



MINUTES

COUNCIL MEETING

21 NOVEMBER 2024

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SHIRE OF NORTHAMPTON

Minutes of the Ordinary Meeting of Council held in the Allen Centre, Kalbarri, Thursday, 21 November 2024.

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS:

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

2. ANNOUNCEMENTS BY THE PRESIDENT:

Acknowledgement of Country

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

3. ATTENDANCE:

PRESENT:

Councillors

Cr Liz Sudlow (Shire President)

Cr Rob Horstman (Deputy Shire President)

Cr Richard Burges

Cr Trevor Gibb

Cr Tim Hay

Cr Des Pike

Cr Karl Suckling

Cr Roslyn Suckling

Staff

Mr Andrew Campbell (Chief Executive Officer)

Mr Brian Robinson (Executive Manager of Community, Development and Regulation)

Mr Neil Broadhurst (Executive Manager of Works and Technical Services)

Ms Sonya Hasleby (Executive Support Officer)

Gallery

3.1 Apologies: Nil.

3.2 Leave Of Absence: Nil.

4. DECLARATIONS OF INTEREST:

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

Cr Des Pike declared an Impartiality Interest in relation to item 9.2.4 – Request for Change of Leasee – Kalbarri Town Talk – as he is the council representative.

Cr Tim Hay declared an Financial Interest in relation to item 9.4.2 – Proposed Scheme Amendment relating to Nature Based Parks and Camping – Private within the Shire of Northampton – As he is a Caravan Park Owner.

Cr Tim Hay declared a Proximity Interest in relation to item 9.4.3 – Retrospective Approval for Verandah at Lot 102 (No. 12) Lynton Avenue, Port Gregory as he owns property in the same street

Cr Karl Suckling declared an Financial Interest in relation to item 9.8.2 – Restricted Access Vehicle (RAV) Request for Binnu West, Ogilvie West, and Chilimony Roads as he could gain financially from increased efficiency.

5. PUBLIC QUESTION TIME:

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

6. PRESENTATIONS:

- 6.1 Petitions: Nil.
- 6.2 Presentations: Nil.
- 6.3 Deputations: Warrego Energy about a proposal I the Shire district.
- 6.4 Councillor reports:

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

- 25/10/2024 – Attended Greta Johnson’s funeral, pioneer of the Shire at Geraldton Crematorium.
- 25/10/2024 – Murchison Green Hydrogen Renewables Social Impact Assessment/Community Benefit Workshop with Nicole Walton from Aurecon at Shire Chambers.
- 25/10/2024 – Attended MidWest Chamber of Commerce and Industries Business After Hours event at Murchison House Station.
- 30/10/2024 – Northampton Tourist Association meeting.
- 06/11/2024 – Attended Regional Drought Resilience Plan PAG Meeting at Northern Agricultural Catchments Council office Geraldton.
- 11/11/2024 – Attended and wreath laying at Northampton RSL.
- 13/11/2024 – Met with Reg Reynolds at Horrocks Community Centre.
- 14/11/2024 – Met with Shayne Silcox CEO Review at Shire Chambers.
- 15/11/2024 – Met with Reg Reynolds and Andrew Campbell at Shire Office.
- 18/11/2024 – Attended Barry Reynolds’ funeral, pioneer of the Shire at Geraldton Crematorium.

- 19/11/2024 – Zoom meeting with Local Government Renewable Energy Leadership Alliance (RELA) in preparation for WALGA Renewable Forum (27th Nov).
- 21/11/2024 – Audit and Risk Management Committee meeting at the Allen Centre, Kalbarri.

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

- 25/10/2024 – Murchison Green Hydrogen Renewables Social Impact Assessment/Community Benefit Workshop with Nicole Walton from Aurecon at Shire Chambers.
- 29/10/2025 – Meeting with Patrick Rice and Brian Robinson regarding road access.
- 13/11/2024 – Met with Reg Reynolds at Horrocks Community Centre.
- 14/11/2024 – Met with Shayne Silcox CEO Review at Shire Chambers.

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

- 30/10/2024 – Kalbarri Development Association meeting.
- 11/11/2024 – Attended and wreath laying at Kalbarri RSL.
- 13/11/2024 – Meeting with Kalbarri Men's Shed.
- 15/11/2024 – Met with Shayne Silcox CEO Review at Allen Centre.

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

- 15/11/2024 – Met with Shayne Silcox CEO Review at Allen Centre.

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

- 14/11/2024 – Met with Shayne Silcox CEO Review at Shire Chambers.

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

- 25/10/2024 – Murchison Green Hydrogen Renewables Social Impact Assessment/Community Benefit Workshop with Nicole Walton from Aurecon at Shire Chambers.
- 30/10/2024 – Northampton Tourist Association meeting.
- 14/11/2024 – Met with Shayne Silcox CEO Review at Shire Chambers.
- 16/11/2024 – Attended the RSL Remembrance Day Dinner.
- 21/11/2024 – Audit and Risk Management Committee meeting at the Allen Centre, Kalbarri.

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

- 25/10/2024 - Murchison Green Hydrogen Renewables Social Impact Assessment/Community Benefit Workshop with Nicole Walton from Aurecon at Shire Chambers.
- 06/11/2024 – Meeting with Kalbarri Board Riders Group.
- 12/11/2024 – Meeting with Kalbarri Community Garden Group.
- 13/11/2024 – Meeting with Kalbarri Men's Shed.
- 15/11/2024 – Met with Shayne Silcox Ceo Review at Allen Centre.
- 21/11/2024 – Audit and Risk Management Committee meeting at the Allen Centre, Kalbarri.

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

- 25/10/2024 - Murchison Green Hydrogen Renewables Social Impact Assessment/Community Benefit Workshop with Nicole Walton from Aurecon at Shire Chambers.
- 13/11/2024 – Met with Reg Reynolds at Horrocks Community Centre.
- 14/11/2024 – Met with Shayne Silcox CEO Review at Shire Chambers.
- 21/11/2024 – Audit and Risk Management Committee meeting at the Allen Centre, Kalbarri.

6.5 Conference reports: Nil.

7. CONFIRMATION OF MINUTES:

MOVED: Sudlow, L SECONDED: Burges, R

11/24-109

That the Minutes of the Ordinary Meeting of the Council held on 17 October 2024 be confirmed.

MOTION CARRIED 8/0

FOR

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

AGAINST

8. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:

Nil.

9. OFFICERS' REPORTS:

9.1.1	Department of Planning Lands and Heritage Request to Relinquish Portion of Reserve 49842 - Little Bay Campground
9.1.2	Proposed Council Meeting Dates 2025
9.1.3	Proposed Administration Office Closure 2024/25
9.1.4	Proposed Delegation from Council to Chief Executive Officer 20 December 2024 to 3 February 2025
9.2.1	Proposed Amendment to Fees and Charges - Kalbarri Oval
9.2.2	Monthly Financial Statements for the Period Ending 30 September 2024
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9.4.1	Request for Reduction in Public Open Space Contribution - Proposed Subdivision at Lot 100 (No 18) Mortimer Street, Kalbarri

9.4.2	Proposed Scheme Amendment relating to Nature Based Parks and Camping-Private within the Shire of Northampton
9.4.3	Retrospective Approval for Verandah at Lot 102 (No. 12) Lynton Avenue, Port Gregory
9.4.4	Delegated Planning Decisions for October 2024
9.5.1	Building Approvals Report October 2024
9.8.1	Information Items - Maintenance/Construction - Works Program
9.8.2	Restricted Access Vehicle (RAV) Request for Binnu West, Ogilvie West, and Chilimony Roads.
9.8.3	Request for Consideration of Land Exchange to Facilitate Road Access to Lots 52 to 55, being South of King Street, Isseka

ATTACHMENT**9.1.1 Department of Planning Lands and Heritage Request to Relinquish Portion of Reserve 49842 - Little Bay Campground**

PROPONENT OWNER	State of Western Australia and RJ Reynolds Crown – Management Order in favour of Shire of Northampton
LOCATION / ADDRESS:	Part Reserve 49842
ZONE:	Recreation
BUSINESS AREA:	Office of the CEO
FILE REFERENCE:	12.1.4 and 9.1.4
LEGISLATION:	<i>Land Administration Act 1997 / Local Government Act 1995</i>
AUTHOR:	Andrew Campbell
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	1 November 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

On 1 November 2024 the Department of Planning Lands and Heritage (DPLH) provided correspondence to the Shire of Northampton (Shire) that included a location map, proponent maps, and tenure maps requesting Shire consider the excising of portion Reserve 49842 (Little Bay Campground) to the State of Western Australia (State). The purpose of this is to enable a commercial lease to be established between the State and Mr Reginald Joseph Reynolds to enable the significant expansion and land use intensification of the Little Bay Campground, and the adjoining freehold property Lot 204.

A copy of the correspondence including maps is contained in the attachment.

ATTACHMENT: 9.1.1 (1)

Currently Reserve 49842 with the purpose of “Recreation, Camping and Foreshore” is managed by the Shire. This includes portion of Reserve 49842 (Little Bay Campground) being managed under lease between the Shire to Mr Reynolds with the endorsement of the State.

In arriving to the point or receipt of the correspondence from DPLH, the following background is provided for Council’s consideration:

1. At the Council meeting 21 August 2020 Council resolved:

Council to determine if it is to approve “in-principle” support for the issuing of a Management Licence to Reg Reynolds to allow him to manage the Council controlled camping area on Reserve 49842 known as Little Bay Camping Grounds, as proposed and

that he be advised that formal approval will only be considered upon the receipt and approval of a formal development application of his proposed camping area.

2. At the Council meeting 17 December 2021 Council then resolved:

That Council approve the entering into a lease of part of Reserve 49842 for the management of Little Bay Camping area for a term of 10 years, with an annual rent of \$500, subject to the approval of the Minister for Planning Lands and Heritage.

3. On 22 February 2021 the Management Order for Reserve 49842 was revised to grant the Shire the power to lease for a ten year period, the reserve purpose remained as "Recreation, Camping and Foreshore".
4. On 1 March 2022 a ten year lease between the Shire and Mr Reynolds was agreed with an expiry date of 29 February 2032. In accordance with the Management Order, no further term was agreed.
5. On 7 August 2023 a Development Application for significant expansion and land use intensification for the adjoining Lot 204 and Little Bay Campground was received by the Shire from Mr Reynolds' consultant acting as the applicant, LandWest Planning Consultants. The proposal comprising 37 campsites accommodating up to 100 people on both properties at any one time and included a future caretakers' residence on Lot 204. Currently there appears to be 4 or 5 camping nodes with approximately 8 or 9 basic campsites at the Little Bay Campground.
6. On 15 September 2023 the Development Application was returned to LandWest Planning Consultants by the Shire on the basis that as the land manager of Reserve 49842 under the existing Management Order, the Shire was concerned it did not have the authority to sign the Development Application due to commercial nature of the proposal appearing to be inconsistent with the Management Order.
7. On 28 September 2023 the Shire corresponded with DPLH requesting clarity about the Management Order and how the matter could potentially be resolved.
8. Between 28 September 2023 and 1 February 2024 multiple queries on the status of the original request were made by the Shire to DPLH.
9. On 22 February 2024, DPLH responded to the Shire's correspondence of 28 September 2023 stating:

- a. The subject area may need to excised from the Reserve to enable a lease between the State and operator due to the exclusive and commercial nature of the proposed development. However, if it is the Shire's preference to

continue leasing under its management order, this could also be considered.

- b. Due to the sensitive foreshore location, the Department may not be able to support a longer leasing period of 10 years. This may compromise the level of investment required for the development if security of long term lease cannot be facilitated.
- c. The Department would need to undertake the following referrals:
 - The proposed development will require advice from the Department's Land Use Planning and Coastal Planning team to confirm if the development is in a coastal hazard risk area and whether clauses/conditions are required in the lease to reflect the coastal hazard risks;
 - DFES to review vehicle access points; and
 - Referral to DBCA, DWER, DMIRS, DPIRD, DPLH's internal Aboriginal heritage team and service agencies.
- d. The Department would be unable to support the development if the above regulatory approvals cannot be obtained for the development.

The response from DPLH confirmed the Shire's concern that it did not have the authority to sign the Development Application due to commercial nature of the proposal being inconsistent with the Management Order.

10. On 23 February 2024 the Shire notified LandWest Planning Consultants of the DPLH advice, requesting their response to a preferred option so the matter could be taken back to Council for further consideration.
11. On 23 February 2024 LandWest Planning Consultants responded to point 10. stating that they would "consider the matter and revert as soon as possible".
12. No further contact with Mr Reynolds or LandWest Planning Consultants about the matter until on 1 November 2024 when the Shire received the DPLH correspondence being the subject of this agenda report. Council should also note that it is not known if LandWest Planning Consultants still act on behalf of Mr Reynolds.

The purpose of this report is to give consideration to, and respond to, DPLH about their request.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The request received from DPLH on 1 November 2024 is consistent with one of the options provided in the advice from DPLH provided on 22 February 2024

that was then communicated by the Shire to LandWest Planning Consultants. For this matter to now appear as a direct request to the Shire from DPLH, it would be assumed that either LandWest Planning Consultants, Mr Reynolds, or both have made a direct approach to the State on the matter, effectively bypassing the Shire's request of 23 February 2024. On this basis, Council must respond to DPLH by giving due consideration to the request by forming a position on the matter.

Council should also note that successfully excising or amending the Management Order to allow commercialisation of Little Bay Campground does not constitute, nor should be implied as, development approval for that, or the adjoining Lot 204. This is a separate process to be assessed under the Local Planning Scheme. As Council would also be aware as highlighted in a separate report as part of this agenda, there are issues with Nature Based Camping Grounds in the current Local Planning Schemes on Rural Zoned land (such as Lot 204) and that report seeks to commence an amendment process to resolve the issue which will take time.

In considering any request to facilitate a lease to commercialise Little Bay Campground, Council should contemplate the following matters beyond that of those required by a development approval. Matters for contemplation could include:

- Significant expansion and land use intensification;
- Maintenance of public access;
- Public day use access to the foreshore including beach access, parking, track access and any limitations the proposal may have on the current situation;
- Access tracks including full containment within the road reserve and track maintenance;
- Current low cost and basic camping opportunities in the region;
- Loss of management control over Little Bay Campground;
- Impacts on the Shire services such as refuse;
- Site heritage and history;
- Public opinion; and
- Any other relevant matter.

In stating the above considerations, this does not mean that a proposal such as the one put forward does not have merit. Council has made previous decisions to support, "in principle" expansion and intensification of Little Bay Campground subject to appropriate development approval being obtained.

OPTION 1 - DPLH request for Council to consider the excising of portion of Reserve 49842 to enable a commercial lease for a Nature Based Campground to be established between the State and Mr Reynolds

DPLH have indicated that the following actions would be required to facilitate the proposal requested in the correspondence:

- | |
|---|
| <ul style="list-style-type: none"> • The Department completing its due diligence and referral process including to the Shire in its capacity as local government and |
|---|

management body, the Department of Energy, Mines, Industry Regulation and Safety, our Planning and Heritage divisions, any impacted interest holders and any others as required.

- Mr Reynolds will need to satisfy any, and all planning requirements.
 - The proposed development is broadly consistent with the Shire's Horrocks Beach Planning Strategy and appears to be permissible under the Local Planning Scheme No. 10.
 - A coastal hazard assessment is required to be undertaken to determine safe distances from the coast of any proposed structures, coastal management actions, and erosion and inundation risks. As the proposed development on Lot 203 is located within a Special Control Area 1 'Coastal planning and management' (SCA 1), which includes reference to consideration of State Planning Policy 2.6 'Coastal planning' (SPP 2.6) in relation to the 100-year planning timeframe to determine the relationship of the proposed development to the coastline and coastal impacts, and relationship and management of the adjacent foreshore reserve (i.e. Reserve 49842).
 - A foreshore and reserve management strategy or plan will be required which should include consideration of the SCA 1 allowance for the current risk of storm erosion value required under SPP 2.6 to provide some hazard risk guidance. This guidance would subsequently assist in drafting suitable lease conditions related to coastal hazard risks, and the Shire to determine suitable management of the coast.
 - Subject to additional information on the proposed development, there may be a requirement for a visual landscape assessment to ensure the environmental, cultural, recreational and/or scenic values of the area are protected. For example, a number of vehicle tracks are proposed which do not appear on desktop review to accord with cleared or degraded vegetation areas, or landforms; and a 'Future Manager's Residence' is also marked which appears to be in a vegetated area.
- To determine the rental, a valuation of the current unimproved market rental will be sought from Landgate's Valuation Services.
- Survey will be required to create a deposited plan.
- A Surrender of Lease for Lease P029915 being lodged for registration at Landgate.
- Subject to all required matters (i.e. surrender of lease, consents, valuations, planning requirements, survey, etc) being satisfied, the Department would then arrange preparation and offer of the formal tenure documentation.

DPLH's requirements are significant and will rely on third party agency consent and many actions from the proponent before the matter can be finalised and transitioned into a commercial lease. It is also expected that the rental valuation under the proposal will be somewhat higher than the current lease amount of \$500 (ex GST) per annum but it is unlikely that the lease would be tested by the market given the existing arrangements that are currently in place. Potentially there are several points through this entire DPLH process which could result in a fatal flaw that does not allow a commercial lease to be created however, this would only be understood as the process is navigated.

If Council was to support the request from DPLH, it would be recommended that any agreement with the State should be subject to the inclusion of the following matters:

1. Uninterrupted public access is maintained to the Little Bay beach foreshore with a particular focus on unrestricted access along the foreshore track adjoining or part of the Reserve. Additionally, consideration of a day use parking area to be established so the public does not have to park on the beach particularly when conditions make it difficult to access;
2. Creating a dedicated road reserve over the top of all of the existing track leading to the Reserve (currently the track weaves in and out of the road reserve) including those areas located on private property at no land cost to the Shire;
3. No guarantee provided by the Shire to the proponent to significantly maintain or upgrade any of the existing tracks between the Reserve and where the current road works finish at the first track incline;
4. Five year completion timeframe on the State lease for the proposal or the Reserve reverts back to the Shire for the original purpose;
5. A condition included whereby if the commercial arrangement was to cease for any reason, the Management Order would be readjusted in favour of the Shire as per current requirements; and
6. The requirements of DPLH as indicated in their correspondence are met before Council is asked to consider a Development Application.

Finally, if Council wanted to proceed with DPLH's request, it is strongly recommended that public consultation is undertaken with the community before any decision is finalised. This will enable Council to understand if the community has concerns about the Shire relinquishing the Little Bay Campground to enable the proponent to, subject to development approval, proceed with expansion and intensification of land use on the Little Bay Campground and the adjoining Lot 204.

Option 1 Recommendation:

That Council:

1. **Undertake public consultation on the proposal of the Department of Planning, Lands and Heritage in relation to excising portion of Reserve 49842 to enable the State of Western Australia to enter into a direct commercial lease with Mr Reginald Joseph Reynolds to enable, subject to development approval, the significant**

- expansion and land use intensification of a Nature Based Camping Ground; and
2. Consider the outcome of the public consultation before making a final decision and advising the Department of Planning, Lands, and Heritage of the outcome.

OPTION 2 Council to consider requesting DPLH amending the Management Order for portion of Reserve 49842 to enable a commercial lease for a Nature Based Campground to be established between the Shire and Mr Reynolds

On 22 February 2024 DPLH advised the Shire that:

“The subject area may need to excised from the Reserve to enable a lease between the State and operator due to the exclusive and commercial nature of the proposed development. However, if it is the Shire’s preference to continue leasing under its management order, this could also be considered.”

On this basis the Shire may have the ability to retain management control of the Little Bay Campground as the lessor in a commercial arrangement with Mr Reynolds. It is highly likely that if this was the case, the conditions referred to by DPLH would still be required to be met, however the additional benefits for the Shire would directly address the concerns raised in the first option by having a degree of control in relation to:

1. Ensuring uninterrupted public access to the Little Bay beach foreshore with a particular focus on unrestricted access along the foreshore track adjoining or part of the Reserve. Additionally, consideration of a day use parking area to be established so the public does not have to park on the beach when conditions make it difficult to access;
2. Creating a dedicated road reserve over the top of all of the existing track leading to the Reserve (currently the track weaves in and out of the road reserve) including those areas located on private property at no land cost to the Shire;
3. Providing some revenue to maintain the existing tracks between the Reserve and where the current road works finish at the first track incline; and
4. Retaining management control of the land including if the proposal does not go ahead, ceases to operate or is sold, sublet or assigned.

As per option 1, a commercial lease would be established as per a market valuation and this is likely to be somewhat higher than the current lease amount of \$500 (ex GST) per annum. The State are likely to require the lease revenue, however it would be up to the Shire to negotiate a payment discount on the basis of the revenue being required to maintain vehicle access, public usage and foreshore management. If option 2 is followed, an additional requirement for the Shire would relate to the *Local Government Act 1995* requirements of property disposition. As per option 1 it is unlikely that the market would be tested and the commercial lease would be offered to Mr Reynolds due to existing circumstances, however there is a process to follow that includes public consultation before Council can agree to land disposal.

If option 2 is supported by Council, based on the officer recommendation, further advice from DPLH would be necessary before Council would be asked to make further determinations about the lease.

Option 2 Recommendation

That Council

- 1. Request advice from the Department of Planning, Lands and Heritage as to whether they would consider, and under what terms, amending the Management Order for portion of Reserve 49842 to enable a commercial lease for a Nature Based Campground to be established between the Shire and Mr Reynolds in accordance with their advice received by the Shire of Northampton on 22 February 2024; and**
- 2. Advise the Department of Planning, Lands and Heritage that until such time that the advice is received as per point 1, considered and decisions made, Council will reserve its position about the current request.**

OPTION 3 – Maintain Current Arrangements

As it exists now, the Shire has an established a State approved non-commercial lease with Mr Reynolds to manage the Little Bay Campground for a nominal lease fee until 29 February 2032. Council may consider this current arrangement as acceptable but whilst this arrangement remains in place the commercialisation of the Little Bay Campground can not occur.

Option 3 Recommendation

That Council advise the Department of Planning, Lands and Heritage that its intent is to maintain the existing non-commercial lease arrangements in portion of Reserve 49842 (Little Bay Campground) between the Shire of Northampton and Mr Reginald Reynolds.

After the assessment of the three possible options available, in summary if Council wants to exit out of the lease negotiation entirely by relying on the State and allow expansion and land use intensification of the Little Bay Campground, then option 1 is recommended. If Council wishes to support the potential for expansion and land use intensification of the Little Bay Campground whilst directly protecting its own interest and that of the community for public access, public use, and future management control, option 2 is recommended. If Council determines that it does not support expansion and land use intensification of the Little Bay Campground, then option 3 is recommended.

On the basis above and noting Council's previous desire through decision to support some form of development, option 2 is recommended for Council's consideration.

STATUTORY ENVIRONMENT:

The *Land Administration Act 1997* is the statutory mechanisms dealing with State land issues. The *Local Government Act 1995* deals with obligations for Local Government when dealing with property disposition. If, as expected, a change to the Management Order to allow a commercial lease to occur that triggers a market valuation, it is likely the lease fee will increase significantly. If this occurs and the lease is between the Shire and Mr Reynolds, the *Local Government Act 1995* property disposition requirements will apply.

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

Risk rating is considered Major primarily due to potential reputational damage to the organisation.

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

FINANCIAL IMPLICATIONS:

The recommendation has no financial implications applicable. With this said, future decisions on this matter may have financial implications that will be discussed when known.

SUSTAINABILITY:

Environmental: Nil, however if expansion and land use intensification occur in the future, it may involve native vegetation clearing.

Economic: The proposal would create economic benefits as a result of increased visitation to the district.

Social: It is understood that Little Bay Campground has a historical use of social interaction and connection for the community and visitors.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. Request advice from the Department of Planning, Lands and Heritage as to whether they would consider, and under what terms, amending the Management Order for portion of Reserve 49842 to enable a commercial lease for a Nature Based Campground to be established between the Shire of Northampton and Mr Reginald Reynolds in accordance with their advice received by the Shire of Northampton on 22 February 2024; and
2. Advise the Department of Planning, Lands and Heritage that until such time that the advice is received as per point 1, considered and decisions made, Council will reserve its position about the current request received 1 November 2024.

COUNCIL RESOLUTION:

MOVED: Horstman, R SECONDED: Hay, T

11/24-110

That Council advise the Department of Planning, Lands and Heritage that its intent is to maintain the existing non-commercial lease arrangements in portion of Reserve 49842 (Little Bay Campground) between the Shire of Northampton and Mr Reginald Reynolds.

MOTION CARRIED 8/0

FOR

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

AGAINST

9.1.2 Proposed Council Meeting Dates 2025

PROPONENT	Chief Executive Officer
OWNER	Shire of Northampton
LOCATION / ADDRESS:	Whole of Shire
ZONE:	All
BUSINESS AREA:	Office of CEO
FILE REFERENCE:	4.1.14
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Andrew Campbell
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	12 November 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

To conform with the advertising requirements of the *Local Government Act 1995*, Council is required to determine dates for Council meetings to be held in 2025.

In 2024 Council meetings were held every third Thursday of each month (excluding January) with eleven ordinary Council meetings being held, seven in Northampton and four in Kalbarri.

The purpose of this report is for Council to consider its Council meeting dates for 2025.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The proposed Council meeting dates for 2025 all commencing at 2pm are as follows:

COUNCIL MEETING DATES 2025	LOCATION
20 February	Kalbarri
20 March	Northampton
17 April	Northampton
15 May	Kalbarri
19 June	Northampton
17 July	Northampton
21 August	Kalbarri
18 September	Northampton
16 October	Northampton
20 November	Kalbarri
18 December	Northampton

Council should note that Good Friday public holiday in 2025 is 18 April 2025. Council has the option to change the Council meeting date to either 11 April 2025 or 24 April 2025 to avoid any clash if desired.

If Council requires additional meetings to consider urgent matters, it may do so by calling Special Council meetings as required.

STATUTORY ENVIRONMENT:

The *Local Government Act 1995* requires public advertising of meeting dates and times.

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

Risk rating is considered Minor mainly based on compliance issues.

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

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. Adopt the following Council meeting date schedule for 2025:

COUNCIL MEETING DATES 2025	LOCATION
20 February	Kalbarri
20 March	Northampton
17 April	Northampton
15 May	Kalbarri
19 June	Northampton
17 July	Northampton
21 August	Kalbarri
18 September	Northampton
16 October	Northampton
20 November	Kalbarri
18 December	Northampton

2. Commence Council meetings at 2pm in 2025; and
3. Give local public notice of the 2025 Council meeting schedule in accordance with the requirements of the *Local Government Act 1995*.

COUNCIL RESOLUTION:

MOVED: Suckling, R SECONDED: Gibb, T

11/24-111

That Council:

1. Adopt the following Council meeting date schedule for 2025:

COUNCIL MEETING DATES 2025	LOCATION
20 February	Kalbarri
20 March	Northampton
17 April	Northampton
15 May	Kalbarri
19 June	Northampton
17 July	Northampton
21 August	Kalbarri
18 September	Northampton
16 October	Northampton
20 November	Kalbarri
18 December	Northampton

2. Commence Council meetings at 2pm in 2025; and
3. Give local public notice of the 2025 Council meeting schedule in accordance with the requirements of the *Local Government Act 1995*.

MOTION CARRIED 8/0

FOR

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

AGAINST

9.1.3 Proposed Administration Office Closure 2024/25

PROPONENT	Chief Executive Officer
OWNER	Shire of Northampton
LOCATION / ADDRESS:	Whole of Shire
ZONE:	All
BUSINESS AREA:	Office of CEO
FILE REFERENCE:	4.2.4
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Andrew Campbell
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	14 November 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Each year the Shire of Northampton administration offices in Northampton and Kalbarri have been closed to the public between Christmas and New Year.

This is historically a quiet time of year and the proposal to close will impact all usual local government services including Department of Transport licensing. Three of the eight proposed business closure days are public holidays in which the administration offices would not be open regardless.

The purpose of this report is for Council to formally consider the closure.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

Whilst the closure may have a minor impact on services provided to the community, it is a usual practice to close the administration buildings to allow staff to have a decent break over the end of year period. This said, certain staff including senior staff will be contactable for emergency matters that can sometimes arise during the period.

The public holidays Christmas Day and New Years Day fall on a Wednesday this period which creates the situation whereby three public holidays and five normal business days fall in the period from the weekend before Christmas Day and the Day after New Years Day. Ordinarily the Shire office would close for three or four ordinary business days instead of the proposal of five. It should however be noted that during any closure, employees are required to take leave entitlements to cover the business days.

It is recommended that Council endorse the closure of the administration offices in Northampton and Kalbarri on Monday 23 December 2024 reopening on 2 January 2025.

STATUTORY ENVIRONMENT:

Nil.

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

Risk rating is considered Level 2 – Minor mainly based on reputational issues.

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

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:Environmental: Nil.Economic: Nil.Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

- 1. Agree to the closure of the administration offices in Northampton and Kalbarri from Monday 23 December 2024 reopening Thursday 2 January 2025; and**
- 2. Publicly advertise the administration offices closure to inform the community.**

COUNCIL RESOLUTION:

MOVED: Pike, D

SECONDED: Suckling, R

11/24-112

That Council:

- 1. Agree to the closure of the administration offices in Northampton and Kalbarri from Monday 23 December 2024 reopening Thursday 2 January 2025; and**
- 2. Publicly advertise the administration offices closure to inform the community.**

MOTION CARRIED 7/1

FOR

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

AGAINST

Cr R Horstman

9.1.4 Proposed Delegation from Council to Chief Executive Officer 20 December 2024 to 3 February 2025

PROPONENT	Chief Executive Officer
OWNER	Shire of Northampton
LOCATION / ADDRESS:	Whole of Shire
ZONE:	All
BUSINESS AREA:	Office of CEO
FILE REFERENCE:	4.1.14
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Andrew Campbell
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	14 November 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Item 9.1.2 in this Council agenda proposes Council meeting dates for 2025. If Council resolves as per the Officer Recommendation not to have a Council meeting in January 2025 as per normal, Council will not meet between 19 December 2024 and 20 February 2024 resulting in a period of 62 total days between Council meetings.

During this time, it is the Chief Executive Officers' experience that occasionally matters arise requiring a decision that can not be simply held over to the next available Council meeting.

The purpose of this report is for Council to consider delegating decision-making authority to the Chief Executive Officer over this extended end of year period.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

Whilst the Chief Executive Officer already has delegated authority to determine a significant number of matters, some matters do arise that require determination by Council as they are not specifically delegated to the Chief Executive Officer.

This process was introduced by Council decision for the first time during the 2023/24 end of year period with one minor exercise of delegation being completed by the Chief Executive Officer which was reported to the Council meeting 15 February 2024.

It is proposed that delegated authority be granted to the Chief Executive Officer for all Council functions (other than those matters requiring an absolute majority or specifically precluded by the *Local Government Act 1995*) to decide on

matters that are unable to be held over to the 20 February 2025 meeting. Any exercise of such authority would require the support by the Shire President and will be reported to the Council at the 20 February 2025 meeting.

STATUTORY ENVIRONMENT:

Section 5.42 of the *Local Government Act 1995* enables the authority for Council to delegate certain functions to the Chief Executive Officer.

POLICY / STRATEGIC IMPLICATIONS:

A delegation such as this will enable most business of the Shire of Northampton to be undertaken without being held up due to the period between Council meetings. With a large gap between meetings, statutory time frames for decision determination may be compromised.

ORGANISATIONAL RISK MANAGEMENT:

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

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

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council delegate to the Chief Executive Officer for the period 20 December 2024 to 3 February 2025 power to determine matters which are unable to be held over until the 20 February 2025 Council meeting subject to this delegation being limited to:

- 1. Any matter that arises during the delegated period not subject to any restrictions outlined below;**
- 2. Any matter advertised for public comment to which no valid objection has been received;**
- 3. Any matter to which the Shire President raises no objection;**
- 4. Preclusion of those matters with delegation prohibition prescribed under the *Local Government Act 1995*; and**
- 5. A report being presented at the 20 February 2025 Council meeting detailing any such delegations exercised.**

COUNCIL RESOLUTION:

MOVED: Pike, D

SECONDED: Suckling, R

11/24-113

That Council delegate to the Chief Executive Officer for the period 20 December 2024 to 3 February 2025 power to determine matters which are unable to be held over until the 20 February 2025 Council meeting subject to this delegation being limited to:

- 1. Any matter that arises during the delegated period not subject to any restrictions outlined below;**
- 2. Any matter advertised for public comment to which no valid objection has been received;**
- 3. Any matter to which the Shire President raises no objection;**
- 4. Preclusion of those matters with delegation prohibition prescribed under the *Local Government Act 1995*; and**
- 5. A report being presented at the 20 February 2025 Council meeting detailing any such delegations exercised.**

MOTION CARRIED 8/0

FOR

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

AGAINST

APPENDIX

9.2.1 Proposed Amendment to Fees and Charges - Kalbarri Oval

PROPONENT OWNER	Shire of Northampton Crown Reserve – Management Order in Favour of Shire.
LOCATION / ADDRESS:	Reserve 3176 Porter Street, Kalbarri
ZONE:	Public Open Space
BUSINESS AREA:	Corporate and Financial Services
FILE REFERENCE:	4.1.1 & A4824
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Brian Robinson
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	28 October 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

At its Ordinary Meeting held on 20 June 2024, Council resolved to adopt the Schedule of Fees and Charges for inclusion in the 2024/25 annual budget. A copy of the Schedule as adopted by Council is appended.

APPENDIX: 9.2.1 (A)

At the time, it was not known that the Kalbarri Cricket Club was intending to re-form after several years of no activity. As a result, there were no fees or charges identified with respect to use of the Kalbarri Oval for the Cricket Season.

Council is requested to consider amending the Schedule of Fees and Charges, to identify an appropriate fee for use of the Kalbarri Oval by the Kalbarri Cricket Club.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

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

Existing Fees/Charges

The 2024/25 Schedule of Fees and Charges, as adopted by Council, includes an annual fee of \$249.33 for the Northampton Cricket Club. Research has confirmed:

- i) In 2008/09 the Northampton & Chapman Valley Junior Cricket clubs merged following a period where both clubs were battling low numbers;
- ii) In 2009/10 the senior sides then merged;

- iii) Cricket matches have not been held on the oval for many years and there are no fixtures scheduled for the 2024/25 cricket season;
- iv) Chapman Valley – Northampton Cricket Club consists of 3 sides, being A grade and B Grade Men’s sides, a Women’s and Junior Sides. All teams are based out of the Nabawa Oval. and
- v) At a Special Meeting of Council held on 27 January 2022, Council resolved to proceed with significant renovations of the Northampton Community Oval, including the removal of the concrete based cricket pitch to facilitate use of the oval for a WAFL fixtures.

Given the above, it is unlikely that cricket matches will be held on Northampton Community Oval for the foreseeable future.

Kalbarri Cricket Club

After four years of not being operational, the Kalbarri Cricket Club (seniors) has just reformed, fielding a B Grade Cricket Side in the Geraldton Cricket Association competition. In total 7 fixtures have been scheduled for Kalbarri Oval for the 2024/25 season.

Currently the Schedule of Fees and Charges does not contain a fee for the Kalbarri Cricket Club’s use of the Kalbarri Oval.

Proposed Fee

Rather than determine a new fee for the Kalbarri Oval, it is recommended that the name of the current fee be modified to remove reference to the Northampton Cricket Club, ensuring that the fee is applied to all Cricket Club use of Shire ovals.

STATUTORY ENVIRONMENT:

In accordance with clause 6.16 of the *Local Government Act 1995*, a local government may impose (by absolute majority) a fee or charge for any goods or service it provides, including:

- (a) Providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;*
- (b) Supplying a service or carrying out work at the request of a person;*
- (c) Subject to section 5.94, providing information from local government records;*
- (d) Receiving an application for approval, granting an approval, making an inspection and issuing a license, permit, authorisation or certificate;*
- (e) Supplying goods;*
- (f) Such other services as may be prescribed.*

POLICY / STRATEGIC IMPLICATIONS:

Supporting the Kalbarri Cricket Club’s use of the Kalbarri Oval is consistent with the following Key Outcomes and Objectives of the Shire of Northampton Strategic Community Plan:

	Key Outcomes	Objectives	Success Measures	Timelines
3.1	Providing community and recreation facilities within budget constraints.	Asset development and management plans in place.	Community satisfaction and level of facility use.	Ongoing.

ORGANISATIONAL RISK MANAGEMENT:

Council's adopted Fees and Charges identify several fees in respect of community/sporting groups using facilities that the Shire maintains. The risk rating is considered Insignificant/Minor due to the potential for some reputational damage if fees are not charged 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:

As per comment section of agenda item.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: It is considered that the current adopted fee is minimal and imposition of the fee on the Kalbarri Cricket Club should have minimal impact on operation of that club, whilst ensuring that user pays principles are observed.

VOTING REQUIREMENTS: ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. Amend the Schedule of Fees and Charges for the 2024/25 financial year relating to Oval Reserve Rentals to rename the fee identified as “Northampton Cricket Club” to read “Cricket Clubs” ensuring that the fee is payable by any Cricket Club wishing to use Shire Ovals/Reserves;
2. Request the Chief Executive Advertise the new fee in accordance with the requirements of the Local Government Act 1995.

COUNCIL RESOLUTION:

MOVED: Hay, T

SECONDED: Burges, R

11/24-114

That Council:

1. Amend the Schedule of Fees and Charges for the 2025/26 financial year relating to Oval Reserve Rentals to rename the fee identified as “Northampton Cricket Club” to read “Cricket Clubs” ensuring that the fee is payable by any Cricket Club wishing to use Shire Ovals/Reserves; and
2. Acknowledge that the Kalbarri Cricket Club has just re-formed and the use of the Kalbarri Oval during the 2024/25 is at no charge during the cricket season.

MOTION CARRIED 8/0

FOR

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

AGAINST

ATTACHMENT**9.2.2 Monthly Financial Statements for the Period Ending 30 September 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:	2 November 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 30 September 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: 9.2.2 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

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

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

The associated risk would be the failure to comply with 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 30 September 2024 financial position is comprised of the following:

Total operating revenue has a surplus position of \$324,846 and the operating expenditure has a surplus position of \$2,846,124.

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 30 September 2024 in accordance with ATTACHMENT: 9.2.2 (1).

COUNCIL RESOLUTION:

MOVED: Pike, D

SECONDED: Gibb, T

11/24-115

That Council receives the Monthly Financial Report for the period ending 30 September 2024 in accordance with ATTACHMENT: 9.2.2 (1).

MOTION CARRIED 8/0

FOR

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

AGAINST

ATTACHMENT**9.2.3 Proposed Accounts for Endorsement on 21st November 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:	2 November 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

A full list of payments is submitted to Council on 21st November 2024 for consideration.

A copy of the Payment List is attached.

ATTACHMENT: 9.2.3 (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 EFT26929 to EFT27023 totalling \$1,757,607.52; Municipal Fund Cheques 22518 to 22528 inclusive totalling \$30,785.19; Direct Debit payments numbered GJ0902 to GJ0910 inclusive, payroll and superannuation totalling \$316,323.76; and itemised fuel card purchases, be declared authorised expenditure in accordance with ATTACHMENT: 9.2.1 (1).

COUNCIL RESOLUTION:

MOVED: Suckling, R SECONDED: Gibb, T

11/24-116

That Council note Municipal EFT payments numbered EFT26929 to EFT27023 totalling \$1,757,607.52; Municipal Fund Cheques 22518 to 22528 inclusive totalling \$30,785.19; Direct Debit payments numbered GJ0902 to GJ0910 inclusive, payroll and superannuation totalling \$316,323.76; and itemised fuel card purchases, be declared authorised expenditure in accordance with ATTACHMENT: 9.2.1 (1).

MOTION CARRIED 8/0

FOR

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

AGAINST

ATTACHMENT

9.2.4 Request for Change of Lessee - Kalbarri Town Talk

PROPONENT OWNER	Kalbarri Development Association Shire of Northampton
LOCATION / ADDRESS:	No 5 (Lot 175) Kaiber Street, Kalbarri
ZONE:	Special Use Zone (SU7)
BUSINESS AREA:	Corporate Services
FILE REFERENCE:	9.1.3 & A2450
LEGISLATION:	<i>Local Government Act 1995</i> <i>Land Administration Act 1997</i>
AUTHOR:	Brian Robinson
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	8 November 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Lot 175 is located on the western side of Kaiber Street between Hackney and Glass Street within the Kalbarri townsite. The lot is one of three Crown Titles that form Reserve 49019. Reserve 49019 is vested with the Shire of Northampton (the Shire) for the purposes of "Health Services". A location plan is shown below.

Location Plan

The property has an area of 1,012m² and was until 2015 the location of Kalbarri's St John Ambulance Centre. The property is developed with two

primary buildings, connected by a common verandah and rear patio. Both buildings have substantial carports located off Kaiber Street. Currently the southern building, which was previously used for St John's operations, is occupied by the Kalbarri Littlies Playgroup on a periodical lease. The northern building which was previously the Ambulance garage is the administration office for the local publication Kalbarri Town Talk.

Correspondence has been received from the Kalbarri Development Association (KDA) advising that the organisation known as Kalbarri Town Talk is currently undergoing the process of being dissolved. Wishing to keep the publication going, KDA have requested approval to take over the building occupied by Town Talk, to continue the publication, but also to utilise the space as an office front for the KDA. A copy of the correspondence received from KDA is shown attached.

ATTACHMENT: 9.2.4 (1)

The Shire has subsequently received email advice from the Kalbarri Town Talk Association that they have submitted an application to voluntarily cancel the incorporation with the Department of Energy, Mines, Industry Regulations Safety. If approved, the assets and operations are set to be transferred to KDA.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

Although the request from KDA appears to be a simple matter, research undertaken as part of this report with respect to the history of the property, land tenure approvals and leases has identified a number of issues for Council consideration. To assist Council through these matters, the following comments are offered:

Land Tenure

As detailed within the background section, Lot 175 forms part of Crown Reserve 49019, which is vested with the Shire for the purpose of "Health Services". In accordance with the Management Order, the Shire has authority to lease the land for any period up to 21 years, with the Ministers approval.

In accordance with the Vesting Order, all leases require the Minister's prior approval. A copy of the reserve details as obtained from the Department of Lands is shown attached.

ATTACHMENT: 9.2.4 (2)

Current Leases

A detailed search of Council records, both physical and electronic have identified that:

- a) The Shire entered a periodical lease with the Kalbarri Littlies Playgroup in February 2022 for the southern building which they currently occupy; and
- b) No lease or associated documentation has been located with respect to Kalbarri Town Talk.

Available Documentation

The only documentation relating to Town Talk's occupation of the building that was located during research of the issue is summarised as follows:

- i) An email from then CEO to Kalbarri Town Talk on 23 June 2015 advising that the Shire had recently learnt it was to receive vesting of the Ex Kalbarri St John's premises, suggesting that Town Talk relocate from their premises on the town oval reserve;
- ii) Correspondence from Kalbarri Town Talk to the CEO in July 2017 advising that during their nearly two years in the hall (ex St John's), the buildings were not being utilised to its full extent as they were only in attendance for two weeks of every month. The suggested that the Hall portion of the property would be a suitable location for Sea Breeze Playgroup and that the associated costs were being investigated;
- iii) Correspondence from Kalbarri Town Talk advising that the Town Talk group were prepared to cover the cost of the internal set-up of the old garage area, which would become their new office, but this was dependent on the "Sea-Breeze Kids Care Group" being able to attract funding for the renovation of the hall building;
- iv) An email from the chair of Kalbarri Town Talk asking if the Shire would be prepared to consider putting a patio/shade structure on the front of the building, similar to the childcare, with Town Talk to pay half the cos. The then CEO responding that there was no allocation;
- v) An email from Town Talk on 5 August 2021 raising building maintenance issues as a result of Cyclone Seroja. The email also sought clarification as to how they went about getting permission to take the Town Talk Building 'off grid' giving continual fluctuating power;
- vi) The then CEO's response to Town Talk dated 6 August 2021 granting approval to going 'off grid', subject to Seabreeze also approve of the off grid arrangement.

From examination of past Council Agendas and Minutes it appears that Council was not formally requested to enter into a lease with the playgroup prior to the 2022 being to Kalbarri Littlies Playgroup.

Consistency with Management Order

Given that the current Management Order is for the purposes of "Health Services" it appears on face value that leasing of the property for the purposes of administration offices is not consistent with the vesting order. It is considered highly likely that the Department of Planning, Lands and Heritage would require modification of the vesting order before the Shire would be permitted to enter a lease.

The research undertaken on the property has also failed to identify any evidence that the Ministers approval was sought for the lease to Kalbarri Littlies Playgroup.

It is recommended that approval be sought to amend the current vesting order to identify the purpose of the Reserve being for "Community Purposes". Both of the current uses would be consistent with this purpose.

Zoning

Local Planning Scheme (LPS) No 11 was gazetted in October 20017 and include the subject land within the Special Use Zone as Special Use Zone No 7. As detailed in Schedule 3, the permitted uses within SU7 are limited to the following:

- Consulting Rooms;
- Hospital;
- Medical Centre; and
- Veterinary Centre

As neither an Office nor Playgroup are in fact permissible uses within SU7, the current LPS provisions legally prohibit the use of the land for these purposes.

It is strongly recommended that Council give consideration to amending the provisions of the Scheme to ensure the ongoing operation of the current activities can continue in compliance with the LPS.

Conclusion

Although the request from Kalbarri Development Association is supported, Council is unable to currently enter into a lease given that such a lease would be contrary to the current vested purpose of Reserve 49019 and formal approval of the activity would be contrary to the provisions of the LPS.

It is therefore recommended that KDA be advised that the request is conditionally supported and request the Chief Executive Officer to seek approval to amend the current vesting order and proceed with an amendment to LPS to facilitate ongoing use of the property for community purposes.

STATUTORY ENVIRONMENT:

In accordance with the *Local Government Act 1995* (the Act), the leasing of land is considered to be a disposal of land. As a result, any proposal to enter into a lease is required to comply with the provisions of clause 3.58 of the Act, which details that local government may dispose of property by one of the following ways:

- (a) the highest bidder at public auction; or
- (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender; or
- (c) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given.

It should be noted that in accordance with clause 30 of the *Local Government (Functions and General) Regulations 1996*, the application of section 3.58 of

the Local Government Act 1995 does not apply to a charitable organisation. Kalbarri Development Association is a recognised organisation.

The above said, it is recommended that in the interest of transparency In accordance with the above requirements, any intent to enter into a lease arrangement must be advertised for public comment. It does not appear that any form of public consultation was undertaken prior to current arrangements being entered into.

POLICY / STRATEGIC IMPLICATIONS:

Supporting the KDA request is considered consistent with the Key Outcomes and objectives of the Our People section of the Shire's Strategic Community Plan 2020-2030 as shown below:

3. Our People				
3.1 To support our local communities in a place management approach to services, facilities, and lifestyle enhancement				
	Key Outcomes	Objectives	Success Measures	Timelines
3.1	Providing community and recreation facilities within budget constraints	Asset development and management plans in place	Community satisfaction and level of facility use	Ongoing
3.2	Support community action groups wherever practicable to achieve positive outcomes in their locality to enhance lifestyle	Each community has a progress or community association that is supported by Council	Level of activity or number of community projects in each locality	Annually reviewed
3.3	Advocate for services or facilities the Shire cannot provide	Increased services or facilities	Reduction of the gaps in services or facilities	Review 2-yearly

ORGANISATIONAL RISK MANAGEMENT:

Failure to consider the applicants request could impact on a valuable community service, being the local paper. This could represent a Moderate to Major risk to the organisation's reputation. That said, approval of the request without first complying with legislation, seeking modification of the vesting order and the Ministers approval represents a higher risk.

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
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FINANCIAL IMPLICATIONS:

Minor costs associated with the officer's recommendation will be wholly contained within the adopted 2024/25 annual budget.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: The publication Kalbarri Town Talk provides a valuable community service keeping residents and visitors informed on local issues. It is regularly used by the Shire as part of public consultation processes.

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

That Council:

- 1. Note that there is no current lease with Kalbarri Town Talk Association in respect of their occupation of part Lot 175 Kaiber Street, but they are recognised as tenants at will;**
- 2. Advise Kalbarri Development Association that Council is prepared to consider entering into a lease subject to compliance with the following:**
 - a) Approval being sought and obtained from the Department of Planning, Lands and Heritage for amendment of the vesting order associated with Res 49019 from "Health Services" to "Community Purposes";**
 - b) No objections being received following public consultation in accordance with section 3.58 of the Local Government Act 1995;**
- 3. Request the Chief Executive Officer to:**
 - a) Seek approval from the Department of Planning, Lands and Heritage to amend the purpose of the vesting order relating to Reserve 49019 from "Health Services" to "Community Purposes";**
 - b) Arrange for advertising of Council's intent to enter into a pepper corn lease over that portion of Lot 175 occupied by Kalbarri Town Talk in accordance with the requirements of Clause 3.58 of the Local Government Act 1995;**
 - c) Arrange a further report to Council on the options to amend the zoning of Lot 175 Kaiber Street to the December 2024 Council meeting;**

- d) **Take no action relating to the occupancy of Part Lot 175 Kaiber Street by Kalbarri Town Talk Association and/or Kalbarri Development Association pending the outcome of the request detailed in point 3a) above; and**
4. **Defer formal consideration of a lease to the Kalbarri Development Association as request pending modification of the current vesting order as identified in point 3(a).**

COUNCIL RESOLUTION:

MOVED: Sudlow, L SECONDED: Burges, R

11/24-117

That Council:

1. **Note that there is no current lease with Kalbarri Town Talk Association in respect of their occupation of part Lot 175 Kaiber Street, but they are recognised as tenants at will;**
2. **Advise Kalbarri Development Association that Council is prepared to consider entering into a lease subject to compliance with the following:**
 - a) **Approval being sought and obtained from the Department of Planning, Lands and Heritage for amendment of the vesting order associated with Res 49019 from “Health Services” to “Community Purposes”;**
 - b) **No objections being received following public consultation in accordance with section 3.58 of the Local Government Act 1995;**
3. **Request the Chief Executive Officer to:**
 - a) **Seek approval from the Department of Planning, Lands and Heritage to amend the purpose of the vesting order relating to Reserve 49019 from “Health Services” to “Community Purposes”;**
 - b) **Arrange for advertising of Council’s intent to enter into a pepper corn lease over that portion of Lot 175 occupied by Kalbarri Town Talk in accordance with the requirements of Clause 3.58 of the Local Government Act 1995;**
 - c) **Arrange a further report to Council on the options to amend the zoning of Lot 175 Kaiber Street to the December 2024 Council meeting;**
 - d) **Take no action relating to the occupancy of Part Lot 175 Kaiber Street by Kalbarri Town Talk Association and/or Kalbarri Development Association pending the outcome of the request detailed in point 3a) above; and**

4. **Defer formal consideration of a lease to the Kalbarri Development Association as request pending modification of the current vesting order as identified in point 3(a).**

FOR

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

AGAINST

MOTION CARRIED 8/0

ATTACHMENT

9.4.1 Request for Reduction in Public Open Space Contribution - Proposed Subdivision at Lot 100 (No 18) Mortimer Street, Kalbarri

PROPONENT	Mr Ian Brashaw – Urban Plan
OWNER	Pago Pty Ltd
LOCATION / ADDRESS:	Lot 100 (No 18) Mortimer Street, Kalbarri
ZONE:	Residential Zone (Additional Use Area 1)
BUSINESS AREA:	Planning Services
FILE REFERENCE:	10.6.1 & A468
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Brian Robinson
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	21 October 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The subject land is a 993m² property located on the north-western corner of the intersection of Mortimer and Auger Street within the Kalbarri Townsite. The site is located to the rear of the Kalbarri IGA supermarket and is currently developed with an un-used hall. A location plan is shown below.

Location Plan



At its Ordinary Meeting held on 20 June 2024, Council resolved to grant conditional Development Approval to the establishment of 7 residential dwellings on the land, 5 of which are to be single bedroom dwellings.

Subsequently, approval has been sought and obtained for a Survey Strata Subdivision result in the creation of a total of 7 strata lots, 5 relating to the proposed small dwellings and accessible dwelling and the remaining two being vacant lots. Copies of the Western Australian Planning Commission (WAPC) letter of conditional approval and the approved Strata Plan are shown attached.

ATTACHMENT: 9.4.1 (1)

As reflected at condition 5, the WAPC has imposed a condition requiring the landowner/applicant to make payment of cash-in-lieu being equivalent to 10% Public Open Space.

Council is requested to determine a request from the proponent to effectively waive the requirement for a Public Open Space contribution on the following grounds:

- i) WAPC Development Control Policies 2.3 and 1.3 recognise a reduction in open space requirements for small strata developments;
- ii) The proximity of the nearest open space is 240 metres at the end of Auger Street;
- iii) The Murchison River foreshore, being the focus of recreational pursuits is 70m;
- iv) An area of 99m² would be of little benefit to the tenants;
- v) Demand for rental property is extremely high and surpasses the use of the site in contrast to open space;
- vi) A reduction in the open space requirement from 10% to 5% is inadequate because of the demand for rental accommodation in Kalbarri;
- vii) Such levies are a complete disincentive for further projects in the town.

A copy of the submitted request is shown attached.

ATTACHMENT: 9.4.1 (2)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

To assist Council in determining the request, the following comments and advice is offered:

Zoning

The Shire of Northampton's Local Planning Scheme No 11 - Kalbarri Townsite (the Scheme) include the land within both the Residential Zone and Additional Use Zone – Area No 1.

Additional Use Zone No 1 applies to the land bounded by:

- i) Land bound by Grey Street, Clotworthy Way, both sides of Mortimer Street and Woods Street as delineated on the Scheme Maps; and
- ii) The land bounded by Grey Street, Kaiber Street and Hackney Street.

The purpose of Additional Use Zone – Area No 1 is to facilitate development of the land at a higher density where the land has a minimum site area of 2,000m² and the development is proposed for short term tourist accommodation. The higher density only applies where the development included an office and residential accommodation for an on-site manager and facilities are provided for guests, comprising of a swimming pool and covered BBQ area as a minimum.

Density

As the development is not proposed for short stay accommodation, a maximum density of R50 applies in accordance with the Residential Design Codes of Western Australia (R-Codes). In accordance with this density, a minimum lot size of 160m² can be established provided that an average lot size of 180m² is met. The proposed subdivision complies with the minimum lot size requirements.

WAPC Development Control Policy

The WAPC's Development Control Policy No 2.3 outlines the following requirements with respect to contributions towards Public Open Space (POS):

- a) The Commissions normal requirement in residential areas is that, where practicable, 10% of the gross subdivisible area be given up free of cost and vested with the crown;
- b) Based on a uniform density of 30 persons per hectare, a standard contribution of 10% POS has been applied since 1956;
- c) The Commission will not normally require an open space contribution for five lots or less, provided that a contribution is not required by a provision of a town planning scheme or approved structure plan, where:
 - i) *The applicant demonstrates to the satisfaction of the Commission that land has already been given up for open space in an earlier subdivision; or*
 - ii) *The proposal is within a locality where the Commission on the advice of the local government, following an assessment of the locality, has concluded that there is sufficient open space in that locality.*

Requirement for POS

The WAPC granted conditional approval to the proposed survey-strata subdivision via correspondence dated 17 October 2024. Condition No 5 as imposed by the WAPC requires the payment of an equivalent to 10% of the land value, being the equivalent Cash-In-Lieu of providing POS.

Given the small size of the current property (993m²), the POS requirement would otherwise result in 99m² of land being vested for POS, being too small to represent a useable space. Accepting the equivalent value being paid to the Shire would allow the Shire to use those funds in further developing nearby Crown Reserves.

As reflected within the applicant's submission, their client considers the imposition of a Cash-In-Lieu requirement to be a "*complete disincentive for further projects in the town. The proponent considers removal of this factor as*

an incentive to develop more rental property in Kalbarri, the very focus of his company's development portfolio in Perth".

This requirement was imposed as strictly speaking it relates to a proposed subdivision involving more than five lots. It should however be noted that five of the proposed lots relate to single bedroom dwellings.

It is also worthwhile noting that if the units were not to be strata titled, then no contribution towards POS would be required.

Existing Open Space

An assessment of the existing open space in the locality confirms that the property is located some 70 metres east of Reserve 25307, being the Murchison River Foreshore Reserve. It is also located approximately:

- a) 270 metres west of Local Reserve, being Lot 300 Auger Street; and
- b) Less than 600 metres north of the Kalbarri sporting precinct.

Given the above, it is considered that the passive and recreational needs of the future development occupants are more than adequately met by existing public open space requirements.

Conclusion

In determining an application for survey strata of the development approved by Council in June 2024, the Western Australian Planning Commission imposed a condition requiring payment of Cash-in-Lieu of Public Open Space. Compliance with the condition is to be to the satisfaction of the Shire. This condition was not requested by Shire Officers.

Given that the active and passive recreational needs of the future occupants will be met by existing Public Open Space in the area, it is recommended that the requirement for Cash-in-lieu be waived.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005.

POLICY / STRATEGIC IMPLICATIONS:

Development of the site as proposed by the applicant, and reflected in the approved survey strata subdivision, will result in the redevelopment of a disused hall in a prime location that is near the Murchison River Foreshore.

Support of the development will result in the creation of five single bedroom dwellings, a form of permanent residential accommodation not currently available in the townsite. Support of the applicant's request will remove a potential impediment to the development, which would be consistent with the following Key Outcomes of the Shire of Northampton Strategic Community Plan 2020-2030:

- 1.1.1 *Population maintenance and growth through diversity in land zoning reflecting the diverse nature of residential needs; and*

5.1.3 To demonstrate a proactive approach to community and economic development, and service delivery.

ORGANISATIONAL RISK MANAGEMENT:

The risk rating associated with the waiving of the cash-in-lieu requirement is considered minor given the low value of the contribution that would be required.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response
Minor (2)	First aid injuries	\$1,001 - \$10,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response
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:

Waiving of the requirement for Cash-In-Lieu will result in the Shire not receiving an amount of cash-in-lieu being the equivalent of 10% of the site area (99m²). The exact value of this contribution can only be determined through a valuation exercise at the cost of the applicant.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council approve the applicants request to grant clearance to condition No 5 of the Western Australian Planning Commission letter of conditional approval dated 17 October 2024, as shown at Attachment:

9.4.1 (1), without payment of the identified Cash-in-Lieu component on the basis that the proposal includes five single bedroom dwellings and it is considered the passive and active recreational needs of the future occupants will be met by existing public open space in the area of the subject land.

COUNCIL RESOLUTION:

MOVED: Horstman, R SECONDED: Hay, T

11/24-118

That Council approve the applicants request to grant clearance to condition No 5 of the Western Australian Planning Commission letter of conditional approval dated 17 October 2024, as shown at Attachment: 9.4.1 (1), without payment of the identified Cash-in-Lieu component on the basis that the proposal includes five single bedroom dwellings and it is considered the passive and active recreational needs of the future occupants will be met by existing public open space in the area of the subject land.

MOTION CARRIED 8/0

FOR

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

AGAINST

Cr Tim Hay declared an financial interest in relation to item 9.4.2 – as as he is the owner of a caravan park.

Cr Tim Hay declared a proximity interest in relation to item 9.4.3 – as he owns property on the same street.

Councillor Hay left the Chambers at 14:52 pm.

9.4.2 Proposed Scheme Amendment relating to Nature Based Parks and Camping-Private within the Shire of Northampton

PROPONENT	Shire of Northampton
OWNER	Shire of Northampton
LOCATION / ADDRESS:	N/A
ZONE:	Various
BUSINESS AREA:	N/A
FILE REFERENCE:	10.8.4
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Kaylene Roberts & Brian Robinson
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	28 October 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

On 15 August 2024 Council resolved (Resolution 08/24-105) to request the Chief Executive Officer to prepare an amendment to Local Planning Scheme No 10 (LPS No 10) in order to:

a) *Introduce the following land use definition:*

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

b) *List a Nature Based Park as an “A” use within the Rural Zone and an “X” use within all other zones.*

Subsequently on 17 October 2024, Council was requested to consider the impact of the *Caravan Parks and Camping Grounds Amendment Regulations 2024*. As part of Resolution 10/24-122, Council resolved to:

i) Adopt the following definition for Camping – Private under the Shire’s Local Planning Scheme’s:

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, 11A and 12.

- ii) Determine that the use Camping – Private is not consistent with the objectives of the following Zones:
- Residential Zone (Local Planning Scheme No's 10 & 11);
 - Special Residential Zone (LPS No 11);
 - Centre Zone (LPS No 11);
 - Commercial Zone (LPS No 10 and 11);
 - General Industry Zone (LPS No 10 & 11); and
 - Mixed Use Zone (LPS No 11)

Council is now requested to adopt the following Scheme Amendments for the purposes of advertising:

1. Scheme Amendment No 10 to Local Planning Scheme No. 10 - Northampton in order to modify the provisions of that scheme to address Resolution 08/24 – 105 and Resolution 10/24-122; and
2. Scheme Amendment No 3 to Local Planning Scheme No. 11 - Kalbarri to address resolution 10/24-122.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

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

Objectives

The objective of the Scheme Amendments are as follows:

Local Planning Scheme Amendment No 10 – Amendment No 10

To modify the provisions of LPS No 10 in order to:

- a) Facilitate the establishment of Nature Based Parks within the Rural Zone, whilst preventing the use being established in other zones; and
- b) Prevent the use of vacant land within townsites for non-commercial camping.

Local Planning Scheme Amendment No 11 – Amendment No 3

To modify the provisions of LPS No 11 in order to prevent the use of vacant land within the Kalbarri Townsite for non-commercial camping.

Definitions of Nature Based Park and Camping Grounds

A *nature based park* is defined as a facility in an area that:

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

A natural landscape can include an agricultural setting if all other criteria are met. The development should be consistent with the surrounding landscape character. The facility should provide an experience of being close to nature.

A *camping ground* means an area of land on which camps, but not caravans, are situated for habitation but does not include any land prescribed for the purposes of this definition.

Definition of Camping – Private

In accordance with Resolution 10/24-22, it is proposed that the following definition for Camping – Private will be introduced into both Local Planning Scheme's:

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, 11A and 12.

Impact on Environment

A Nature Based Park could be expected to be a small scale operation as environmental impact as a key consideration. A Nature Based Park may, however, consist of a number of discrete and physically separated nodes.

The Nature Based Park should contribute to conserving biological diversity and natural resources. Watercourses should be protected from pollution discharges and effluent systems must be appropriate not only for the protection of human health but in the environmental context.

With respect to Camping-Private, camping on vacant land usually means that there is no toilet, shower, laundry facilities or wastewater disposal systems can impact the environmental through the inappropriate disposal of grey water and other waste water on-site.

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.

It is recommended that modification of the current Local Planning Policy is required 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.

Length of Stay – Nature Based Parks

The length of stay will be determined based on the information provided within the Management Plan but can be no longer than 28 days in any three month period. Where it is proposed that the facility is to cater for self-contained vehicles, it must be remembered that these vehicles are unlikely to be able to be fully self-supporting in relation to water and waste for more than three to seven days.

A self-contained vehicle is classed as being fully self-contained with respect to shower, toilet, washing, cooking and sleeping facilities and must have holding tanks for all toilet waste and sullage water sufficient for at least 48 hours use by the occupants.

Purpose of Stay

Nature Based Parks are intended for use by tourists, particularly people who are wanting to experience nature. Permanent or long stay occupation is not appropriate, and this is to ensure that there is minimal impact on the environment.

Management Plan

Proposals for Nature Based Parks will need to be supported by a Management Plan outlining details on how the proposed facility is to be designed, the level of facilities and the ongoing operation.

Bushfire Prone Areas

If the Nature Based Park is in a bushfire prone area, a detailed Fire Management Plan will be required.

Amendment Process

Introduction of and modifications to a Local Planning Scheme is regulated by the provisions of the *Planning and Development Act 2005* and the associated *Planning and Development (Local Planning Scheme) Regulations 2015*. Should Council resolve to adopt the Amendment, the Amendment will be required to be processed and determined in accordance this legislation.

In accordance with the Regulations, a scheme amendment can be classified as a basic, standard or complex amendment. As the amendments proposed are text-based amendments only, it is recommended that the amendment be identified as a Standard Amendment and the approval of the Western Australian Planning Commission (WAPC) be sought to proceed on this basis.

Should the WAPC agree that the amendment is appropriately identified as a standard amendment, the Local Scheme Amendments will be advertised for public comment.

STATUTORY ENVIRONMENT:

The establishment and operation of a Nature-Based Park and any other form of camping is regulated by the provisions of the following legislation:

- Caravan Parks and Camping Grounds Act 1995;
- Caravan Parks and Camping Grounds Regulations 1997;
- Planning and Development Act 2005;
- Health Act (Miscellaneous Provisions) 1911;
- Building Act 2011 and National Construction Code 2022; and
- Relevant Shire of Northampton Local Laws.

POLICY / STRATEGIC IMPLICATIONS:

Amendment of the Scheme as proposed is consistent with the following Key Outcomes and Objectives as identified within the Shire of Northampton's Strategic Community Plan 2020-2030:

1.	Our Economy	
1.1	To maintain or grow our population through land development to attract and support residents, visitors and business initiatives.	
	Key Outcomes	Objectives
1.1.2	Provision of effective town planning scheme to support visitor expectations or needs and appropriate business development support for local business initiatives	Maintained or increased businesses across towns and locations of the Shire for economic and employment benefits.
1.1.3	To maintain a tourism strategy within budget possibilities to have tourist facilities of the highest standard that the Council can afford.	Increase in numbers of visitors accessing local businesses and tourist attractions.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

Should Council support the Officers Recommendation, the required Scheme Amendment documentation will be prepared in house. All costs associated with the Scheme Amendment process will be undertaken in compliance with the annual budget.

SUSTAINABILITY:

Environmental: Nature based camps will need to be sympathetic to the environment and the scale will not cause a negative impact on the natural environment.

Economic: The proposed nature based camps / parks will provide the landowners with an additional source of income and the tourists will benefit the area by bringing business to the Shire of Northampton.

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

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. Pursuant to Section 75 of the *Planning and Development Act 2005*, amend Local Planning Scheme No. 10 - Northampton and Planning Scheme No. - 11 Kalbarri to:
 - a) Introduce the following land use definition:

Nature Based Camping / Park – means premises used for a nature based camp / park as defined in the Caravan Parks and Camping Grounds Regulations 1997 (as amended).
 - b) List a Nature Based Camping / Park as an “A” use within the Rural Zone and an “X” use within all other zones.

COUNCIL RESOLUTION:

MOVED: Horstman, R SECONDED: Suckling, R

11/24-119

That Council:

1. Pursuant to Section 75 of the *Planning and Development Act 2005*, amend Local Planning Scheme No. 10 - Northampton and Planning Scheme No. - 11 Kalbarri to:
 - a) Introduce the following land use definition:

Nature Based Camping / Park – means premises used for a nature based camp / park as defined in the Caravan Parks and Camping Grounds Regulations 1997 (as amended).
 - b) List a Nature Based Camping / Park as an “A” use within the Rural Zone and an “X” use within all other zones.

MOTION CARRIED 7/0

FOR

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

AGAINST

Councillor Hay returned to the Chambers at 14:55 pm.

ATTACHMENT

9.4.3 Retrospective Approval for Verandah at Lot 102 (No. 12) Lynton Avenue, Port Gregory

PROPONENT	L Hose
OWNER	J Rob
LOCATION / ADDRESS:	Lot 102 (No. 12) Lynton Avenue, Port Gregory
ZONE:	Residential R12.5
BUSINESS AREA:	Planning Services
FILE REFERENCE:	10.7.1.1/A682
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Kaylene Roberts
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	30 October 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Council is requested to determine a retrospective application for a verandah at Lot 102 (No. 12) Lynton Avenue, Port Gregory. A location plan is shown below.

LOCATION PLAN



The subject lot has an area of 1,012m² and contains a dwelling, outbuilding and water tank. The landowner has constructed a verandah that measures 14m by 2.3m (32.2m²) and is setback 1.1m from the south-eastern side boundary. A planning application was submitted after it was identified that the structure had already been constructed through a building permit.

The structure is a timber framed building with Colorbond® sheeting in the same colour as the existing roof of the dwelling. A wall height of 2.6m is proposed over wooden decking. A copy of the plans are 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 meets the Residential Design Code (R-Codes) provisions and was not advertised to adjoining landowners. The retrospective nature of the application was identified later through a building permit.

COMMENT (Includes Options):

The provisions of the Shire of Northampton Local Planning Scheme No. 10 (the Scheme) include the land within the Residential Zone, where a dwelling is a "P" use. That is a use, which is permitted subject to compliance with development standards.

The proposed development is therefore required to comply with the requirements relating to R12.5 under the State Planning Policy 7.3 – Residential Design Codes Volume 1 (the R-Codes).

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

Matters to be Considered

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

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

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

Residential Design Codes (R-Codes)

The proposed verandah is to be setback 33m from the rear boundary, 8.1m from the front boundary, 18m from the left boundary and 1.1m from the right

side boundary. These setbacks are considered to be consistent with Part B of the R-Codes.

If the Shire's prior Development Approval had been sought, the application would have been conditional approved under delegated authority.

Bushfire Prone Area

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

Impact on Amenity

No impact is expected from the structure as the height of the structure is compliant with the R-Codes and is setback from the adjoining landowners.

Retrospective Nature of Works

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

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

Potential Legal Action

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 prior development approval in place, it is recommended that a modified penalty of \$500 is issued.

Conclusion

Given the proposal is not expected to have an impact on the amenity of the area and conforms to the provisions of the Scheme and R-Code Design

Principles. The application is therefore recommended for retrospective approval subject to appropriate conditions.

The issuing of a modified penalty of \$500 is 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. 10*.

POLICY / STRATEGIC IMPLICATIONS:

A consistent approach 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.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

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

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

A. In accordance with Local Planning Scheme No. 10 grant retrospective development approval for a verandah at Lot 102 (No. 12) Lynton Avenue, Port Gregory 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	Site Plan	14 October 2024
2	Verandah Drawings	14 October 2024

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

Advice Notes;

1. This development approval is NOT a building permit. A building permit must be formally applied for and obtained from Building Services BEFORE the commencement of any site and/or development works. (Land clearing to facilitate development and BAL report is permitted).
 2. A private Building Surveyor will need to be appointed by the landowner to certify the structural integrity of the building and compliance with the requirements of the Building Code of Australia.
 3. The Applicant is advised that compliance with any and all governmental legislation and regulations, including but not limited to *Health (Miscellaneous Provisions) Act 1911*, the National Construction Code of Australia and the relevant *Aboriginal Cultural Heritage Act*, is required at all times.
 4. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of determination.
- B. Request the Chief Executive Officer to issue a modified penalty of \$500 for breach of Local Planning Scheme No. 11 with respect to the completion of the patio being the subject of Point A above, without the required prior development approval being obtained.

COUNCIL RESOLUTION:**MOVED: Suckling, R SECONDED: Pike, D****11/24-120****That Council:**

A. In accordance with Local Planning Scheme No. 10 grant retrospective development approval for a verandah at Lot 102 (No. 12) Lynton Avenue, Port Gregory 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	Site Plan	14 October 2024
2	Verandah Drawings	14 October 2024

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

Advice Notes;

- 1. This development approval is NOT a building permit. A building permit must be formally applied for and obtained from Building Services BEFORE the commencement of any site and/or development works. (Land clearing to facilitate development and BAL report is permitted).**
- 2. A private Building Surveyor will need to be appointed by the landowner to certify the structural integrity of the building and**

compliance with the requirements of the Building Code of Australia.

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

MOTION CARRIED 7/0

FOR

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

AGAINST

Councillor Hay returned to the Chambers at 14:55 pm.

ATTACHMENT

9.4.4 Delegated Planning Decisions for October 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 Local Government Act 1995</i>
AUTHOR:	Kaylene Roberts
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	5 November 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

To ensure the efficient and timely process 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 monthly 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, detain those decisions made under delegated authority in October 2024 is attached.

ATTACHMENT: 9.4.4 (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 October 2024

Table 1: Planning Decisions made in October 2024

	October 2023	October 2024
Delegated Decisions	6 - \$620,000 **4	8 - \$89,286 **4
Council Decisions	1 - \$400,000	2 – \$0.00
Total	7 - \$1,020,000	10 - \$89,286

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	52 - \$6,304,648 **18	58 - \$3,264,449 **23
Council Decisions	15 - \$3,421,125 **13	27 - \$5,184,517 **2
Total	67 - \$9,725,773	85 - \$8,448,966

*** 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 several 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 receive the report on Delegated Development Approvals for October 2024 as detailed in Attachment: 9.4.4 (1).

COUNCIL RESOLUTION:

MOVED: Suckling, K SECONDED: Suckling, R

11/24-121

That Council receive the report on Delegated Development Approvals for October 2024 as detailed in Attachment: 9.4.4 (1).

MOTION CARRIED 8/0

FOR

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

AGAINST

ATTACHMENT

9.5.1 Building Approvals Report October 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:	11 November 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 October 2024 to 31 October 2024.

ATTACHMENT: 9.5.1(1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

During October 2024, thirty (30) 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 October 2024 in accordance with Attachment: 9.5.1 (1).

COUNCIL RESOLUTION:

MOVED: Horstman, R SECONDED: Gibb, T

11/24-122

That Council receive the Building Approvals Report October 2024 in accordance with Attachment: 9.5.1 (1).

MOTION CARRIED 8/0

FOR

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

AGAINST

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:	Works and Technical Services
FILE REFERENCE:	N/A
LEGISLATION:	N/A
AUTHOR:	Tina Souroup
APPROVING OFFICER:	Neil Broadhurst
DATE OF REPORT:	25 October 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):

Harvest 2024 Works Summary

In additional to the works below.

Additional allocation of funds for urgent maintenance grading across the Shire of Northampton for the 2024 Harvest period are completed to the nominated closure date being 15 November 2024.

- September 09/24-02. Allocate \$40,000.00 from Strategic Opportunities Reserve
- October 10/24-01. Allocate additional \$60,000.00 from Strategic Opportunities Reserve. Expenditure no later than 15th November 2024.

Works completed to the nominated date total \$50,567.00 plus GST.

Specific Road Works

- Maintenance grading carried out on Wundi, Ellen, Wellington, Ajana East, Balla Whelarra, Mongeragarry, Binu East, Sudlow, Ogilvie School, Brooks, Norman Well, Isseka East, Larard, Parker, Teakle, Ruddaway, Rifle Range, Pigeon Well, Horan, Rosser, Harry, Elliot, Hatch, Blue Well, Starling, Frosty Gully, Yarra, James, Willigulli, Walsh, Jackson, Olivier, CBH Back and Little Bay Road/s.
- Gravel Patching- Unsealed Roads (not potholes)/ Sheeting/Verge works carried out on Ajana East, Horan, Elliot, Chilimony, Blue Well, Frosty Gully and Harvey Road/s.
- Culvert repair carried out on Normans Well, Walsh and Bowes Springs Road/s.

Maintenance Items

- General – Various signage and road furniture works.
- General – Potholes and edges various locations.
- General – Northampton and Kalbarri – Various tree lopping/vegetation works for road verge and Western Power line clearance.
- General – Fix Port Gregory power supply issue with pumps at holding tanks.
- General – Contract dozer in shire undertaking gravel pushup/stockpile works.
- Rainfall Event/s – 17th October to 21st 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 – Open 21 October 2024
- Northampton received 50.8 mm rainfall for October 2024.
- Kalbarri received 32.3 mm rainfall for October 2024.
- 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. AGRN1143
 - PEN 3. 26 June to 30 June 2024. AGRN1150
 - PEN 4. 07 July to 11 July 2024.
 - PEN 5. 18-19 July 2024.
 - PEN 6. 23 July – 01 August 2024.

GHD Consultants are compiling Event/Damage Assessments for the Network area that will form the financial assessment part of the submission.

Notification received that PEN 1 and PEN 2 notification/s have been successful for DRFAWA Heavy Rainfall and Associated Flooding in the Geraldton Region, damage assessments and proposed scope of works need to be submitted by 30 November 2024.

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. 'Show Cause' notice forwarded to Contractor.
- 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 continuing.

- Kalbarri - Grey Street - Dual Use Path - Removal and upgrade of the DUP at front of Allen Centre and Visitors Centre complete.

Plant Items

- 3 x Utilities – Parks and Gardens Manager Vehicle (Dec 2024)
Town Maintenance Vehicle (Received)
Ranger Vehicle (Dec 2024)

Staff Items

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

Staff Training

- Confined Spaces Training - complete.
- First Aid training – All outside staff (Nov/Dec 2024)

Vacant positions filled

- 1 x Full Time Parks and Gardens Officer - Raelene Tarchini - Commenced work 29 October 2024.

A copy of the Executive Manager of Works and Technical Services – Works Crew Budget – Program and Progress Report, November 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
Moderate (3)	Medical type injuries	\$10,001 - \$50,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact, moderate news profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies

Major (4)	Lost time injury	\$50,001 - \$150,000	Prolonged interruption of services – additional resources; performance affected < 1 month	Non- compliance results in termination of services or imposed penalties	Substantiated, public embarrassment, high impact, high news profile, third party actions	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies
Catastrophic (5)	Fatality, permanent disability	More than \$150,000	Indeterminate prolonged interruption of services – non- performance > 1 month	Non- compliance results in litigation, criminal charges or significant damages or penalties	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions	Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment & building	Uncontained, irreversible impact

FINANCIAL IMPLICATIONS:

Works in accordance with maintenance and construction budget.

SUSTAINABILITY:

Environmental: Activities of the Executive Manager of Works and Technical Services often deal with environmental related matters both from a compliance perspective and improvement perspective.

Economic: Part of the Executive Manager of Works and Technical Services role is to improve local economies and often activities are associated with economic development initiatives and opportunities.

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

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

That Council receives the Executive Manager of Works and Technical Services Information Items – Maintenance/Construction – Works Program report for November 2024. In accordance with attachment 9.8.1 (1).

COUNCIL RESOLUTION:

MOVED: Suckling, K SECONDED: Pike, D

11/24-123

That Council receives the Executive Manager of Works and Technical Services Information Items – Maintenance/Construction – Works Program report for November 2024. In accordance with attachment 9.8.1 (1).

MOTION CARRIED 8/0

FOR

Cr L Sudlow
Cr R Horstman
Cr R Burges
Cr T Gibb
Cr T Hay

AGAINST

Cr D Pike
Cr K Suckling
Cr R Suckling

Cr Karl Suckling declared an financial interest in relation to item 9.8.2 – as he could potentially gain financially from increased efficiency. Councillor Karl Suckling left the Chambers at 14:57pm.

ATTACHMENT

9.8.2 Restricted Access Vehicle (RAV) Request for Binnu West, Ogilvie West, and Chilimony Roads.

PROPONENT	Shire of Northampton
OWNER	Shire of Northampton
LOCATION / ADDRESS:	Whole of Shire
ZONE:	All
BUSINESS AREA:	Works and Technical Services
FILE REFERENCE:	
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Tina Souroup
APPROVING OFFICER:	Neil Broadhurst
DATE OF REPORT:	28 October 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

A request via Council to upgrade the Restricted Access Vehicle (RAV) rating for three local roads within the Shire of Northampton has been received. Request has been made to increase the RAV rating from RAV 4 (27.5 metres long) to RAV 7 (36.5 metres long). The Executive Manager Works and Technical Services has received quote/s from Greenfield Technical Services to undertake a preliminary independent assessment of Binnu West, Ogilvie West and Chilimony Road/s. The sections for review are as follows:

Binnu West Road (SLK 21.29 - 29.44) from Telegraph Road to Maggee Road.
 Ogilvie West Road (SLK 8.97 – 18.32) from Chilimony Road to Hosken Road.
 Chilimony Road (SLK 0.00 – 18.73) from NWCH to Trevenson Road.

Heavy vehicles for these roads would predominantly be the cartage of lime sand, fertiliser and grain.

A map of the existing approved RAV Network is attached. (RAV 4 and RAV 7).

A copy of proposed assessment outline and costings are attached.

ATTACHMENT: 9.8.2 (3)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

Greenfield Technical Services if approved will review the road/s in accordance with 'Main Roads Standard Restricted Access Vehicle Assessment Guidelines'.

The review will be to determine the suitability of the road/s as per follows.

1. That the roads are suitable without any additional works being required for RAV 7 rated vehicles.
2. That the roads are unsuitable for RAV 7 rated vehicles in their current condition. In this case a report identifying the non-conforming areas would be received. Based on this the site/s can be investigated with works identified and costed for future budget consideration. The degree and cost of these works would have to be considered by Council as to the overall benefit that would result in undertaking the works.

Council needs to understand that both Chilimony Road and Ogilvie West Road have been assessed previously using previous Main Roads Western Australia guidelines and rated as RAV 4 network areas. It is arguable and based on current guidelines that direct approach for assessment by Main Roads Western Australia staff could result in Chilimony Road and Ogilvie West Road being actually downgraded in regard to Restricted Assess Vehicle ratings. Hence the consultant review and report rather than the direct request to Main Roads WA.

The Executive Manager of Works and Technical Services believes that the section of Binnu West Road being requested will be approved as a RAV 7 route. The existing Binnu West Road rating to the immediate east of the section requested is of the same design. Based on this a second quote to exclude Binnu West Road was requested.

Once this assessment has been carried out Management shall review the required works for routine or potentially future budget considerations.

STATUTORY ENVIRONMENT:

Nil

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

Risk rating is considered Moderate as failure to comply with statutory requirements could lead to substantive penalties.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response
Minor (2)	First aid injuries	\$1,001 - \$10,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response

Moderate (3)	Medical type injuries	\$10,001 - \$50,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact, moderate news profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies
Major (4)	Lost time injury	\$50,001 - \$150,000	Prolonged interruption of services – additional resources; performance affected < 1 month	Non-compliance results in termination of services or imposed penalties	Substantiated, public embarrassment, high impact, high news profile, third party actions	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies
Catastrophic (5)	Fatality, permanent disability	More than \$150,000	Indeterminate prolonged interruption of services – non-performance > 1 month	Non-compliance results in litigation, criminal charges or significant damages or penalties	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions	Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment & building	Uncontained, irreversible impact

FINANCIAL IMPLICATIONS:

No budget allocation has been made for 'Restricted Access Vehicles' (RAV) reviews using consultant resources for the 2024/2025 financial year.

Quotes received from Greenfield Technical Services:

1. Review Binu West, Ogilvie West and Chilimony Road/s total \$9,750.00 (plus GST.)
2. Review Ogilvie West and Chilimony Road/s total \$8,500.00 (plus GST).

A provision under municipal fund Road Maintenance (08/T379) for sundry/miscellaneous expenses, totalling \$10,000 is available if Council wishes to proceed with this review.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. Amend the 2024/2025 Annual Budget as follows;

Item	2024/2025 Budget	Proposed 2024/2025 Budget	Variation
Municipal Fund Road Maintenance	08/T379 (5850) Sundry/Misc Expenses \$10,000	08/T379 (5860) Sundry/Misc Expenses \$1,500	\$8,500

Municipal Fund Road Maintenance	08/T379 (5850) Road RAV Review \$0	08/T379 (5860) Road RAV Review \$8,500	(\$8,500)
		NET	\$0

2. Proceed with the quote as received from Greenfield Technical Services for the RAV review of Ogilvie West and Chilimony Roads. Total \$8,500 (plus GST) to be allocated to Municipal Fund Road Maintenance,
3. Proceed with direct application to Main Roads Western Australia for the Restricted Access Vehicle review of Binnu West Road from RAV 4 to RAV 7.

COUNCIL RESOLUTION:

MOVED: Suckling, R SECONDED: Burges, R

11/24-124

That Council:

1. Amend the 2024/2025 Annual Budget as follows;

Item	2024/2025 Budget	Proposed 2024/2025 Budget	Variation
Municipal Fund Road Maintenance	08/T379 (5850) Sundry/Misc Expenses \$10,000	08/T379 (5860) Sundry/Misc Expenses \$1,500	\$8,500
Municipal Fund Road Maintenance	08/T379 (5850) Road RAV Review \$0	08/T379 (5860) Road RAV Review \$8,500	(\$8,500)
		NET	\$0

2. Proceed with the quote as received from Greenfield Technical Services for the RAV review of Ogilvie West and Chilimony Roads. Total \$8,500 (plus GST) to be allocated to Municipal Fund Road Maintenance,
3. Proceed with direct application to Main Roads Western Australia for the Restricted Access Vehicle review of Binnu West Road from RAV 4 to RAV 7.

MOTION CARRIED 7/0

FOR

Cr L Sudlow
Cr R Horstman
Cr R Burges
Cr T Gibb
Cr T Hay

AGAINST

Cr D Pike
Cr R Suckling

Councillor Karl Suckling returned to the Chambers at 14:58 pm.

ATTACHMENT

9.8.3 Request for Consideration of Land Exchange to Facilitate Road Access to Lots 52 to 55, being South of King Street, Isseka

PROPONENT OWNER	PM Rice
LOCATION / ADDRESS:	Various (Refer to Background)
ZONE:	Lots 50, 53, 54 & 55
BUSINESS AREA:	Enter text
FILE REFERENCE:	Works and Services
LEGISLATION:	10.6.5
AUTHOR:	<i>Local Government Act 1995 and Land Administration Act 1997</i>
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	Brian Robinson
DECLARATION OF INTEREST:	8 November 2024
	Nil

BACKGROUND:

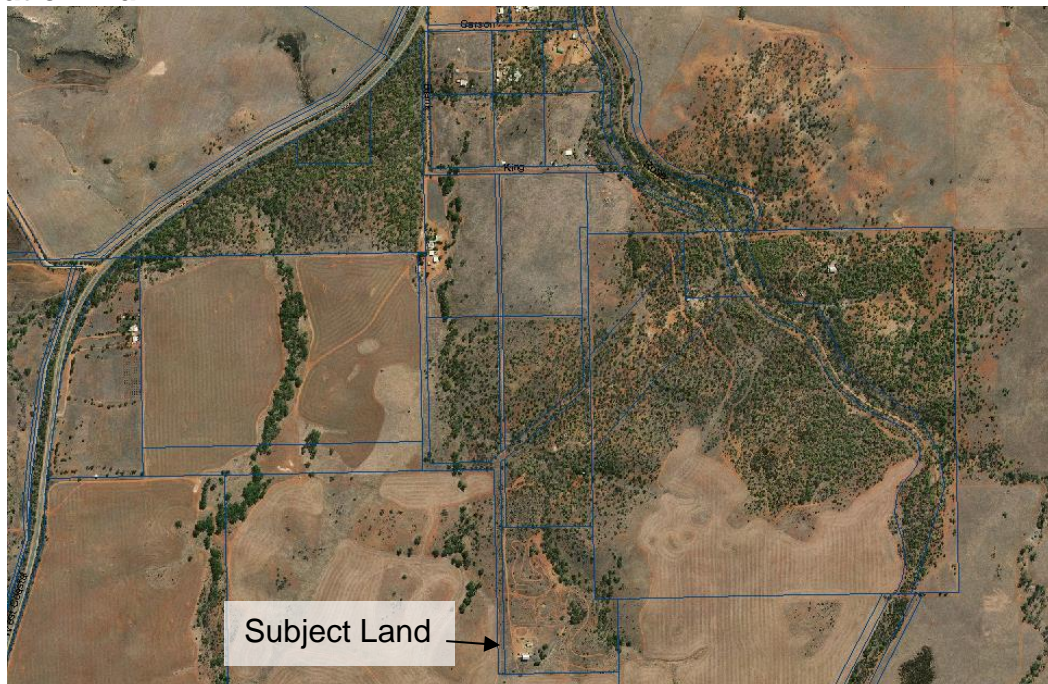
The applicants purchased Lot 55 in 2023 and have been seeking to have improved/clear road access or directions to their property. Correspondence has now been received seeking to establish constructed road access to their land. A copy of the submission is shown attached.

ATTACHMENT: 9.8.3 (1)

Currently lot 55, along with Lots 53 and 54 are accessed via a 12m wide easement extending south from King Street. Whilst a location plan is shown below, plans detailing the current access arrangements is shown attached.

ATTACHMENT: 9.8.3 (1)

Location Plan



In support of the request, the applicant has liaised the landowners whose property currently contains the easement, resulting in the following letters of support:

1. A Memorandum from the owners of Lots 53 and 54, being G & S Shadforth, supporting the request to develop an alternative from the original planned access route and being agreeable to enter negotiations with a view to a possible land swap between the private easement and shire road reserve; and
2. An email from Ms R Hose on behalf of L & R Hose indicating they are in support of further investigation and requesting that they be kept informed of any relevant meetings, timelines, or opportunities for input.

Full copies of the correspondence are provided attached.

ATTACHMENT: 9.8.3 (3)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

To assist Council in considering the applicants request, the following comments and advice are offered:

Existing Road Reserves

As depicted in Attachment No 2, the lots currently have access to unconstructed road reserves. The following is a summary of the current road reserves:

- a) A road reserve, named Scadden Street extends along the full western boundary of the applicant's property (lot 55), and continues along the full western boundary of Lot 54. The majority of the Scadden Street reserve is clear of vegetation, but it remains an unconstructed road reserve;
- b) Scadden Street road reserve connects with a road reserve named Angle Street, which extends between Lots 54 and 53 to the north, before continuing along the eastern boundary of Lot 53 and portion of the eastern boundary of Lot 50. The portion of Angle Street abutting Lot 50 is cleared of vegetation, appearing to be portion of that property.

Angle Street also abuts the western boundary of Location 832. Access to Location 832 is however currently provided via an informal road extending from Rose Street to the north;

- c) Angle Street also extends westward from Lots 53/54, connecting with an additional unconstructed road reserve called Blank Street. The Blank Street road reserve is located along the full length of the western boundary of Lot 53, and portion of the western boundary of Lot 49. The full length of the Blank Street road reserve is largely cleared of vegetation and appears to be incorporated into Lots 53 and 49. A shed associated with Lot 49 appears to be partially constructed over the road reserve.

It should be noted that whilst Scadden, Angle and Blank Street road reserves are connected, they do not connect to the adjacent constructed road network. Blank Street is separated from the local road network by a Crown Reserve. The Angle Street road reserve terminates approximately 150 metres south of King Street, with the land between forming part of Lot 50.

Potential for Road Construction

In order to connect Angle Street to the local road reserve, a 3,000m² area of Lot 50 (20m wide, 150m long) would need to be acquired from the landowner. As no portion of Angle, Scadden or Blank road reserves is constructed, formal construction of road access would be substantial. There is also potential for the road construction to be considered a lower priority when considered against other priorities within the Shire's 10 year program.

Current Easement

As detailed in the background section of this agenda item, an existing easement provides access to lots 53, 54 and 55. The easement, which is 12m wide is currently constructed to a minimum standard to provide vehicles access to those properties.

Currently the easement occupies 4,716m² of Lot 50, 4,440m² of Lot 53 and 2,220m² of Lot 54.

Potential New Road Reserve

Given the cost of land acquisition, clearing and road construction associated with the current road reserves, there is merit in considering the creation of a new road reserve, based on the current easement.

Applicants Proposal

As reflected in Attachment No 9.8.3 (1), the applicant is proposing that a new road reserve will follow the existing easement to Angle Street, then turning slightly west to follow the existing unconstructed Scadden road reserve. This would mean the new alignment would not involve the existing easement through Lot 54.

This aspect of the proposal is not supported given that construction of Scadden Street would still be required to provide Lot 55 with access to a constructed road reserve. Furthermore, it is considered that there is a greater chance that the State will support exchanging portion of the Angle Street road reserve for the sections of easement on both Lots 53 and 54 at no cost to that landowner.

Preferred Approach

For the reasons outlined above, it is preferable for the new road reserve to follow the full length of the existing easement. The attached plans demonstrate the areas of land involved with a potential land exchange for the easement.

ATTACHMENT: 9.8.3 (4)

It should be noted that land an additional 8 metre wide strip of land would be required to ensure that the new road reserve has a minimum width of 20m. This

additional width could be sought on either the western or eastern side of the easement.

In order to minimise the costs associated with the creation of a new road reserve, a land rationalisation process could be considered where each landowner is offered that portion of road reserve abutting their property, in exchange for them transferring the required portion of new road reserve to the Crown free of cost. The following table demonstrates the areas of land involved:

Property	Area Required (m2)	Abutting Road Reserve Area (m2)
Lot 50	4,716 (current easement)	4,879
Lot 53	4,440 (current easement)	9,436
Lot 54	2,220 (current easement)	
Lot 49	3,144 (8m wide)	3,630
Lot 52	3,200 (8m wide)	12,460

*Note: Areas stated above are approximate only and subject to confirmation.

It is acknowledged that there is substantially more existing road reserve located abutting Lots 53/54, 49 and 52. This may have implications on any future decision by the state on determining if the land exchange is fair and reasonable. It may be that the State will determine some level of payment may be required by the owners of 53/54, 49 and 52.

Land Exchange Process

In order to complete a land exchange process, it will first be necessary to consider closure of the existing road reserves. Further details on the closure process are outlined below.

Approval must also be obtained from the Department of Planning, Lands and Heritage (DPLH) approval must also be obtained for the proposed land swap, which must be considered fair and reasonable based on formal valuations. In order for DPLH to consider the request, the following information is required to be submitted:

- a) A Council Resolution which resolves to advertise the proposed road closure/s
- b) A sketch plan of the proposed road closure/s (Attachment 2 of this email is more than sufficient in this instance)
- c) Copy of an advertisement which was published in a newspaper circulating in the district of notice. At least 35 days will need to have lapsed before the Shire formally resolves to close the road.
- d) A schedule/summary of all submissions made as part of the advertisement and the Shire's public consultation process. Preferably the public consultation process should include referrals to service providers (Water Corporation, Western/Horizon Power, Telstra etc.).
- e) A Council Resolution which resolves to formally request for the Minister for Lands to close the road/s under section 58 of the LAA. If there are no

submissions as result of advertising and public consultation it should be noted in this Council Resolution; and

- f) A current unimproved market valuation for each land parcel involved in the proposal.

Road Closure Process

Land within public road reserves (i.e. dedicated roads) is Crown Land, whether that road is dedicated or not. Crown land is administered by DPLH, with responsibility for the care and maintenance of the reserves delegated to local government.

Where a road, or portion of a road is no longer required, it may be permanently closed in accordance with Section 58 of the *Land Administration Act 1997* after following the procedures set out in the Act, include a 35 day public consultation period, including referral to the relevant service authorities. Once a road is closed, it is open to DPLH to dispose of the land to adjacent landowners (generally at market value). Where a land exchange is involved, the value of land being cede to the Crown in exchange is usually taken into account.

Costs

Proceeding with a rationalisation of the road reserve will involve a number of costs, which include:

- a) Processing of proposed road closures, including the 35 day public consultation process;
- b) The cost of obtaining land valuations for each of the parcels of land involved in the process;
- c) Subject to DPLH agreement, preparation of the required diagrams of survey and completion of an application for subdivision/amalgamation, including dedication of the new road reserve; and
- d) Ultimately fencing and upgrading of the current easement access road to a suitable public rural road standard.

There is currently no provision for funding of the above within the Shire's adopted 2024/25 Annual Budget.

Should the request be supported, it would be appropriate for Council to determine what level of costs should be met by the applicant and/or the other landowners who have potential to benefit from the creation of a new road reserve and acquisition of the existing unconstructed road reserves.

In the interim, it is recommended that the applicant be required to meet the costs of advertising the proposed road closure.

It is also recommended that Shire Officers liaise with the Department of Planning, Lands and Heritage to examine the potential for the Shire to receive any funds that may be payable by the landowners to ensure that the exchange is fair and balanced. These monies could then be used to meet other costs associated with the project such the costs of fencing and upgrading of the easement access road.

Conclusion

The existing road network connecting Lots 53, 54 and 55 is unconstructed and does not connect to the gazetted/constructed local road network. As a result, these properties are dependent on an easement for access.

Establishing formally constructed road to services the applicants land would involve the acquisition of additional land, clearing and construction of the road. The potential costs associated with establishing constructed road access for Lots 53, 54 and 55 as part of a land exchange with the existing easement has potential to significantly reduce the costs involved.

The above said, as detailed in the comment section, in order to complete the creation of a new 20m wide road reserve, incorporating the current easement, the landowners of Lots 49 and 52 also need be included in the project. These landowners are yet to be consulted. The owner of Location 832 should also be consulted regarding the potential closure of the Angle Street road reserve.

STATUTORY ENVIRONMENT:

As detailed in the Comment section of this agenda item.

POLICY / STRATEGIC IMPLICATIONS:

Whilst Scadden, Angle and Blank Street road reserves exist, the fact they are not connected with the local road network negates any demand for their construction. The creation of a new road reserve, based on the current easement access, potentially provides a strategic solution to access issues for Lots 49, 50, 52, 53, 54 and 55.

ORGANISATIONAL RISK MANAGEMENT:

There are a number of risks associated with the proposed creation of a new road reserve, based on the current easement. Such risks include landowners not wishing to proceed, objections being received to the road closure and the State not agreeing that the land exchange is fair and reasonable.

The above said, if a strategic approach is not taken, the current status will remain, with the landowners placing pressure on the Shire to construct the existing road reserves at a substantially greater cost. A failure to consider the application is considered minor, due to the potential reputational damage.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response
Minor (2)	First aid injuries	\$1,001 - \$10,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response

Moderate (3)	Medical type injuries	\$10,001 - \$50,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact, moderate news profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies
Major (4)	Lost time injury	\$50,001 - \$150,000	Prolonged interruption of services – additional resources; performance affected < 1 month	Non-compliance results in termination of services or imposed penalties	Substantiated, public embarrassment, high impact, high news profile, third party actions	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies
Catastrophic (5)	Fatality, permanent disability	More than \$150,000	Indeterminate prolonged interruption of services – non-performance > 1 month	Non-compliance results in litigation, criminal charges or significant damages or penalties	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions	Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment & building	Uncontained, irreversible impact

FINANCIAL IMPLICATIONS:

The Shire's adopted Schedule of Fees and Charges 2024/25 do not identify an application fee for road closures. Examination of other local authorities adopted fees and charges has identified that it is standard to charge between \$850 and \$1,000 as an application fee for a road closure, ensuring that the Local Authority and its ratepayers are not meeting the cost of an exercise that benefits select individuals.

It is recommended that Council seek approval from the applicant to payment of a road closure fee of \$850 to cover the costs of advertising the proposed closures.

SUSTAINABILITY:

Environmental: Construction of the current road reserves will require the clearing of existing native vegetation.

Economic: As outlined in comment section above.

Social: Provision of gazetted road access will substantially improve the current access arrangements and assist in identification of the properties in the event of an emergency.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. Advise the applicant that Council is prepared to consider the proposed rationalisation of the existing road access for Lots 53, 54 and 55 through a land exchange whereby the owners would exchange the existing easement through Lots 50, 53 and 54 as shown on Attachment: 9.8.3 (2);
2. Defer commencement of the road reserve closures associated with the proposal referred to above pending:

- a) The applicant agreeing to payment of an application fee of \$850 in respect of the partial road reserve closures associated with the proposed land exchange;
 - b) The owner of Location 832 confirming that they would have no objection to the proposed closure and associated disposal of the Angle Street road reserve;
 - c) Comments being sought from the owners of Lot 49 and 52 over the potential land exchange of Blank Street and Angle Street road reserves for an 8 metre strip of land on the eastern boundary to facilitate the creation of a new 20m road reserve; and
 - d) Comments being sought on the proposal from the Department of Planning, Lands and Heritage with particular reference to the potential for the Shire of Northampton to retain any funds that may be payable by the landowners to ensure a fair and equitable land exchange, with those funds to be used for the road construction.
3. The applicant(s) being advised that Council's agreement to consider the proposed road rationalisation should not be construed as Council agreeing to meet all costs. Further consideration will need to be given to potential apportionment of costs following the receipt of advice from the Department of Planning, Lands and Heritage being sought under point 1(d) above.

COUNCIL RESOLUTION:

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

11/24-125

That Council:

1. Advise the applicant that Council is prepared to consider the proposed rationalisation of the existing road access for Lots 53, 54 and 55 through a land exchange whereby the owners would exchange the existing easement through Lots 50, 53 and 54 as shown on Attachment: 9.8.3 (2);
2. Defer commencement of the road reserve closures associated with the proposal referred to above pending:
 - a) The applicant agreeing to payment of an application fee of \$850 in respect of the partial road reserve closures associated with the proposed land exchange;
 - b) The owner of Location 832 confirming that they would have no objection to the proposed closure and associated disposal of the Angle Street road reserve;
 - c) Comments being sought from the owners of Lot 49 and 52 over the potential land exchange of Blank Street and Angle Street road reserves for an 8 metre strip of land on the eastern

boundary to facilitate the creation of a new 20m road reserve;
and

- d) Comments being sought on the proposal from the Department of Planning, Lands and Heritage with particular reference to the potential for the Shire of Northampton to retain any funds that may be payable by the landowners to ensure a fair and equitable land exchange, with those funds to be used for the road construction.
3. The applicant(s) being advised that Council's agreement to consider the proposed road rationalisation should not be construed as Council agreeing to meet all costs. Further consideration will need to be given to potential apportionment of costs following the receipt of advice from the Department of Planning, Lands and Heritage being sought under point 1(d) above.

MOTION CARRIED 8/0

FOR

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

AGAINST

10. LATE REPORTS:

Nil.

11. QUESTIONS FROM MEMBERS:

11.1 Response to questions from members taken on notice. Nil.

11.2 Questions from members. Nil.

12. MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING

Nil.

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

Nil.

14. APPLICATIONS FOR LEAVE OF ABSENCE:

Nil.

15. CLOSURE:

There being no further business to discuss the Shire President thanked those in attendance and closed the meeting at 3.03pm.

SIGNED:



**Cr Liz Sudlow
Shire President**

DATE: 19 December 2024