a development assessment and compliance perspective.

Economic: Matters dealt with by the Executive Manager often have economic development considerations or outcomes.

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

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council receive the Quarterly Activity Report from the Executive Manager Community, Development and Regulation for the period 1 July 2024 to 30 September 2024 as shown at Attachment: 9.3.1 (1).

ATTACHMENTS

1 [⇒](#) Attachment No 1 - Quarterley Report from Executive
Manager of Community, Development & Regulation

4
Pages

ATTACHMENT**9.3.2 Request for Budget Amendment - Kalbarri Waste Management Facility Improvements**

PROPONENT OWNER	Shire of Northampton Crown Reserve – Management Order to Shire
LOCATION / ADDRESS:	Reserves 48527, 48528 & 48529 Ajana-Kalbarri Road, Kalbarri
ZONE:	Enter text
BUSINESS AREA:	Community, Development and Regulation
FILE REFERENCE:	10.1.1
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Brian Robinson
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	9 October 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Kalbarri Waste Management Facility is located on Crown Reserves 48527, 48528 & 48529, which are vested with the Shire of Northampton for use as a refuse site.

A recent audit of the Kalbarri facility has identified some significant safety concerns with respect to the lack of a safety barrier system abutting the edge of the skip bin area. A copy of the Report, prepared by the Shire's Work Health Safety Co-ordinator is shown attached.

ATTACHMENT: 9.3.2 (1)

With no funds specifically allocated for improves to the site within the 2024/2025 annual budget, Council is requested to consider a budget amendment to facilitate the works which are urgently required.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

Councillors may recall there was previously an incident at the Northampton Waste Management Facility where a contractor fell from the loading area into a skip bin. It was determined that this fall could have been avoided if an appropriate safety barrier system was in place. Works were subsequently undertaken to substantially improve safety at the Northampton site.

The audit (shown at Attachment: 9.3.2 (1)) has identified the following issues at the Kalbarri site:

- a) The existing concrete barrier that vehicles can reverse up to is damaged, has shifted in some areas and is need of replacement with a more substantial 300mm concrete barrier; and

- b) The need to install a safety rail at a height of 1200mm.

Whilst detailed quotes are yet to be sought, it is estimated that the works will cost between \$40,000 and \$45,000.

As detailed within the Shire's 2024/2025 Annual Budget, the Shire's Waste Management Reserve current contains funds of \$211,088, with \$6,300 interest predicted this financial year. As improvements to the reserve are consistent with the purpose of the Waste Management Reserve, Council is requested to authorise a transfer of \$45,000 to facilitate the required safety works.

STATUTORY ENVIRONMENT:

Local Government Act 1995.

POLICY / STRATEGIC IMPLICATIONS:

Urgent upgrades to the safety barrier system is required at the Kalbarri Waste Management Facility.

ORGANISATIONAL RISK MANAGEMENT:

Failure to address the existing safety barrier system at the Kalbarri Waste Management Facility will result in a significant safety concern remaining in place, potentially putting users of the facility at risk of a fall. There is potential for operation of the site to be suspended should the site be inspected and be found to be unsafe by Worksafe. The risk is therefore considered Major.

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

FINANCIAL IMPLICATIONS:

A transfer of funds requested is consistent with the purpose of the reserve and will have no significant impact on the Shire finances.

SUSTAINABILITY:

Environmental: Nil.

Economic: Fines could be imposed by Worksafe should the site be inspected and be found to be unsafe.

Social: Due care should be taken to ensure the safety of employees, contractors and members of the public using the skip bin facility.

VOTING REQUIREMENTS: ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council amend the 2024/2025 Shire of Northampton Annual Budget as follows:

Description	Current Budget	Amended Budget	Variation
Waste Management Reserve	\$211,088	\$166,088	(\$45,000)
Safety Improvements – Kalbarri Waste Management Site	\$0	\$45,000	\$45,000
Net Rate Funds			\$0

ATTACHMENTS

1 ➡ Attachment No 1 - Safety Audit by WHS Co-ordinator 6 Pages

**ATTACHMENT
APPENDIX**

9.4.1 Review of Shire of Northampton Local Planning Policies

PROPONENT	Shire of Northampton
OWNER	All
LOCATION / ADDRESS:	Whole of Shire
ZONE:	Various
BUSINESS AREA:	Planning Services
FILE REFERENCE:	10.4.11
LEGISLATION:	<i>Planning & Development Act 2005</i> <i>Planning & Development Regulations 2015</i>
AUTHOR:	Brian Robinson
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	26 September 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

At its Ordinary Meeting held on 20 June 2024, the Shire's Chief Executive Officer provided an agenda item for Council consideration outlining the intent for a comprehensive review of Council Policies. This item relates to those Council Policies that have been adopted as Local Planning Policies.

In accordance with Part 2 of the Deemed to Apply Provisions contained in the *Planning and Development Regulations 2015*, "a local government may prepare a local planning policy in respect of any matter relating to the planning and development of the Scheme area." More generally speaking, Local Planning Policies are guidelines to assist the local government in assessing applications and making determinations under a Local Planning Scheme.

Part 2 also outlines the procedure for preparing and adopting Local Planning Policies. It also prescribed that a local planning policy:-

- (i) May apply generally or in respect of a particular class of classes of matters specified in the policy;
- (ii) May apply to the whole of the Scheme area or to part or parts of the Scheme area specified in the policy;
- (iii) Must be based on sound town planning principles;
- (iv) May address strategic or operational considerations in relation to matters to which the policy applies.

In total, the Shire of Northampton currently has 29 Local Planning Policies that have been adopted by Council to provide guidance on a range of land use and related planning matters. As the majority of the Policies have not been reviewed since 2018, a comprehensive review of the Policies is being undertaken.

A review of the current policies has also identified that:

- a) A number of policies are significantly out of date, having been prepared prior to the current *Planning and Development (Local Planning Scheme) Regulations 2015* and do not take into account significant changes in State Planning Policy that have occurred;
- b) There are a number of policy clauses that are not based on contemporary town planning, legislation, principles or case law;
- c) There is a need for a standard format and remove unnecessary content.
- d) There is an opportunity to consolidate a number of policies, for example those that relate to rural areas; and
- e) There are some policies that no longer apply or contain erroneous provisions.

Despite the considerable number of Local Planning Policies, it is also considered that there are a number of matters yet to be addressed within the Local Planning Policy framework. Whilst it has been identified a number of these provisions can be incorporated into existing policies, a new Policy outlining General Matters for Planning Proposals has been drafted.

It is also proposed that the naming convention be reviewed to ensure future ease of reference and that ultimately all policies will be incorporated into a Local Planning Policy Manual.

Council is requested to consider the overall framework for the Shire's new Policy manual and a new Local Planning Policy relating titled General Matters for Planning Proposal. Council is also requested to endorse the inclusion of four existing policies into the manual on the basis they have only been adopted or reviewed in recent years. A copy of the draft Local Planning Policy Manual is shown attached.

ATTACHMENT: 9.4.1 (1)

Current copies of those existing policies now included within the new Draft Policy Manual are Appended.

APPENDIX: 9.4.1 (A)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

A comprehensive review of Local Planning Policies is required to ensure that policies remain relevant, contemporary and that comply with current legislation and State Planning Policy requirements. It is also observed that the current suite of Planning Policies are not in a standard format.

To assist Council in the review of the Local Planning Policies, the following additional comments and advice are offered:

Reduction in Number of Policies

As part of an initial review, it has been identified that a number of policies could be combined given that they relate to similar topics. This would result in a significant reduction from 29 policies to 17.

The following is a summary of those policies Shire Officers recommend as suitable to be combined:

- a) A Policy titled Residential Design Code Variations could be used to combine the following current Local Planning Policies;
 - Buildings on Boundary Variation 2018;
 - Outbuildings 2018; and
 - Street walls and Front Fences in Kalbarri;
- b) A Policy on Non-Residential Development Including Tourism Attractions/Activities, combining the current Alfresco Dining and Commercial Recreational Tourism Activities. The policy content would also be expended to address other matters relating to Non-Residential Development such as setbacks, car parking and landscaping standards etc;
- c) A new Rural Land Uses Policy, covering land uses on Rural, Rural Smallholdings and Rural Residential land. This policy would combine the following existing Policies:
 - *Agroforestry*;
 - *Extractive Industry*;
 - *Intensive Agriculture*;
 - *Rural Tourism*; and
 - *Temporary Accommodation Camps*.
- d) A new Policy relating to Development Precincts, allowing the following current local policies to be combined.
 - *Settlers Hill Detailed Area Plan*;
 - *Halfway Bay Reserve Design Guidelines*; and
 - *Rake Place Design Guidelines*.

In future the Policy would also contain any other area identified as having Design Guidelines.
- e) A revision of *Repurposed and Second Hand Dwellings*, rewording the title and scope to address all second hand/repurposed buildings. The Policy to include the current *Shipping Containers* Policy.

Policies to be Retained After Review

It is proposed that the following policies will remain as individual Local Planning Policies following their formal review:

- *Signage Policy*. The majority of the policy content remains relevant, however substantial redrafting and formatting of the policy is required for it to adhere to the new format;
- *Holiday Accommodation*. This policy requires review in order to comply with current State Planning Guidelines. The content of the Policy is to be expended so as to address all forms of Short-Term Residential Accommodation in accordance with the Guidelines;
- *Compliance and Enforcement*, which requires substantial review in terms of the procedures identified and the use of Modified Penalties under the Planning and Development Act 2005;
- *Land Development Standards*. This policy requires complete overall as the policy currently attempts to adopt by reference City of Geraldton

Policies. It is proposed to rename this policy Subdivision and Development Standards with added content;

- *Repurposed and Second Hand Dwellings*, which is proposed to be widened in scope to address all second hand buildings; and
- *Telecommunications Infrastructure*.

The above policies will be progressively reviewed for incorporation into the Local Planning Policy Manual.

New Policy - General Matters for Planning Proposals

A new Policy is proposed to outline the Shire's position in terms of preliminary planning advice, in-principle decision making and the processing of applications by non-for-profit applications without prior payment of required application fees.

Applications to waive planning fees need to be determined by Council. To avoid delays in the processing, it is recommended that the applications be processed and referred to Council where the request for a fee waiver can be determined simultaneously.

A draft of the new Policy has been completed and is incorporated into the draft Policy Manual shown attached.

Policies Ready for Inclusion

The following policies are considered to be ready and have been incorporated into the 2024 Local Planning Policy Manual:

1. Draft LPP 6.1.1 – General Matters for Planning Proposals;
2. *Consultation for Planning Proposals* – to be known as LPP 6.1.2. Having been reviewed in February 2022, the content remains relevant. Only minor changes were required to the format;
3. *Heritage* (proposed LPP 6.1.12). Given the Policy was last reviewed in October 2023, the content is up to date. Minor Changes implemented to ensure consistency the new format;
4. *Renewable Energy Facility* (proposed LPP 6.1.16), which was adopted by Council at its ordinary meeting held on 17 November 2023 following the required consultation period. As such the policy has only been updated to be consistent with the new format. Content and requirements of the policy remain unchanged;
5. *Social Impact Assessment* (proposed LPP 6.1.18), which was adopted by Council at its ordinary meeting held on 17 November 2023 following the required consultation period. As such the policy has only been updated to be consistent with the new format. Content and requirements of the policy remain unchanged.

Policies to be Deleted/Removed

It is proposed that the following policies are deleted as Local Planning Policies for the identified reasons:

1. Development Performance Bonds

The Policy was adopted by Council on 16 November 2018 but has not been reviewed. By way of summary, the Policy allows for a performance bond or bank guarantee and statutory declarations to ensure compliance with development approvals.

The Policy essentially specifies that the bonds may be imposed at the discretion of the CEO in the following circumstances:

- (a) *Where failure to complete a development, or part of a development, in accordance with approved plans and conditions could adversely affect an adjoining property or the public in general;*
- (b) *Where a condition of approval requires ancillary works associated with a development to be completed within a specified timescale; and*
- (c) *Where failure to complete development satisfactorily could adversely affect adjacent Council infrastructure.*

As the above considerations could apply to any form or land use development, there is a serious potential for this approach to be used in an inconsistent manner. The implications of a bond or bank guarantee are also significant when examining the amount of bond required.

The current policy specifies at clause 3.3(a) that the amount of bank guarantee required is as follows:

- (a) *Assessed based on the estimated cost to undertake the development as required by the conditions of Development Approval, plus a 20% contingency fee;*
- (b) *A bond amount equivalent to 20% of the estimated value of the approved works shall be required to ensure completed building presentation is of an acceptable standard, with a minimum amount of \$5,000 (unless c below applies);*
- (c) *A \$10,000 bond shall be required for any outbuilding to be constructed prior to any outbuilding being constructed prior to a dwelling (which has an approved building permit for the dwelling's construction) on any residential, rural residential or rural smallholding zoned land.*

The principle behind requiring a bond or bank guarantee is that in the event the owner and or proponent does not complete the works, sufficient funds are available that would allow the Shire to step in and arrange those works.

There are some appropriate circumstances where the use of a bond is appropriate. For example, bonds for outstanding subdivisional works that have already been arranged. However, unless the Shire is prepared to step in on such occasions and manage the required works, bonds and/or bank guarantees should not be used.

It should also be noted that the imposition of bonds can result in an insurmountable obstacle to the construction of a development. By way of an example, a person seeking to build a development worth \$500,000 may also be required to arrange a bank guarantee of \$600,000.

Recently the application of a 20% bond/guarantee almost prevented the landowner from being able to proceed with the development. At its meeting held on 18 July 2024, Council resolved to substantially reduce the bond (Resolution 07/24-93), which has resulted in the landowner proceeding.

Appropriate mechanisms are available to local government to enforce development approvals provided that the conditions and requirements set out therein are clear. Potential actions include the issuing of modified penalties, issuing of orders/directions and legal action. Given this and having regard to the onerous nature of the policy, it is recommended that the current policy be revoked immediately.

It is proposed that Bonds will still be used under certain circumstances and these circumstances will be outlined within the policy relating to that concern (e.g. Repurposed & Second Hand Buildings).

2. Disaster and Emergency Recovery

Council adopted this policy on the recommendation of staff at its May 2021. By way of summary, the Policy:

- a) sought to provide exemptions to the need to obtain Development Approval under the relevant Local Planning Scheme,
- b) outlined that the Shire would consider granting an exemption letter for not more than one emergency accommodation structure (such as outbuildings etc), provided that the structure was removed within 12 months or other timeframe as may be agreed;
- c) Waived all fees associated with applications for a temporary Development Approval or an exemption letter.

The legality of the approach is questionable, particularly “granting an exemption” for emergency accommodation that would not comply with Health and/or Building and other regulations. In any event it is considered that this policy is no longer required, and it is recommended that the policy is revoked.

3. Mobile Food Vendors

As approvals for Mobile Food Vendors are granted under the Shire of Northampton’s Trading in Public Places and Health Local Laws, this should not be a Local Planning Policy. It is recommended that a revised policy be prepared with application of the policy resting with Environmental Health, prior to the current policy being revoked.

Copies of the above policies are Appended.

APPENDIX: 9.4.1 (B)

Conclusion

As outlined in this agenda item, many of the Shire’s Local Planning Policies are in need of a substantial review. That said, retention of four of the existing

policies is recommended given that they were made or reviewed in recent years and are considered current and not in need of further review.

Shire Officers are proposing that all Local Planning Policies are incorporated into a defined manual, using a consistent style and format. Work has been completed to incorporate the new Policy relating to General Matters and four of the existing policies, being those not in need of a comprehensive review.

Council is requested to support the proposed manual and its format, as well as adopt proposed Local Planning Policy 6.1.1 – General Matters for Planning Proposals for the purposes of advertising.

STATUTORY ENVIRONMENT:

Planning and Development Act 205 and Planning and Development (Local Planning Schemes) Regulations 2015.

POLICY / STRATEGIC IMPLICATIONS:

As detailed in the Comment Section of this agenda item.

ORGANISATIONAL RISK MANAGEMENT:

Should Local Planning Policies not be reviewed and kept contemporary. Failure to do could result in such policies being out of date or un-enforceable causing unnecessary and substantiated public embarrassment. A risk rating of Moderate would apply.

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

FINANCIAL IMPLICATIONS:

The cost of advertising Draft Local Planning Policy No 6.1.1 – General Matters for Planning Proposals will be wholly contained within the adopted budget.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. **Adopt Draft Local Planning Policies Local Planning Policies 6.1.1 – General Matters for Planning Proposals for the purposes of advertising and await a further report following advertising of the policy in accordance with the Planning & Development (Local Planning Schemes) Regulations 2015;**
2. **Support the proposed format of the proposed Policy Manual as shown at ATTACHMENT: 9.4.1 (1), including Local Planning Policies 6.1.2 – Public Consultation for Planning Proposals, 6.1.12 – Heritage, 6.1.15 Renewable Energy Facilities and 6.1.16 Social Impact Assessment;**
3. **Defer advertising of the policies referred to in point 2 above pending completion of the Policy Review and preparation of the Final Draft Policy Manual;**
4. **Revoke the following Local Planning Policies:**
 - a) **Local Planning Policy – Development Bonds adopted by Council on 16 November 2018; and**
 - b) **Local Planning Policy – Disaster and Emergency Recovery adopted by Council in May 2021.**
5. **Await a further report(s) relating to the review of the remaining Local Planning Policies.**

ATTACHMENTS

1 ➡ Attachment No 1 - Draft Local Planning Policy Manual 51 Pages

APPENDICES

A ➡ Appendix A - Copy of Existing Policies Incorporated into Draft 2024 Policy Manual 35 Pages

B ➡ Appendix B - Copies of Policies Recommended for Deletion

ATTACHMENT

9.4.2 Delegated Planning Decisions for September 2024

PROPONENT OWNER	Shire of Northampton
LOCATION / ADDRESS:	Various
ZONE:	Various
BUSINESS AREA:	Planning Services
FILE REFERENCE:	10.4.1
LEGISLATION:	<i>Planning and Development Act 2005</i> <i>Local Government Act 1995</i>
AUTHOR:	Kaylene Roberts
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	2 October 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

In order to ensure the efficient and timely processing of planning related applications, Council delegates authority to the Chief Executive Officer to conditionally approve applications for Development Approval that meet the requirements of both Local Planning Schemes being *No. 10 – Northampton* and *No. 11 – Kalbarri* (the Scheme) and adopted Local 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 September 2024 is attached.

ATTACHMENT: 9.4.2 (1)

PUBLIC CONSULTATION UNDERTAKEN:

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

COMMENT (Includes Options):

During September 2024

Table 1: Planning Decisions made in September 2024

	September 2023	September 2024
Delegated Decisions	3 - \$51,000 **1	10 - \$1,093,727 **4
Council Decisions	2 - \$1,000 **1	2 - \$29,775
Total	5 - \$52,000	12 - \$1,123,502

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

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

	YTD 2023	YTD 2024
Delegated Decisions	46 - \$5,684,648 **17	50 - \$3,175,163 **19
Council Decisions	14 - \$3,021,125 **13	25 - \$5,184,517 **2
Total	60 - \$8,705,773	75 - \$8,359,680

*** 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 process 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 September 2024 as detailed in Attachment: 9.4.2 (1)

ATTACHMENTS

1 [↔](#) Delegated Planning Decisions - September 2024 1 Page

ATTACHMENT

9.4.3 Retrospective Development Approval for Signage at Lot 378 (No. 62) Grey Street, Kalbarri

PROPONENT	P Contessi
OWNER	P Contessi
LOCATION / ADDRESS:	Lot 378 (No. 62) Grey Street, Kalbarri
ZONE:	Commercial
BUSINESS AREA:	Planning Services
FILE REFERENCE:	10.6.1.3
LEGISLATION:	<i>Planning and Development Act 2005</i> <i>Local Government Act 1995</i>
AUTHOR:	Kaylene Roberts
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	3 October 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Council is requested to determine an application for signage at Lot 378 (No. 62) Grey Street, Kalbarri. A location plan is shown below.

LOCATION PLAN



The subject lot is located within a commercial area and has an area of 9,000m². The property contains a real estate agency, 2 cafes and a beauty salon.

The applicant has recently purchased the Ray White Kalbarri real estate and applied to change the existing signage to the new business name. A subsequent site inspection by Shire officers identified that the signage was in the process of being changed without the necessary approvals.

The signage proposed is to the fascia of the building being 2640mm by 370mm in diameter, wall signage being 2400mm by 750mm and signage on information board being 1100mm by 85mm. A copy of the signage details is attached.

ATTACHMENT: 9.4.3 (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 was not advertised at originally met the requirements of the Sign Policy requirements. The retrospective nature of the application was identified during site inspections.

COMMENT (Includes Options):

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

The proposed application is therefore required to be assessed under the Scheme and in compliance with the Shire’s Local Planning Policy – Signage.

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.*

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

Local Planning Policy – Signage

The application has been assessed against the Signage Policy and the types of signs that the application would comply with are:

Verandah Signs - where a sign can be fixed to the fascia of the building and shall not exceed 600mm in depth and not project beyond the fascia.

Horizontal Signs – shall be fixed parallel to the wall of the building to which it is attached, not project more than 150mm from the wall to which it is attached and be a minimum of less than 7.5m above the street and have a maximum depth of 600mm.

An assessment of the signage against the above criteria, identifies that the application would have been considered to be compliant if approval had been sought prior to the works.

Retrospective Nature of Works

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

Notwithstanding that the installation of the signage 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 offence has been committed under Clause 218 of the *Planning and Development Act 2005*. Where an offence 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 the 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 Policy, the application is recommended for retrospective conditional approval.

The issuing of a modified penalty of \$500 is also recommended given 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 of 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.

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 Signage at Lot 378 (N0. 62) Grey Street, Kalbarri in accordance with the plans and specifications at Attachment 9.4.3 (1), subject to the following conditions:

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

Reference	Document Title	Date
1	Signage Details	12 August 2024
2	Additional Information	12 August 2024

- 2. The Advertisement the subject of this approval is to be constructed of incombustible materials, to the satisfaction of the Shire of Northampton;**
- 3. The signage shall only advertise services or products associated with those available on the subject lot;**
- 4. The signs shall be kept clean, free from unsightly matter and in good condition and presentation at all times;**
- 5. The advertisements must not be illuminated, moving, pulsating, flashing, incorporate animation or movement into their design or structure, to the satisfaction of the Shire of Northampton.**

Advice Notes:

1. If the 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 installation of signage being the subject of point A above, without the required prior development approval being obtained.**

ATTACHMENTS

- 1 ➡ Attachment No. 1 - Signage Details 3 Pages
2 ➡ Attachment No. 2 - Additional Sign Information 3 Pages

ATTACHMENT

9.4.4 Retrospective Development Approval for Signage at Lot 1/535 (1/51) Hackney Street, Kalbarri

PROPONENT	Wang Xia Pty Ltd
OWNER	Dehua Zhang
LOCATION / ADDRESS:	Lot 1/535 (1/51) Hackney Street, Kalbarri
ZONE:	Commercial
BUSINESS AREA:	Planning Services
FILE REFERENCE:	10.6.1.3 & A2673
LEGISLATION:	<i>Planning and Development Act 2005</i> <i>Local Government Act 1995</i>
AUTHOR:	Kaylene Roberts
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	4 October 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Council is requested to determine an application for signage at Lot 1/535 (1/51) Hackney Street, Kalbarri. A location plan is shown below.

LOCATION PLAN



The subject property is located within a commercial area and has an area of 76.75m². The building is located on property that includes the Gilgai Tavern, bakery, newsagent, butcher and 2 clothing boutiques.

The applicant recently purchased the building and has applied for signage for the new business and following a site inspection, it was identified by Shire officers that the signage was already in place.

The applicant is proposing 5 signs comprising a fascia sign to the front of the building being 4200mm by 2400mm, a portable sign being 600mm by 1000mm while the other 3 signs are located on the Shire verge and these are 2 corflute signs with an area of 600mm by 300mm and an A-frame being 600mm by 900mm which is attached to the power pole by a chain. A copy of the signage 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 was not advertised as it met the requirements of the Shire of Northampton Signage Policy. The retrospective nature of the application was identified during site inspections.

COMMENT (Includes Options):

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

The proposed application is therefore required to comply with the Shire of Northampton Local Planning Policy – Signage (the Policy).

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 with 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.*

An assessment against the above criteria is provided in the balance of this agenda.

Local Planning Policy – Signage

The application has been assessed against the Policy and the type of signs the application is proposing are:

Remote – Council will generally not support remote advertising or advance warning signs (other than a service or tourist sign), as this may lead to an undesirable precedent and proliferation of signage to the detriment of the amenity of the Shire;

Verandah – where a sign can be fixed to the fascia of the building and shall not exceed 600mm in depth and not project beyond the fascia.

Freestanding signs shall not:

- a) exceed 1m in height;
- b) exceed an area of 1m² on any side;
- c) not be erected in any position other than immediately adjacent to the building or business to which the sign relates; and
- d) be removed each day at the close of business to which relates and not be erected again until the business next opens for trading.

No more than 2 portables signs shall be erected in relation to the one building or business with only 1 portable sign to be located other than within the lot boundary.

After assessment of the signage against the above criteria, the verandah signage and freestanding signs are considered to be compliant. The proposed remote signage is not compliant and given this it is recommended that this aspect of the proposal be refused.

It is recommended that Council approve the verandah signage as well as one freestanding sign to sit adjacent to the business.

Retrospective Nature of Works

As stated above, the application before Council is retrospective in nature, with the applicant already having completed the work installing the new signage. The works have therefore been undertaken without the necessary planning approval for the works.

Notwithstanding that the installation of the signage 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 retrospective approval does not prohibit legal action being taken for contravention of the Scheme.

Legal Action Potential

Where development occurs without the prior consent of the local authority, an offence has been committed under Clause 218 of the *Planning and Development Act 2005*. Where an offence 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 the prior development approval in place, it is recommended that a modified penalty of \$500 is issued.

Conclusion

Given the proposed verandah and freestanding signage is not expected to have an impact on the amenity of the area and conforms to the provisions of the Scheme and Policy, the application is therefore recommended for retrospective approval subject of the two signs to appropriate conditions.

The issuing of a modified penalty of \$500 is also recommended given 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 of 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.

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 signage at Lot 1/535 (1/51) Hackney Street, Kalbarri in accordance with the plans and**

specifications at Attachment 9.4.4(1), subject to the following conditions:

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

Reference	Document Title	Date
1	Signage Details	14 August 2024

2. Notwithstanding the condition No 1 above, this approval relates to the proposed verandah and freestanding sign only and does not include approval to the additional remote signage detailed in the application.
3. The advertisement the subject of this approval is to be constructed of incombustible materials, to the satisfaction of the Shire of Northampton;
4. The portable sign is to be located so that pedestrian access is not impeded or be a hazard to vehicular traffic;
5. The sign hereby approved shall be located immediately abutting the premises so as to maximise the width of the available footpath to the satisfaction of the Shire of Northampton;
6. The portable sign to have a maximum dimension of 0.6m wide and 1.2m tall, excluding the frame;
7. The portable sign is to be displayed only during the hours that the business is open;
8. The sign shall be kept clean, free from unsightly matter and in good condition and presentation at all times;
9. The advertisements must not be illuminated, moving, pulsating, flashing, incorporate animation or movement into their design or structure, to the satisfaction of the Shire of Northampton.

Advice Notes:

1. If the 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 installation of signage being the subject of point A above, without the required prior development approval being obtained.**

ATTACHMENTS

- 1 ➡ Attachment No. 1 - Signage Details 4 Pages

ATTACHMENT

9.4.5 Application for Temporary Use of Caravan as Managers Residence - Lot 840 (No 14) Bridgeman Road, Kalbarri

PROPONENT OWNER	Mr J Jessop Jetrio Pty Ltd
LOCATION / ADDRESS:	Lot 830 (No 14) Bridgeman Road, Kalbarri
ZONE:	Special Use Zone
BUSINESS AREA:	Community, Development & Regulation
FILE REFERENCE:	10.6.1.3 & A138
LEGISLATION:	<i>Caravan Parks and Camping Grounds Act 1995</i>
AUTHOR:	Brian Robinson
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	7 October 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The subject land is a 3.0113ha property located on the southern side of Bridgeman Road, which has traditionally been developed and used as a Tourist attraction. Past uses have included Rainbow Jungle Bird Park and Parrotiso's Outdoor Cinema. A location Plan is shown below:

Location Plan



Infrastructure on the property, including the managers residence, was substantially damaged during Cyclone Seroja in April 2021. Whilst the majority of facilities on site have not reopened since, the cinema and on-site café

continued for a period, but have closed this year. Since then the owner has been attempting to find a lessee and some issues with damage and theft.

The owners, having had difficulties in identifying a lessee, have now decided to “bring Rainbow Jungle back to its former glory” themselves, creating a “new look Rainbow Jungle”.

To facilitate the redevelopment the owners are seeking approval to utilise a caravan to reside on-site, whilst works to complete repairs on the main residence are finalised. A sketch plan submitted in support of the request indicates that the caravan will be located on the grass area forming part of the previous cinema. An aerial photograph depicting the approximate location is shown attached.

ATTACHMENT: 9.4.5 (1)

Council is requested to determine the application as current Shire Policy does not grant the Chief Executive Officer delegation to approve the use of a caravan for Temporary Accommodation on the site.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

To assist Council in its determination of the request, the following comments and advice are provided:

Zoning

The provisions of the Shire’s Local Planning Scheme No 11 (the Scheme) include the subject land and the adjacent three lots within the Special Use Zone – Area No 9. In accordance with Schedule 3 of the Scheme, Lots 830, 831, 832 and 582 are identified as a Mixed Use Tourism precinct, where the following uses may be permitted:

Caravan Park	Caretakers Dwelling	Cinema/Theatre
Educational Establishment	Fast Food Outlet	Holiday Accommodation
Industry – Cottage	Motel	Recreation - Private
Restaurant	Serviced Apartment	Shop
Tourist Development.		

Zone Objectives

As detailed in Schedule 3 of the Scheme, the objectives for the land contained in Area No 9 are as follows:

- (a) *To facilitate the co-ordinated redevelopment of the precinct for Mixed Use Tourism purposes to provide for the broad accommodation and recreational needs of visitors and the recreational needs of residents;*
- (b) *To facilitate shared vehicular and pedestrian access between sites;*
- (c) *To facilitate shared parking between sites;*
- (d) *To facilitate the release of surplus land within the George Grey Drive road reserve for visitor and coach parking.*

Works to re-establish the outdoor cinema and the associated rainbow jungle are consistent with the objectives. As approval to the request will assist in facilitating the works required, the proposal is considered to be consistent with the intent of the zone.

Local Planning Policy

At its Ordinary Meeting held on 15 June 2018, Council adopted Local Planning Policy – Caravans for Temporary Accommodation. The objectives of the Policy being:

- 2.1 *To provide for and regulate the use of caravans for temporary accommodation purposes whilst building a residence.*
- 2.2 *To ensure that outbuildings are not used for habitable purposes;*
- 2.3 *To ensure that this type of temporary accommodation does not compromise the amenity of the area.*
- 2.4 *To ensure an acceptable standard of development (by way of building and health compliance) is achieved.*

The Policy prescribes that the use of caravans for temporary accommodation purposes should not be approved, but can be considered within the Rural-Residential, Rural Small Holdings and Rural zones. Where the proposed use of a caravan is consistent with the policy requirements, applications may be conditionally approved under delegated authority.

Whilst the proposal is consistent with the above objectives and the associated policy provisions, as Policy does not relate to the Special Use Zone, the application may only be approved at the discretion of Council.

Potential for Impact on Amenity

The proposed location is contained within a grass area, previously used for the outdoor cinema. The area is screened from public view by an existing and substantial limestone wall, with a series of palms located immediately adjacent to the western and eastern sides of the fence.

Given the screening available, the ablutions available within the old cinema area and the fact there are no neighbouring homes in close proximity, no detrimentally impacts are anticipated.

Caravan Parks and Camping Grounds Legislation

As identified in Item 9.4.7 of this agenda, the Western Australian State Government recently gazetted amendments to the *Caravan Parks and Camping Grounds Regulations 2015 (the Regulations)*. Amendments to the Regulations includes the granting local government the authority to approve the camping on private land for a period not exceeding 24 months.

Before granting an approval, the local government must have regard to the suitability of the site in accordance with clause 13 of the Regulations. The local government must be satisfied that the land is a suitable place for camping, especially with respect to “*safety and health*” and “*access to services*”.

In this case given the proposed location of the caravan is a grass area that is well screened from public view, with access to ablutions, it is considered that the area is a suitable place for camping as proposed.

Whilst the owners have indicated that the caretaker/managers residence will be completed in approximately 3 months, it is recommended that a period of 12 months be approved, allowing the owners to provide accommodation on-site for works associated with the renovations, if required.

Conclusion

Approval to the application will facilitate the renovations required to the existing caretakers/managers residence. Conditional approval to the application is recommended for the following reasons:

- (a) The proposal is consistent with the intent of Local Planning Policy – Caravans for Temporary Accommodation, albeit that the provisions do not apply to the Special Use Zone;
- (b) The proposed location, being screened from public view with required facilities available.

It is recommended conditional approval be granted for a period of up to 12 months.

STATUTORY ENVIRONMENT:

The application is to be determined in accordance with clause 11A of the *Caravan Parks and Camping Grounds Regulations*.

POLICY / STRATEGIC IMPLICATIONS:

Approval to the application as submitted would be consistent with the following key outcomes and objectives as outlined within the Shire of Northampton Strategic Community Plan 2020-2030:

	Key Outcomes	Objectives	Success Measures	Timelines
1.1.4	Support for visitor attractions and for community driven events-based and 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
5.1.3	To demonstrate a proactive approach to community and economic development, and service delivery.	Community engagement strategies in place and positive relationships with business and service providers.	Community satisfaction levels and level of interaction with business owners and service providers.	Ongoing.

ORGANISATIONAL RISK MANAGEMENT:

Refusal of the application could un-necessarily delay the owners in completing works on-site to re-open a significant tourist site to tourists and the local community. Should the application be refused, the applicant may make

application to the Minister for Local Government for approval in accordance with clause 11B of the Regulations.

The risks associated with approval of the application are considered to be insignificant.

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

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: The caravan is to be located on an existing grassed area with available services, no detrimental environment impacts are anticipated.

Economic: Approval to the application will facilitate essential renovations to the existing caretakers/managers residence.

Social: Approval to an on-site caretaker will ensure that the site does not remain unattended for significant periods and will facilitate the renovation of an important tourist facility for the Kalbarri community.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council pursuant to clause 11A of the *Caravan Parks and Camping Grounds Regulation*, grant approval to the placement of an on-site caravan as proposed subject to compliance with the following conditions:

1. This approval being valid for a period of 12 months;
2. Unless otherwise approved, the on-site caravan shall be located as in accordance with the site plan shown at Attachment: 9.4.5 (1);
3. The on-site caravan hereby approved shall only be occupied by a caretaker/manager and/or workers associated with the renovation of the existing residence and tourist facilities. The caravan is not to be occupied by persons not associated with the renovation works on-site;
4. The proposed caravan being connected to a potable water supply to the satisfaction of the Shire's Environmental Health Officer;
5. Ablutions shall be made available to the occupants of the caravan at all times;
6. Refuse created by the occupants of the caravan is to be disposed of via the Shire of Northampton refuse service; and
7. Following the removal of the caravan, which is to occur within 12 months from the date of this approval, the area occupied by the caravan shall be re-habilitated to the satisfaction of the Shire.

Advice to Applicant:

This approval may be revoked in accordance with clause 11A(5) of the Caravan Parks and Camping Grounds Regulations 1997.

ATTACHMENTS

- 1  Attachment No 1 - Proposed Location of Caravan 1 Page

**ATTACHMENT
APPENDIX**

9.4.6 Amendments to Caravan Parks and Camping Grounds Regulations 1997

PROPONENT	State of Western Australia
OWNER	All
LOCATION / ADDRESS:	All
ZONE:	All
BUSINESS AREA:	Community, Development & Regulation
FILE REFERENCE:	13.2.4
LEGISLATION:	<i>Caravan Parks and Camping Grounds Regulations 1997</i>
AUTHOR:	Brian Robinson
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	7 October 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The use of land for caravans and/or camping within Western Australia is regulated by the provisions of the *Caravan Parks and Camping Grounds Act 1995 (the Act)* and the associated *Caravan Parks and Camping Grounds Regulations 1997 (the Regulations)*.

On 7 August 2024, the Western Australian State Government gazetted the *Caravan Parks and Camping Grounds Amendment Regulations 2024 (the Amendment Regulations)*. The Amendment Regulations which came into effect on 1 September 2024, implemented the following changes to the existing Regulations:

1. Increase the penalty for occupying a park home outside of a licensed caravan park from \$3,000 to \$5,000;
2. Increase the fine for camping in non-compliance with Regulation 10 from \$1,000 to \$2,000;
3. Modify Regulation 11(1)(a) to increase the number of nights from 3 nights to 5 nights;
4. Introduce Regulation 11A which allows for a person to apply in writing to a local government for approval to camp private land for a period of up to but not exceeding 24 months, subject to identified conditions;
5. Remove the prerequisite for a building permit to be in place for camping more than 3 months;
6. Grant the right for a Local Government to revoke an approval granted under Regulation 11A where the conditions of approval have been breached;
7. Introduce Regulation 11B granting the Minister the ability to approve camping on private land in the event that the Local Government refuses or revokes an approval;

8. Introduce a penalty of \$2,000 where more than one caravan is being used to camp on a lot unless approval has been granted for more than one caravan;
9. Introduce a requirement for the suitability of land to be assessed with respect to safety and health and access to services;
10. Increase the penalty for failing to maintain a camp from \$2,000 to \$5,000;
11. Introduce a penalty of \$5,000 for failing to ensure a caravan or park home remains removable; and
12. Introduce revised modified penalties.

A copy of the *Amendment Regulations* as gazetted, are attached.

ATTACHMENT: 9.4.6 (1)

Council is requested to consider the implications of the now legislated amendments to the Regulations, with particular focus on all forms of camping on private land, including Temporary Accommodation. A copy of the current Local Planning Policy – Temporary Accommodation is appended.

APPENDIX: 9.4.6 (A)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

To assist Council in its understanding of the implications and possible responses from the Shire, the following advice is offered:

Increases in Penalties

The increase in penalties ensures that there is appropriate discouragement of people camping inappropriately. The increase in modified penalties provides will assist Shire Officers with enforcement.

Camping outside of Caravan Park/Camping Ground

Prior to gazettal of the *Amendment Regulations*, *Regulation 11* specified that other than at an approved caravan park or camping ground, a person may camp:

- a) For up to 3 nights in any period of 28 consecutive days;
- b) Up to 24 consecutive hours in a caravan or other vehicle in a roadside rest area;
- c) Up to 24 consecutive hours on a road in an emergency, unless to do causes a hazard to other road users;
- d) On land held by a State instrumentality in freehold or dedicated reserve, in accordance with the permission of that instrumentality; or
- e) On any unallocated crown land, or unmanaged reserve in accordance with the permission of the Minister or person authorised by the Minister to give permission.

The previous Regulation 11(2) granted authority for approval to be given to camp longer than 3 nights as follows:

- i) By the local government provided that approval would not result in the land being camped on for longer than 3 months in any period of 12 months; or
- ii) By the Minister where such approval would result in the land being camped on for longer than 3 months.

An exception to the above applied in that the local government was, under the previous clause 11(2)(a), able to approve up to a 12-month period where a building permit was in place. Council's Local Planning Policy – Caravans for Temporary Accommodation was previously adopted by Council in accordance with these provisions.

Amended Regulations

The amended provisions introduce a new clause 11A, which outlines that a person may apply in writing to a local government for approval to camp on land the person owns or has a legal right to occupy the land. In accordance with clause 11A(2), the local government may approve the person camping for a period *“not exceeding 24 consecutive months.”*

Clause 11A(3) outlines that the approval is subject to the following conditions-

- (a) *Any caravan or camp in which the person is camping on the land is maintained in such a condition that it is not a hazard to safety or health;*
- (b) *That the land is maintained in such a condition that it is suitable for camping, particularly in relation to –*
 - (i) *safety and health; and*
 - (ii) *access to services;*
- (c) *any other conditions specified by the local government in the approval.*

Where conditions of the approval are breached, the approval may be revoked by written notice to the holder of the approval. However, in accordance with clause (6) before revoking an approval, the local government must:

- (a) *give written notice to the holder of the local government's intention to revoke the approval unless, within 35 days after the notice is given, the holder shows cause why the approval should not be revoked; and*
- (b) *consider any written responses to the notice received from the holder during that period.*

Local Planning Policy - Temporary Accommodation

Prior to the *Amendment Regulations* an exception a limited approval to be granted to temporary accommodation in the form of a caravan provided that a building permit was in place for a habitable dwelling and construction was occurring.

The provisions of the *Regulations* have now been changed allowing local government to approve camping on private land for a period of up to 2 years. Whilst the requirement for this to be in association with a building permit has been removed, the provisions of the Shire's Local Planning Schemes and Local Planning Policy still apply these requirements.

Although the majority of the existing policy remains relevant, there is a need to review the current Local Planning Policy given the change in the maximum period. It is also recommended to revise the current Local Planning Policy to:

- a) Expand the application and content of the policy to address all non-commercial camping on private land;
- b) Recognise the use of park homes and other similar structures such as tiny homes for the purposes of temporary accommodation;
- c) Prohibit Camping on vacant land within the Townsites;
- d) Ensure clear guidelines for assessing applications to camp for a period of more than 5 days, or for more than one caravan/camp; and
- e) Remove the need for payment of a bond where approval to Temporary Accommodation is granted in association with a Building Permit;

A substantial revision of the Policy is therefore required. Further advice and commentary regarding a review of the Policy is provided in the balance of this agenda item.

Camping on Private Land

Where a dwelling exists, a person or persons camping in a caravan, other vehicle or a tent can be considered incidental to the use of the dwelling. Persons staying on the property would have access to the ablutions available within the dwelling.

Notwithstanding this, a right to camp in such circumstances is now limited to a maximum of 5 nights for a single caravan or camp. Approval being required for any longer period or more than a single caravan/camp. Previously this was limited to 3 nights. As outlined above, it is now also possible for approval to be sought for a period of up to 24 months.

It is recommended that modification of the current Local Planning Policy is required in order to:

- i) guide the assessment of applications that seek approval for more than 5 nights, or more than one caravan/camp;
- ii) outline those circumstances where camping on private land is prohibited.

It should be noted that Shire Officers regularly receive enquiries regarding the potential placement of a Tiny Home on Wheels on private land. As they are constructed on a wheeled chassis they are in fact classified as a caravan or park home. Occupation of a tiny home is considered camping unless a Building Permit has been issued to classify the building as a Class 1- Dwelling.

Camping on Private Vacant Land

There are a number of considerations when it comes to camping on vacant land, particularly when that land is within a townsite. For example when there is no dwelling on a property, infrastructure including ablutions connected to reticulated sewerage or on-site effluent disposal do not normally exist. Wastewater and waste disposal are primary considerations when extended camping is proposed.

From a land use planning perspective, in the absence of other land uses, the activity is no longer incidental with the camping becoming the predominant land use. For example where that camping occurs on vacant residential land within a townsite.

Outside of townsites, the camping may not be considered the predominant use given other activities being undertaken on the property, such as farming.

Other considerations within townsites include:

- a) Potential Impact on amenity of the area, including but not limited to the amenity and streetscape;
- b) Compliance with other applicable legislation such as the Shire's *Health Local Laws 2007*, which stipulate minimum standards for habitable buildings including wastewater and refuse disposal, water supply and the need for ablutions connected to an appropriate effluent disposal system.

Land Use Classification

Currently the provisions of the Shire's Local Planning Scheme provide a land use definition for a Caravan Park, being as defined in the section 5(1) of the Act. The Scheme's do not however identify a definition for camping on private land where there is no commercial aspect to the activity (i.e. no fees or the like payable).

In accordance with clause 18(4) of Local Planning Scheme No 10 and clause 3.3.4 of Local Planning Scheme No 11 (Kalbarri Townsite):

The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table –

- a) *determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or*
- b) *determine that the use may be consistent with the objectives of a particular zone and give notice under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or*
- c) *determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.*

Proposed Land Use Definition

In order to provide clear regulation regarding when it is acceptable to camp, it is recommended that the following land use definition be adopted:

Camping – Private: means the use of private vacant land for non-commercial camping in accordance with the Caravan Parks and Camping Grounds Regulations 1997, with specific reference to Sections 11, 11(A), 11B and 12.

Consistency with Zone Objectives

As required in clause 18(4) of Local Planning Scheme No 10 and clause 3.3.4 of Local Planning Scheme No 11 (Kalbarri Townsite), where a use not listed is identified, the local government must consider the compatibility of the use with the zones applied by the Scheme.

Shire Officers have completed an analysis of the zone objectives within Local Planning Scheme No 10 – Northampton District and Local Planning Scheme NO 11 – Kalbarri Townsite. From this assessment, it is recommended that the land use camping-private would not be compatible with the following zones:

- Residential Zone (LPS 10 & 11)
- Special Residential Zone (LPS No 11)
- Centre Zone (LPS No 11)
- Commercial Zone (LPS No 10 & 11)
- General Industry Zone (LPS No 10 & 11)
- Mixed Use (LPS No 11)

A copy of the objectives for the above zones is shown attached.

ATTACHMENT: 9.4.6 (2)

It is considered that Camping-Private is a use that could be consistent with the intent of all other zones.

Conclusion

There is need to significantly review current Local Planning Policies as a result of recent amendments to the *Caravan Parks and Camping Grounds Regulations 1997*. In particular Local Planning Policy Caravans for Temporary Accommodation will require adjustment as detailed in the Comment section above.

In the interim, it is recommended that adopt a land use definition – Camping Private in respect of non-commercial camping activities on vacant and determine those zones where the activity would not be consistent with the objectives of the zone.

STATUTORY ENVIRONMENT:

The provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* and *Caravan Parks and Camping Grounds Regulations 1997* are relevant to the matter.

POLICY / STRATEGIC IMPLICATIONS:

As outlined within the comment section of this agenda item.

ORGANISATIONAL RISK MANAGEMENT:

Failure to adjust current Policy to take into account amendments to the Caravan Parks and Camping Grounds Act could result in substantial embarrassment and some temporary non-compliance. The risk of not proceeding would be classified as Moderate.

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

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Failure to prevent camping on vacant residential land can lead to the inappropriate disposal of waste and waste water.

Economic: Nil.

Social: Significant visual and other impacts can result from camping on vacant land within the townsite.

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

That Council:

- In order to respond to the now gazetted provisions of the Caravan Parks and Camping Grounds Amendment Act, request that the Chief Executive Officer arrange for the review and expansion of the current Local Planning Policy – Temporary Accommodation to address all forms of non-commercial camping that may occur on private land within the Shire;**

2. Determine that the use of private land for non-commercial camping is an incidental use to the residential use of a property where that property contains an existing dwelling and use of the caravan is related to occupants of that dwelling. As such no further approval is required for camping a maximum of 5 nights in any 28 day period is required.
3. Determine that the land use of camping on vacant private land does not reasonably fit within the current land use definitions contained within Local Planning Scheme No 10 – Northampton District and Local Planning Scheme No 11 – Kalbarri Townsite.
4. Resolve to adopt the following definition for camping under the Shire’s Local Planning Schemes:

Camping – Private: means the use of private vacant land for non-commercial camping in accordance with the Caravan Parks and Camping Grounds Regulations 1997, with specific reference to Sections 11, 11(A), 11B and 12.

5. Determine that the use of Camping - Private is not consistent with the objectives of the following Zones:
 - Residential Zone (LPS 10 & 11);
 - Special Residential Zone (LPS No 11);
 - Centre Zone (LPS No 11);
 - Commercial Zone (LPS No 10 & 11);
 - General Industry Zone (LPS No 10 & 11); and
 - Mixed Use Zone (LPS No 11).
6. Determine that the use of Camping – Private may be compatible with all other zones.

ATTACHMENTS

- | | | |
|------------|---|-------------|
| 1 ⇨ | Attachment No 1 - Copy of Amendments | 13
Pages |
| 2 ⇨ | Attachment No 2 - Zones Not Compatible with Camping-Private | 2 Pages |

APPENDICES

- | | | |
|------------|-------------------------------------|---------|
| A ⇨ | Appendix A - Copy of current Policy | 4 Pages |
|------------|-------------------------------------|---------|

ATTACHMENT

9.5.1 Building Approvals Report September 2024

PROPONENT OWNER	Shire of Northampton
LOCATION / ADDRESS:	Whole of Shire
ZONE:	Northampton and Kalbarri
BUSINESS AREA:	Building
FILE REFERENCE:	N/A
LEGISLATION:	Local Government Act 1995 Building Act 2011 Building Regulations 2012
AUTHOR:	Michaela Simpson
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	7 October 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

This report had been produced to assist Council understand the Building and Demolition Permits approved and issued for the period of 01 September 2024 to 30 September 2024

ATTACHMENT: 9.5.1(1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

During September 2024, four (4) 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 September 2024 in accordance with Attachment: 9.5.1 (1).

ATTACHMENTS

1 [↗](#) Building Approvals September 2024

ATTACHMENT**9.6.1 Proposed Kalbarri Open Air Music Festival 4 & 5 April 2025**

PROPONENT	Jamart Sound Lounge – Mr Ersh On & Ms Kimberley Zehra
OWNER	<i>Shire of Northampton</i>
LOCATION / ADDRESS:	<i>Kalbarri Oval & Kalbarri Sport & Recreation Centre</i>
ZONE:	<i>All</i>
BUSINESS AREA:	<i>Environmental Health</i>
FILE REFERENCE:	11.1.10 & 11.1.2
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Wendy Dallywater
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	7 October 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Following the success of the inaugural “Kalbarri Open Air” Music Festival (KOA) held on Friday 15 & Saturday 16 March 2024, the applicants have submitted a Medium & Large Event Application Form with Event Site Layout Plan. Copies of the application and plan are shown as Attachment numbers 1 and 2 respectively.

ATTACHMENT: 9.6.1 (1)**ATTACHMENT: 9.6.1 (2)**

By way of summary, approval is sought to hold a 2-day music festival between 2pm – 10pm on the Kalbarri Oval and include the Kalbarri Sport & Recreation Centre on Friday 4 and Saturday 5 April 2025. This will be a family event open to all age groups. It is a ticketed event with people able to purchase tickets on-line before hand or at the gate on the day. Children under 18yrs of age must be accompanied by an adult as there is a licensed area at the event

The event will be the run the same as the 2024 event with 14 artists/bands playing original music and 2 artists/bands playing cover music, and recorded music will be streamed in between sets. The line-up of artists/bands will be a little different from earlier this year with organisers taking on-board comments that some of the music was not right for the Kalbarri audience.

The Kalbarri Sport & Recreation Committee has again been asked to operate a bar within the Kalbarri Sport & Recreation Centre. Temporary fencing will be erected to demark the licensed area. Event security will probably be provided by Hi-lite Security from Geraldton. Free drinking water will be provided via water dispensing units supplied by the Water Corporation. There will be a number of food vans present to supply food and soft drinks to those people at the festival. The food vans will be located on the oval just outside the fenced area and near the entrance to the event. Jamart Sound Lounge will also

arrange for 4 portable toilets to be located near the entrance and food vans which will be serviced by the supplier during each day/evening.

On the oval there will again be the stage; a small tent behind the stage to shade band equipment; a small tent for the sound controller and mixing desk equipment; a tent for the first aid station; a tent for merchandise sales; and 2 tents for shade that members of the audience can use. People attending the event can either stand or sit on folding chairs or rugs to watch the bands play. Earlier this year the majority of people sat on the grassed slope in front of the Sport & Recreation Centre.

Jamart Sound Lounge is expecting up to 1,000 people at the festival at any one time. Jamart Sound Lounge will again be speaking to the accommodation businesses nearby about the festival and will encourage those looking to travel and attend the event to stay at one of these accommodation businesses so that there is not the need for people to drive to the event. There will be a couple of Disabled car parking places outside the Sport & Recreation Centre.

Jamart Sound Lounge has asked that the Shire again treat the grass on the oval for ticks before the festival, and supply additional rubbish bins and empty them on Saturday morning ready for that day's event.

PUBLIC CONSULTATION UNDERTAKEN:

No public consultation was undertaken. It should be noted that following the 2024 event, no complaints were received during or after the event. When the accommodation businesses nearby were contacted to find out if their guests had complained about the noise, there was only one person who had complained but it was not clear if it was due to the noise from the festival, band members or those attending the festival moving backwards and forwards between the venue and the accommodation premises.

COMMENT (Includes Options):

The only difference between this application and the festival held earlier this year, is the orientation of the stage. In 2024, the stage was facing towards Tudor Caravan Park while in this application the stage will be facing the Sport & Recreation Centre. This will be better for the audience members who sit on the verandah and patio and the grassed slope outside the Sport & Recreation Centre to see the artist/bands playing and feel like they are part of the event.

The festival held earlier this year commenced at 2pm and finished at 10pm with the bar also finishing at 10pm each evening. The event security guards ensured that people did not hang around at the Sport & Recreation Centre or on the oval very long with everyone leaving the site within 20 minutes from the last song finishing.

The sound level earlier this year was reasonable and as long as the sound controller is monitoring the sound level to ensure that it is around 90dBA at approximately 80m away for the stage, then the noise level should be satisfactory.

Jamart Sound Lounge is keen to receive advice that the proposed music festival can proceed in 2025 so that they can commence formal organising and advertising the event.

STATUTORY ENVIRONMENT:

In accordance with clause 3.54 of the *Local Government Act 1995* – Reserves under control of local government:

(1) If land reserved under the Land Administration Act 1997 is vested in or placed under the control and management of a local government, the local government may do anything for the purpose of controlling and managing that land that it could do under section 5 of the Parks and Reserves Act 1895 if it were a Board appointed under that Act to manage and control the land and for that purpose a reference in that section to a by-law is to be read as a reference to a local law.

POLICY / STRATEGIC IMPLICATIONS:

Approval to the application as submitted would be consistent with the following key outcomes and objectives as outlined within the Shire of Northampton Strategic Community Plan 2020-2030:

	Key Outcomes	Objectives	Success Measures	Timelines
1.1.4	Support for visitor attractions and for community driven events-based and 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
5.1.3	To demonstrate a proactive approach to community and economic development, and service delivery.	Community engagement strategies in place and positive relationships with business and service providers.	Community satisfaction levels and level of interaction with business owners and service providers.	Ongoing.

ORGANISATIONAL RISK MANAGEMENT:

The associated risk with this event would be someone having a medical injury that required more than First Aid treatment. It is a music family event for all ages; people can get up and dance to the music; there will be a licensed area; there will be security for the event area and the licensed area. 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 financial impact for Council will be the spraying of the Oval for ticks prior to the event occurring – approximately \$2,400.00 incl GST. With spraying already required on annual basis (minimum) there is no additional costing depending on timing of the treatment. Funds have been allocated in the 2024/2025 Shire Budget for the annual spray treatment of the Kalbarri Oval for ticks and ants which will cover this cost.

Additional rubbish bins will be provided for the event, the emptying of these bins and disposal of waste at the landfill site, and taking the additional bins back to the Shire Depot – approximately \$1,000.00. The cost for the handling of the rubbish bins for this event will be part of staff's daily duties.

SUSTAINABILITY:

Environmental: Nil

Economic: The holding of this event earlier in 2024 saw increased business to accommodation businesses and food outlets, and it provided a means of raising funds for the Kalbarri Sport & Recreation Committee.

Social: It is a social event for locals as well as visitors who want to see live music events.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

Grants approval to Jamart Sound Lounge of Perth to hold a 2-day music festival called “Kalbarri Open Air” on Friday 4 and Saturday 5 April 2025 on the Kalbarri Oval and including the Kalbarri Sport & Recreation Centre as per their Event Application and the Event Layout Plan shown at Attachments: 9.6.1 (1) & 9.6.1 (2).

ATTACHMENTS

1 ➡	Attachment No 1 - Event Application and Support Documents	30 Pages
2 ➡	Attachment No 2 - Proposed Music Festival Site Layout	1 Page

APPENDIX

9.6.2 Temporary Approved Site for Bean Drifting Mobile Food Van to Trade Due to Jake's Beach Remediation Works

PROPONENT	Bean Drifting Mobile Food Van – Mr & Mrs Martin & Judy Phyland
OWNER	Shire of Northampton
LOCATION / ADDRESS:	<i>Murchison River Foreshore Area</i>
ZONE:	<i>All</i>
BUSINESS AREA:	<i>Environmental Health & Planning</i>
FILE REFERENCE:	7.1.12 & 10.6.1.3
LEGISLATION:	<i>Kalbarri Town Planning Scheme & Mobile Food Vehicle Local Planning Policy</i>
AUTHOR:	Wendy Dallywater
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	7 October 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

On 19 September 2024 the author received a telephone call from Mrs Judy Phyland of Bean Drifting mobile food van raising concern that due to the remediation works occurring at Jake's Beach car park more people are parking in the slip-lane pull-in off Red Bluff Road / George Grey Drive, Kalbarri nearly opposite the Bridgeman Road intersection. While some of those who are parking in this slip-lane may purchase refreshments from the food van, most are parking there as it is the closest parking area to access Jake's Beach.

During the School Holidays the slip-lane became very congested and dangerous for pedestrians walking between cars and the food van. On Wednesday 25 September Mrs Phyland visited the Kalbarri Office and again raised her concerns regarding this issue and asked if Bean Drifting could temporarily trade somewhere else where they would receive passing trade.

Initially Mrs Phyland wanted an alternative location to trade only during the School Holidays. However, as this slip-lane is the closest point where people can park their vehicles and access Jake's Beach, this requirement really needs to be considered for the duration of the remediation works.

The Executive Manager of Works and Technical Services has advised that the remediation works at Jake's Beach will continue through to approximately Christmas 2024.

PUBLIC CONSULTATION UNDERTAKEN:

No public consultation have been undertaken due to the time limitation to act in regards to this matter.

COMMENT (Includes Options):

Bean Drifting relies on passing trade and those locals who know where and when they are open. If Bean Drifting were granted temporary approval to operate from now until the end of December 2024 at an alternative location, this would reduce the congestion in the slip-lane and reduce the dangers for vehicles and pedestrians moving through and about the slip lane.

Bean Drifting was approved to operate as a mobile food vehicle from the Jake's Beach car park or the slip lane off Red Bluff Road, Kalbarri approximately 11 years ago. In recent years Bean Drifting applied to operate in additional locations and has approval to operate from the grassed area at Sally's Tree and the large car park opposite Clotworthy Street, Kalbarri but only from 8:30pm to 12:30am. Bean Drifting currently wish to trade in the morning so they are limited to Jake's Beach car park and the nearby slip-lane.

The only place to be visible and receive passing trade is to trade somewhere along the Murchison River foreshore such as the two locations where night time trade has been approved (refer above). These locations are consistent with the Shire's Mobile Food Vehicles Local Planning Policy 2019.

Under the Mobile Food Vehicle Local Planning Policy part 3.4.3.(a) it is stated that a mobile food vehicle should not operate within 50m of a food business or 500m of food business selling the same or similar products. Local businesses near or within a 500m radius of Sally's Tree that open in the morning and serve coffee are Little Leaf (previously Riverview Café and Angie's Café) and Red Bluff Bakery/Café. A little further north you have Pelican Café, plus Kat-A-Chino mobile food van in the Small Boat Hire Car Park.

There are significantly less local businesses located near the large carpark opposite Clotworthy Street, with a single café being the Gorges Café, being between 150 and 250m from the carpark. The BP Service Station has a coffee machine only not a barista coffee machine.

The Policy also states in part 3.4.1 that there should not be more than two food vehicles operating from the same site. Currently no mobile food vehicle operate from the grassed area at Sally's Tree other than when the Kalbarri Community Markets are operating, and in the large car park opposite Clotworthy Street currently Mr Russell Smith / The Jetty Fish Truck operates during the day (morning and afternoon) at this site.

Having regard to the number of businesses in close proximity it is recommended that temporary approval be granted for the use of the southern end of the Clotworthy Street carpark.

STATUTORY ENVIRONMENT:

Mobile Food Vehicles Local Planning Policy made under the Planning and Development (Local Planning Schemes) Regulations 2015; the Shire of Northampton Local Planning Schemes: No. 10 - Northampton District; and No. 11 - Kalbarri Townsite ('the Scheme').

Part 3.4 of this Policy which deals with the location and siting of mobile food vehicles is the most relevant part of the Policy regarding this situation and it is copied below. A copy of the Policy is Appended.

APPENDIX: 9.6.21 (A)

As outlined at clause 3.4.5 of the Policy “The Shire of Northampton reserves the right to make any approved location unavailable for a set period of time, for works to be undertaken at or near the location or for any other reason the Shire deems necessary.”. Notwithstanding this, it is recommended that Council consider approving the alternative location given the significant period over which recovery works at Jakes Point will be undertaken.

POLICY / STRATEGIC IMPLICATIONS:

Approval to the application would be consistent with Economic Objective 1.1.2 - Strategic Community Plan 2020-2030 being:

Maintained or increased businesses across towns and locations of the Shire for economic and employment benefits.

ORGANISATIONAL RISK MANAGEMENT:

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:

Bean Drifting currently pay a 3-yearly lease to operate from their approved locations of the Jake's Beach car park and the slip-lane off Red Bluff Road. Kalbarri.

Whilst the applicants trading figures may be are significantly reduced as a result of their inability to trade as normal, no financial compensation would be due, given that:

- a) As resulted within Local Planning Policy – Mobile Food Vendors, the Shire reserves the right to make any approved location unavailable for a set period of time;
- b) The works being undertaken being recovery works which must be completed within timeframes not under the control of the Shire.

SUSTAINABILITY:

Environmental: Nil

Economic: This is an existing and approved mobile food vendor who wants to provide a service to tourists and locals.

Social: The business provides a service to tourists and locals alike and showcases one of the natural landscapes around Kalbarri.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

Grants temporary approval to Mr & Mrs Martin & Judy Phyland / Bean Drifting mobile food vendor to operate from the southern end of the large carpark opposite Clotworthy Street, Kalbarri from today until 30 December 2024 or until the cyclone recovery works at Jakes Point are completed and they can resume trading from their currently approved location.

APPENDICES

A⇒ Mobile Food Vehicle Local Planning Policy 2019 12 Pages

ATTACHMENT**9.7.1 Proposed Policy - Keeping of Additional Dogs and Cats within Shire of Northampton**

PROPONENT	Shire of Northampton
OWNER	All
LOCATION / ADDRESS:	All
ZONE:	All
BUSINESS AREA:	Ranger Services
FILE REFERENCE:	4.3.1
LEGISLATION:	<i>Dog Act 1976 & Cat Act 2011</i>
AUTHOR:	Brian Robinson
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	20 September 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Shire of Northampton Dog Local Law 2017 (Dog Local Law) stipulate that the limits on the number of dogs that may be kept on any premises are as follows:

- (a) *2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated in a town-site; or*
- (b) *4 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated outside of a townsite.*

The above limitations do not apply to an approved kennel establishment, or to premise where an exemption has been granted under section 26(3) of the *Dog Act 1976 (Dog Act)*.

With respect to cats, the Shire's Health Local Laws 2007 (Health Local Law) identifies that without an exemption in writing, a maximum of 3 cats are permitted over the age of 3 months old may be kept on premises on any land within the district. As outlined in the Health Local Law, this restriction does not apply to veterinary purposes, a pet shop or an approved cattery.

It is recommended that Council adopt a Policy to provide guidance to applicants and Shire Officers regarding the assessment of applications to keep more than the prescribed number of animals. A copy of a draft Council Policy is attached for Council's consideration.

ATTACHMENT: 9.7.1 (1)**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

COMMENT (Includes Options):

To assist Council in its consideration of the draft policy, the following comments are provided:

Registration of Animals

Both dogs and cats must be registered in accordance with the provisions of the Dog Act and the *Cat Act 2011 (Cat Act)*.

Maximum Number of Dogs

Clause 3.2(2) of the Shire's *Dogs Local Law 2017* stipulates that the limit on the number dogs for the purposes of Section 26(4) of the Dog Act, are as follows:

- (a) 2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated in a town-site; or
- (b) 4 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated outside of a townsite.

As stated at clause 3.2(1) this restriction does not apply to an approved kennel establishment or to premises where an exemption has been granted under section 26(3) of the Dog Act.

With respect to Dangerous Dogs, clause 26(4) of the Dog Act stipulates that with the exception of licensed kennels, no person shall keep more than 2 dogs of a declared or restricted breed or animal. This restriction cannot be varied by local government.

Maximum Number of Cats

Clause 5.2.4 of the Shire's Health Local Law states that *"a person shall not, with an exemption in writing from the Council, keep more than 3 cats over the age of 3 months on premises on any land within the district."* Clause 5.2.4 (6) and (7) this limitation does not apply to on premises used for veterinary purposes, a pet shop or an approved Cattery.

Local Planning Scheme Provisions

The provisions of Local Planning Scheme No 11 (the Scheme) identify that premises use for the purposes of breeding animals for commercial purposes fall within the land use definition of Animal Establishment, which is:

"means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal-husbandry – intensive, or veterinary centre."

An animal establishment is identified in Table 2 of the Scheme as being:

- (i) An "A" use within the General Industry Zone. That is a use which not permitted unless approved by after advertising of the proposal;
- (ii) A "P" use within the Rural Zone. That is a use that is permitted subject to compliance with development standards; and
- (iii) Prohibited in all other zones, including the Residential Zone.

Within Kalbarri, the provisions of Local Planning Scheme No 10 identifies that an Animal Establishment is:

- (i) An "A" use within the General Industry and Rural Zones; and

- (ii) Prohibited in all other zones, including the Residential Zone.

Having regard to the this, where a person is seeking an exemption to the maximum number of animals for the purpose of breeding, that use is classified as an Animal Establishment. Applications for the keeping of additional dogs or cat for the purpose of breeding should not be supported where an animal establishment is prohibited (i.e. Residential Zones).

Acceptable Reasons for Keeping Additional Animals

Local Governments in Western Australia typically grant exemptions to the maximum number of dogs or cats for various reasons. Acceptable Reasons for having more animals generally include:

- a) The premises have been approved as Animal Establishment/Kennel;
- b) A sudden family emergency where a dog/cat has been inherited;
- c) The merging of two households;
- d) To replace an elderly or sick animal that is not expected to live;
- e) Where the owners/residents can demonstrate that they had approval in another local authority.

The above said, approval is usually based on the premises and the type of animals being acceptable. The draft policy has been prepared, reflecting that the above reasons are considered acceptable reasons for making an application to keep more than the prescribed number of dogs. The draft policy also identifies the criteria for assessing the premises when an application is received. Further information on these criteria is provided below.

Unacceptable Reasons

It is generally recognised that the following reasons do not provide justification for the keeping of additional animals:

- a) For the specific purpose of breeding unless the applicant is a registered breeder and/or the premises are approved as a kennel/animal establishment;
- b) An unanticipated increase in animals due to uncontrolled breeding;
- c) Wanting to keep puppies/kittens from litters that have not been disposed of within three months of being born; or
- d) A family member or third party (i.e. boarder) moving into the property bringing an additional animal with them.

Approval to applications on the above grounds should be avoided to ensure undesirable precepts being created. As reflected within the draft Policy, approval for such reasons may only be granted by Council.

Suitability of Premises

The assessment of an application needs to include consideration as to whether the proposed premises are in fact suitable. Considerations should include, but not be limited to, the breed of the animal, fencing, yard condition and size.

Breeding

In accordance with the provisions of the *Dog Amendment (Stop Puppy Farming) Act 2021* people who wish to breed from their dog will need to apply for an Approval to Breed. Where an approval is granted to breed, the breeder will have a right to have a minimum of 2 dogs at any one time, each being capable of breeding. Approval to Breed does not convey a right to have more than the prescribed number of dogs and exemptions to the prescribed number will be required where the breeder seeks to have more animals.

In terms of Cats, Section 18 of the Cat Act mandates that all cats over six months of age must be sterilised, unless:

- i) A certificate given by a veterinarian stating that sterilisation may adversely affect the health and welfare of the cat;
- ii) The cat is owned, for breeding purposes by an approved cat breeder; or
- iii) The cat belongs to a class of cats prescribed as exempt from sterilisation.

Complaints

In the event that complaints are received, or a nuisance results, local government has the right to revoke or amend any permit for more than two dogs under clause 26(3) of the Dog Act.

With respect to Cats, the Health Local Laws do not identify a specific ability to revoke or amend an exemption. It is recommended that appropriate conditions be imposed to prevent a nuisance and allow an exemption to be revoked should non-compliance with the conditions occur.

Amnesty Period

Should Council adopt the policy as proposed, it is recommended that Shire Officers undertake an advertising campaign encouraging members of the public keeping more than the prescribed number of animals to come forward and make application. It is further recommended that this be treated as an amnesty period, with no action being taken where the owners are co-operative.

The above said, it should not be assumed that approval will be granted.

Conclusion

In accordance with the legislative framework, there are limitations on the number of dogs or cats that may be kept on a premises 'as of right'. There is however, also a right for any person to apply for an exemption to the prescribed limit.

Adoption of a Policy is recommended to ensure that there is adequate guidance to both applicants and Shire Officers on the assessment criteria for applications for the keeping of additional animals.

STATUTORY ENVIRONMENT:Dog Act 1976 (as amended)

In accordance with Section 26(1) of the Dog Act, up to two dogs may be kept on any premise 'as of right'. As detailed in section 26(2) of the Act, local government may through the making of a local law limit the maximum number of dogs that may be permitted.

Pursuant to this clause, the Shire of Northampton Dog Local Law limits the number of dogs over the age of 3 months to 2 per premises within townsites and 4 dogs on premises outside of town-sites. Notwithstanding this, an exemption from these restrictions can be granted through:

- a) Licensing the premises as a kennel, where an 'animal establishment' can be approved under the Local Planning Scheme; or
- b) An exemption to the maximum numbers under section 26(3) of the Dog Act, which states:

(3) Where by a local law under this Act a local government has place a limit on the keeping of dogs in any specified area, but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises, but any such exemption –

- (a) may be made subject to conditions, including a condition that it applies only to the dogs specified therein;*
- (b) shall not operate to authorize the keeping of more than 6 dogs on those premises; and*
- (c) may be revoked or varied at any time.*

POLICY / STRATEGIC IMPLICATIONS:

The Shire currently has no policy to guide the preparation, lodgement or assessment of applications for approval to keep more than the prescribed number of dogs or cats at a premises. Adoption of a Policy is strongly recommended to provide guidance to both applicants, Shire Employees and Councillors on such applications.

ORGANISATIONAL RISK MANAGEMENT:

In the majority of circumstances, the keeping of more than the prescribed number of dogs or cats is brought to the attention of the Shire through complaints. Notwithstanding that action can be taken in respect of the non-compliance, the legislative framework permits applications for additional animals to be made.

Adoption of a policy to ensure the consistent assessment of applications for exemptions is considered essential to mitigate potential risks to the community and Shire organisation. In the absence of a Policy, there is a moderate risk to the organisations reputation as applications may not be considered and determined in a consistent manner.

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

FINANCIAL IMPLICATIONS:

Should Council adopt the Policy as recommended, inspections of premise and a public consultation process will be required. In order to offset these costs, it is recommended that Council consider imposing an application fee as part of the 2025/26 annual budget process.

SUSTAINABILITY:

Environmental: Approval to keep more than the prescribed number of dogs and/or cats may have potential to impact on the environment unless appropriate management arrangements are in place.

Economic: Persons seeking to keep additional animals for the purpose of breeding are generally seeking additional economic benefit.

Social: The keeping of additional animals can impact on the amenity of an adjacent property through noise, odour

VOTING REQUIREMENTS:

SIMPLE MAJORITY


OFFICER RECOMMENDATION:

That Council:

- 1. Adopt Council Policy – Applications to Keep Additional Dogs or Cats as shown at ATTACHMENT: 9.7.1 (1);**

2. Give consideration to the imposition of an application fee as part of the Schedule of Fees and Charges to be adopted as part of the 2025/26 annual budget process.

ATTACHMENTS

- | | | |
|---|---|------------|
| 1  | Draft Ranger Policy - Applications for Keeping More Dogs and Cats | 4
Pages |
|---|---|------------|

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

PROPONENT	Executive Manager of Works and Technical Services
OWNER	N/A
LOCATION / ADDRESS:	Whole of Shire
ZONE:	All
BUSINESS AREA:	Office of Executive Manager of Works and Technical Services
FILE REFERENCE:	N/A
LEGISLATION:	N/A
AUTHOR:	Tina Souroup
APPROVING OFFICER:	Neil Broadhurst
DATE OF REPORT:	26 September 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

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

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):Specific Road Works

- Maintenance grading carried out on Murphy, Warribanno – Chimney, Ajana Back, Johnson, Olivia, Olivier, Hatch, Sudlow, Coolcalalaya, Horry, Elliot, Baddera, Balla Whelara, Murchison House Station, Kalbarri Tip, Teakle, Isachar Back, Wundi, Chisholm, Harvey, Bowes Springs, and Northampton Tip Road/s.
- Gravel Patching- Unsealed Roads (not potholes)/ Sheeting/Verge works carried out on Parker, Chilimony, Johnson, Coolcalalaya Ogilvie West, Ajana Back, and Anchorage Lane Road/s.
- Culvert repair carried out on Warribanno – Chimney, Ajana, and Ogilvie West Road/s.

Maintenance Items

- General – Various signage and road furniture works.
- General – Potholes and edges various locations.
- General – Northampton and Kalbarri – Various tree lopping/vegetation works for road verge and Western Power line clearance.
- General – Rain event works. Drainage clearance prior to and after.
- General – Public ablution septic pump outs for all public ablutions.
- General – Contract dozer in shire undertaking gravel pushup/stockpile works.
- Rainfall Event/s – 28 September 2024 to 8 October 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

- Warribanno Chimney Road – “Closed to all traffic” 30 June 2024. (Remains closed at date of report).
- Coolcalalaya Road – open to all traffic” 24 September 2024.
- Northampton received 11.6 mm rainfall for September 2024 and 22.4 mm for October 2024 to date.
- Kalbarri received 2.4 mm rainfall for September 2024 and 11.7 mm for October 2024 to date.
- Management undertaking assessment of damage to infrastructure following rainfall events from June to October 2024.
- Preliminary Event Notification (PEN) information has been submitted for the following dates: PEN 1. 2 June 2024 to 18 August 2024, PEN 2. 6 June to 10 June 2024. PEN 3. 26 June to 30 June 2024. PEN 4. 07 July to 11 July 2024. GHD Consultants are compiling Event/Damage Assessments for the Network area that will form the financial assessment part of the submission.

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 continue with NEO Civil granted “Possession of Site”.

Plant Items

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

Due for delivery November/December 2024. Retaining Maintenance Vehicle for spare. Needed for extra Parks and Gardens staff.

Staff Items

- Vacant positions to be advertised.
1 x Water Custodian (Port Gregory).

Vacant positions Advertised

- 1 x Full Time Parks and Gardens Officer (interviewed Thursday 03 October)

A copy of the Executive Manager of Works and Technical Services – Works Crew Budget – Program and Progress Report, October 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 an 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
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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:

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 October 2024. In accordance with attachment 9.8.1 (1).

ATTACHMENTS

1 ➡ Works Program October Progress Report 7 Pages

10. LATE REPORTS:

11. QUESTIONS FROM MEMBERS:

11.1 Response to questions from members taken on notice.

11.2 Questions from members.

12. MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING:

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

14. APPLICATIONS FOR LEAVE OF ABSENCE:

15. CLOSURE:

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