



# AGENDA

COUNCIL MEETING

18 APRIL 2024

**SHIRE OF NORTHAMPTON – COUNCIL MEETING AGENDA****18 APRIL 2024****NOTICE TO ALL COUNCILLORS**

An Ordinary Meeting of Council is called for Thursday 18 April 2024 commencing at 2:00 PM in the Council Chambers, Hampton Road, Northampton.



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Andrew Campbell  
**CHIEF EXECUTIVE OFFICER**

12 April 2024

**DISCLAIMER**

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

**SHIRE OF NORTHAMPTON****COUNCIL MEETING THURSDAY 18 APRIL 2024****TO BE HELD  
IN THE COUNCIL CHAMBERS, HAMPTON ROAD,  
NORTHAMPTON****COMMENCING AT 2:00 PM****AGENDA**

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

Acknowledgement of Country

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

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

4. **DECLARATIONS OF INTEREST:**

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

5. **PUBLIC QUESTION TIME:**

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

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

**6. PRESENTATIONS:**

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

**7. CONFIRMATION OF PREVIOUS MINUTES:**

\_\_\_\_\_ / \_\_\_\_\_

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

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## ATTACHMENT

**9.1.1 Proposed Lease to Kalbarri Men's Shed Inc. of 17 Richardson Road, Kalbarri for Men's Shed and Community Garden Purposes**

<b>PROPONENT</b>	Kalbarri Men's Shed Inc.
<b>OWNER</b>	Shire of Northampton
<b>LOCATION / ADDRESS:</b>	17 Richardson Road, Kalbarri
<b>ZONE:</b>	General Industry
<b>BUSINESS AREA:</b>	Office of CEO
<b>FILE REFERENCE:</b>	A4665
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Andrew Campbell
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	5 April 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

On 20 October 2023, Council resolved to redirect grant funding arising from TC Seroja toward the acquisition of 17 Richardson Road, Kalbarri for the purposes of supporting the relocation of the Kalbarri Men's Shed (Men's Shed) and the creation of a community garden.

After some negotiation, settlement occurred on 31 January 2024 when the Shire of Northampton (Shire) took possession of 17 Richardson Road, Kalbarri. Since that time the Chief Executive Officer has prepared a draft lease for negotiation with the Men's Shed in addition to the Men's Shed being provided with interim temporary access to the property to prepare for their move.

The purpose of this report is for Council to consent to the lease of the property and to specify negotiable terms of the lease.

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

The draft lease prepared for the property utilises standard lease conditions developed by solicitors and is typical in Local Government across Western Australia. Generally, the negotiable lease terms are restricted lease charges, lease terms and anything unusual that may be identified.

17 Richardson Road, Kalbarri is quite unusual in that it is freehold property now owned by the Shire and in the process of being leased to a community group. Usually lease arrangements with groups such as the Kalbarri Men's Shed occur on Crown Reserve managed under a management order with a power to lease by the Local Government.

By purchasing this property, Council has essentially removed the rating capacity of the property and will be impacted by insurance and maintenance costs which will all have an impact on the Shire budget. During previous discussion with a Kalbarri Men's Shed representative when the idea was first proposed, this matter was raised and seemingly verbally agreed that a contribution to the Shire in the magnitude of \$5,000 (ex GST) per annum from the Kalbarri Men's Shed would be required to suitably offset the Shire's loss in budget.

However, during recent draft lease discussions, it is clear that the Kalbarri Men's Shed are not prepared to make a material lease contribution for a number of reasons including they were a not for profit entity benefitting the community, no additional funds will be sought from the Shire for proposed improvements, comparison to other Men's Sheds lease arrangements, difficulty with fundraising initiatives and the current small membership base that needs to expand. A copy of the Kalbarri Men's Shed correspondence is attached.

**ATTACHMENT: 9.1.1 (1)**

In addition to this the Kalbarri Development Association has weighed into the lease negotiation with correspondence supporting the establishment of the Kalbarri Men's Shed and Community Garden with a measured approach to a lease fee.

**ATTACHMENT: 9.1.1 (2)**

Given the challenges being faced by the Kalbarri Men's Shed and community garden in establishment, it is recommended that Council agree to a five year lease at a nominal lease fee with an option for a further five years with a lease fee commencing at \$5,000 (ex GST) indexed by the Consumer Price Index (Perth - June to June). This approach would allow the Kalbarri Men's Shed significant time to implement measures to improve revenue streams and make an appropriate contribution to the Shire through a lease payment.

**STATUTORY ENVIRONMENT:**

Section 3.58 of the Local Government Act 1995 deals with the requirements for leasing Shire land, however Section 30(b) of the Local Government (Functions and General) Regulations 1996 exempts from these requirements leases to charitable, benevolent, educational, recreational, sporting or other like bodies, provided the members are not entitled to receive any pecuniary profit. The proposed lease complies with this exemption.

**POLICY / STRATEGIC IMPLICATIONS:**

Council should be cognisant of acquiring new assets that have large ongoing operational costs. In this circumstance, the ongoing costs are relatively small however this cost will accumulate with the acquisition of additional assets.

**ORGANISATIONAL RISK MANAGEMENT:**

Risk rating is considered Level 2 – Minor. If the Shire can not come to agreement on lease terms with the Kalbarri Men's Shed, the property could be repurposed for another suitable community activity or eventually sold.

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 lease proposed in this agenda item is likely to incur direct and indirect costs of up to \$5,000 (ex GST) per annum for the Shire.

### SUSTAINABILITY:

Environmental: Community gardens can be utilised to create environmental awareness in the community.

Economic: The Shire of Northampton will incur an economic cost as a result of this proposal.

Social: Men's Shed's and community gardens create social connectedness and will have many benefits in the community.

### VOTING REQUIREMENTS: SIMPLE MAJORITY

### OFFICER RECOMMENDATION:

#### That Council:

1. Authorise the Chief Executive Officer to lease 17 Richardson Road, Kalbarri to the Kalbarri Men's Shed Inc for a term of five years for a rental of \$10 per annum payable on demand, with an option for a further lease of five years subject to a rental of \$5,000 (ex GST) per year indexed annually at Consumer Price Index (Perth – June to June); and

2. Advise the Kalbarri Men's Shed that by granting the initial five year lease at nominal rental, Council is agreeing to meet the additional costs incurred by the Shire on behalf of ratepayers. The initial lease period is intended to provide an opportunity for the Kalbarri Men's shed to grow their membership and improve their revenue to enable a suitable lease payment to be made and in doing so, reduce the cost to ratepayers.

**ATTACHMENTS**

- 1 Kalbarri Men's Shed Response to Draft Lease Payment 2 Pages
- 2 Correspondence from KDA 2 Pages

**ATTACHMENT****9.1.2 Chief Executive Officer Activity Report January 2024 to March 2024**

<b>PROPONENT</b>	Chief Executive Officer
<b>OWNER</b>	N/A
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>ZONE:</b>	All
<b>BUSINESS AREA:</b>	Office of CEO
<b>FILE REFERENCE:</b>	N/A
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Andrew Campbell
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	8 April 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

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

A copy of the CEO Activity Report January 2024 to March 2024 is attached.

**ATTACHMENT: 9.1.2 (1)**

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

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

**STATUTORY ENVIRONMENT:**

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

**POLICY / STRATEGIC IMPLICATIONS:**

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

**ORGANISATIONAL RISK MANAGEMENT:**

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

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

#### FINANCIAL IMPLICATIONS:

Nil.

#### SUSTAINABILITY:

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

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

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

#### VOTING REQUIREMENTS: SIMPLE MAJORITY

#### OFFICER RECOMMENDATION:

**That Council receive the Chief Executive Officer Activity Report January 2024 to March 2024 in accordance with ATTACHMENT 9.1.2 (1).**

#### ATTACHMENTS

1 Office of CEO Quarterly Report - January 2024 - March 2024 4 Pages

### 9.2.1 Proposed Waste Management Reserve Transfer April 2024

<b>PROPONENT</b>	Shire of Northampton
<b>OWNER</b>	N/A
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>WARD:</b>	N/A
<b>ZONE:</b>	All
<b>BUSINESS AREA:</b>	Corporate and Financial Services
<b>FILE REFERENCE:</b>	1.1.1
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Grant Middleton
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	6 April 2024
<b>DECLARATION OF INTEREST:</b>	Nil

#### **BACKGROUND:**

Council is requested to consider the transfer of funds received from the “Disaster Recovery Funding Arrangements – WA (DRFAWA)” into the “Waste Management Reserve”. The purpose of the reserve is to fund future maintenance and remediation works at the Northampton, Kalbarri, Port Gregory and Binnu waste management facilities.

The \$58,602.50 to be transferred into this reserve is associated with our DRFAWA Claim 16b which encompasses a period of from July 2023 to December 2023. The claim is due to the impact of Cyclone Seroja which has resulted in a marked increase in the material processed at the waste management sites. The previous claim approved by DFES and subsequently transferred into the reserve was for approximately 2 years from April 2021 to June 2023 and totalled \$151,979.14.

The split between Councils “Own Source” and “Contractor” components of the claim are detailed below.

Severe Tropical Cyclone Seroja (11-12 April 2021) AGRN:965 Claim 16b	
Own Source Expenditure – Wages (Ordinary Time), Superannuation, Workers Compensation, & Plant	\$18,867.76
Contractor Expenditure – Building Materials, Mattress, Tyres, Furniture, Asbestos Removal etc	\$39,734.74
Total	\$58,602.50

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

Nil.

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

Staff have been working proactively with Antoinette Krause from GHD in Geraldton to qualify and quantify the additional costs incurred at our four waste sites. The final part of this process facilitated by GHD has been the liaison with

the Department of Fire and Emergency DRFAWA funding team to claim the associated “Own Source” and additional “Contractor” costs incurred post Cyclone Seroja. These costs were solely incurred as a result of the additional waste volumes and included building materials, tyres, mattresses, furniture, asbestos removal etc.

The allocation of funds to the reserve will ensure funds are set aside for any future costs incurred at the sites as a result of the additional waste. Additionally, the extra waste has caused staff to re-evaluate the life span of the four sites which will potentially bring forward maintenance and remediations works earlier than previously anticipated.

### **STATUTORY ENVIRONMENT:**

*Local Government Act 1995 – Section 6.11, Reserve Accounts.*

#### *6.11. Reserve accounts*

*(1) Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year it is to establish and maintain a reserve account for each such purpose.*

*(2) Subject to subsection (3), before a local government — (a) changes\* the purpose of a reserve account; or (b) uses\* the money in a reserve account for another purpose, it must give one month’s local public notice of the proposed change of purpose or proposed use. \* Absolute majority required.*

*(3) A local government is not required to give local public notice under subsection (2) — (a) where the change of purpose or of proposed use of money has been disclosed in the annual budget of the local government for that financial year; or (b) in such other circumstances as are prescribed.*

*(4) A change of purpose of, or use of money in, a reserve account is to be disclosed in the annual financial report for the year in which the change occurs.*

*(5) Regulations may prescribe the circumstances and the manner in which a local government may set aside money for use for a purpose in a future financial year without the requirement to establish and maintain a reserve account.*

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

Nil.

### **ORGANISATIONAL RISK MANAGEMENT:**

The risk of not allocating the funds to the reserve will not have any consequences in the short term but will have an impact long term as funds are required for maintenance and remediation purposes. Level of the associated risk 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

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Moderate (3)	Medical type injuries	\$10,001 - \$50,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact, moderate news profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies
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Catastrophic (5)	Fatality, permanent disability	More than \$150,000	Indeterminate prolonged interruption of services – non-performance > 1 month	Non-compliance results in litigation, criminal charges or significant damages or penalties	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions	Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment & building	Uncontained, irreversible impact

### FINANCIAL IMPLICATIONS:

There will be no overall change to the 2023/2024 balanced budget position to accommodate the transfer to reserve allocation as the DRFAWA claim is classified as additional funding.

### SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

### VOTING REQUIREMENTS:

**ABSOLUTE MAJORITY**

### OFFICER RECOMMENDATION:

**That Council approve the transfer of \$58,602.50 from the municipal bank account into the Waste Management Reserve.**

**ATTACHMENT****9.2.2 Proposed Accounts for Endorsement on 18 April 2024**

<b>PROPONENT</b>	Shire of Northampton
<b>OWNER</b>	N/A
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>WARD:</b>	N/A
<b>ZONE:</b>	All
<b>BUSINESS AREA:</b>	Corporate and Financial Services
<b>FILE REFERENCE:</b>	1.1.1
<b>LEGISLATION:</b>	Local Government (Financial Management) Regulation 1996, Local Government Act 1995
<b>AUTHOR:</b>	Leanne Rowe
<b>APPROVING OFFICER:</b>	Grant Middleton
<b>DATE OF REPORT:</b>	8 April 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

A list of payments is submitted to Council on 18 April 2024 for consideration.

A copy of the Payment Listing is attached.

**ATTACHMENT: 9.2.2 (1)**

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

Council is requested to endorse the payments as presented.

**STATUTORY ENVIRONMENT:**

*Local Government (Financial Management) Regulation 1996 Section 13.  
Local Government Act 1995 Section 6.10.*

**POLICY / STRATEGIC IMPLICATIONS:**

Council delegation allows the CEO to make payments from the Municipal bank accounts. These payments are required to be presented to Council each month in accordance with 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
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Catastrophic (5)	Fatality, permanent disability	More than \$150,000	Indeterminate prolonged interruption of services – non-performance > 1 month	Non-compliance results in litigation, criminal charges or significant damages or penalties	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions	Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment & building	Uncontained, irreversible impact

**FINANCIAL IMPLICATIONS:**

A list of payments is required to be presented to Council as per section 13 of the *Local Government Act 1995 (Financial Management) Regulation 1996*.

**SUSTAINABILITY:**

Environmental: Nil.

Economic: Nil.

Social: Nil.

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

**That Council note Municipal Fund Cheques 22468 to 22472 inclusive totalling \$878.32, Municipal EFT payments numbered EFT25126 to EFT26222 totalling \$712,941.79, Direct Debit payments numbered GJJNL\*4824 to GJ0912 inclusive, payroll and superannuation totalling \$293,660.43 be declared as authorised expenditure.**

**ATTACHMENTS**

- 1 Payment list for Endorsement 18 April 2024

**ATTACHMENT****9.2.3 Monthly Financial Statements for the Period Ending 31 March 2024**

<b>PROPONENT OWNER</b>	Shire of Northampton
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>WARD:</b>	N/A
<b>ZONE:</b>	All
<b>BUSINESS AREA:</b>	Corporate and Financial Services
<b>FILE REFERENCE:</b>	1.1.1
<b>LEGISLATION:</b>	<i>Local Government (Financial Management) Regulation 1996, Local Government Act 1995</i>
<b>AUTHOR:</b>	Leanne Rowe
<b>APPROVING OFFICER:</b>	Grant Middleton
<b>DATE OF REPORT:</b>	8 April 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

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

The Monthly Statements of Financial Activity for the period ending 31 March 2024 are detailed from page 1 to page 24 per the attached Monthly Financial report.

A copy of the Monthly Finance Report is attached.

**ATTACHMENT: 9.2.3 (1)**

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

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

**STATUTORY ENVIRONMENT:**

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

**POLICY / STRATEGIC IMPLICATIONS:**

Nil.

**ORGANISATIONAL RISK MANAGEMENT:**

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

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

**FINANCIAL IMPLICATIONS:**

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

- Total operating revenue has a surplus position of \$896,672 and operating expenditure has a deficit position of \$78,284 to the end of March 2024. It is anticipated that operating revenue and operating expenditure variances will align with additional DFES funding associated with Community Benefit and Resilience funding, and Main Roads Black Spot mass action funding for the Kalbarri Road shoulder work.
- Investing and Financing variances will reconcile as the year progresses, and it is anticipated there will be no significant budget overspends.

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

**SUSTAINABILITY:**

Environmental: Nil.

Economic: Nil.

Social: Nil.

**VOTING REQUIREMENTS:                      SIMPLE MAJORITY**

**OFFICER RECOMMENDATION:**

**That Council receives the Monthly Financial Report for the period ending 31 March 2024 in accordance with ATTACHMENT 9.2.3 (1).**

**ATTACHMENTS**

- 1 Monthly Financial Statement for period end 31 March 2024.

## ATTACHMENT

### 9.3.1 Proposed Amendments to Planning Legislation Relating to Short-Term Rental Accommodation

<b>PROPONENT</b>	Department of Planning, Lands and Heritage
<b>OWNER</b>	All
<b>LOCATION / ADDRESS:</b>	State of Western Australia
<b>ZONE:</b>	All
<b>BUSINESS AREA:</b>	Community, Development and Regulation
<b>FILE REFERENCE:</b>	10.4.1
<b>LEGISLATION:</b>	<i>Planning &amp; Development Act 2005</i> <i>Planning &amp; Development (Local Planning Scheme) Regulations 2015</i>
<b>AUTHOR:</b>	Brian Robinson
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	4 April 2024
<b>DECLARATION OF INTEREST:</b>	Nil

#### BACKGROUND:

In November 2023 the State Government announced several reforms to the regulation of Short Term Rental Accommodation (STRA) in Western Australia. The proposed reforms were identified in response to the 2019 Parliament inquiry *Levelling the Playing Field: Managing the impact of the rapid increase of short-term rentals in Western Australia*.

The reforms included the release of the Western Australian Planning Commission (WAPC) Position Statement and Guidelines for Tourism and Short Rental Accommodation. The position was adopted following consultation on draft Position Statements that were released in December 2021 and March 2022. A copy of the final adopted position statement is shown attached.

#### ATTACHMENT: 9.3.1 (1)

Within the Position Statement the WAPC provides detailed guidelines on considerations for Local Planning Strategies and Statutory Planning Considerations for a comprehensive list of Tourism based accommodation.

To support the implementation of the position statement, the WAPC has draft amendments to the *Planning and Development (Local Planning Scheme) Regulations 2015*, which will:

- a) Introduce new and revised definitions to ensure short-term accommodation is considered a dedicated use class in planning schemes;
- b) A State-wide exemption for 'Hosted' short term rental accommodation; and
- c) A 90-night (cumulative) exemption for 'Unhosted' short-term accommodation within the Perth Metropolitan Area.

Comments on the draft provisions can be lodged by 10 May 2024.

A copy of the correspondence received from the Tourism section of the Department of Planning, Lands and Heritage is shown attached along with an annotated copy of the draft *Planning and Development (Local Planning Schemes) Amendment (Short-Term Rental Accommodation) Regulations*.

**ATTACHMENT: 9.3.1 (2)**

Council is requested to consider commenting on the draft legislation. Additionally, Shire Officers recommend that consideration be given to future Local Planning Scheme provisions and what restrictions should be placed on un-hosted accommodation within the Shire.

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

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

Current Scheme Provisions

The following is a summary of the current provisions of the Shires' Local Planning Scheme No 10 (the Scheme) relating to Short Term Rental Accommodation that will be impacted by the proposed legislation:

- Bed and Breakfast being a Permitted use within the Rural Zone, discretionary in the Commercial Zone and an "A" use within the Residential and Rural Residential Zone. That is a use which is not permitted unless approval is granted following advertising of the proposal.

The Scheme defines bed and breakfast as meaning a dwelling:

- (a) *Used by a resident of the dwelling to provide short-term accommodation including bed and breakfast, on a commercial basis for not more than 4 adult persons or one family; and*
- (b) *Containing not more than 2 guest bedrooms.*

- Holiday House, being a discretionary use in the Commercial and Rural Zones, and an "A" use within the Residential Zone. The Scheme defines a Holiday House as a *"single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast.*
- Holiday Accommodation which is also a discretionary use in the Commercial and Rural Zones, and an "A" use within the Residential Zone. Holiday Accommodation means two or more dwellings on one lot used to provide short term accommodation for persons other than the lot owner.
- Tourist Development, which is an "A" use in the Commercial and Rural Zones. Tourist Development is defined by the Scheme as *"a building, or*

*group of buildings forming a complex other than a bed and breakfast, a caravan park or holiday accommodation, used to provide –*

- (a) Short-term accommodation for guests; and*
- (b) On-site facilities for the use of guests; and*
- (c) Facilities for management of the development.*

### Proposed Legislation Changes

As shown at attachment: 9.3.1 (2), several changes are proposed to existing land use definitions contained within the *Planning and Development (Local Planning Scheme) Regulations 2015*. The changes are summarised as follows:

- Amending various general and land-use specific definitions in Schedule 1 – Model Scheme Text to ensure a clearer divide between STRA and traditional accommodation. These will have no effect until such time as a new Local Planning Scheme is prepared;
- Remove the land uses ‘Bed and Breakfast’ and ‘Holiday House’ from the Model Scheme Provisions;
- Introduce definitions under the Deemed to Apply Provisions for Hosted Short-Term Rental Accommodation, Unhosted Short-Term Rental Accommodation, the term Short-Term Rental Accommodation and Short-term rental arrangement. In addition, the definition of habitable building will be moved to the Deemed to Apply Provisions to ensure the definition can be applied more broadly in the Deemed to Apply Provisions;
- Exempt Hosted STRA from the requirement to obtain approval (statewide);
- Exempt Unhosted accommodation where the Metropolitan Region Scheme applies (Perth Metropolitan Area), where the use is operating for up to 90 nights within a 12-month period.

### Impact on current Local Planning Schemes

The Planning and Development (Local Planning Schemes) Regulations 2015 contain provisions that are ‘deemed-to-apply’ to all Local Planning Schemes in Western Australia. Where there are discrepancies between the provisions of the Scheme and Deemed to Apply provisions, the deemed to apply provisions prevail to the extent of any inconsistency.

As a result, once the Deemed to Apply provisions have been modified to include the new land use definitions, these will automatically apply to the Shires’ Local Planning Schemes. As the current Schemes do not reflect these land use definitions within the Zoning and Development Table, both Schemes will therefore need to be amended, to identify which zones Council is prepared to consider applications. A further report on this will be prepared for Council consideration following gazettal of the legislation.

Similarly, the use of a dwelling for Hosted Short Term Rental Accommodation will automatically be exempt from requirements for Council’s prior Development Approval. The intent behind the proposed exemption is understood, given that the land use is very consistent with that of a normal home, where owners or occupiers take on a boarder. However, there are concerns regarding potential impacts as a result of unregulated activity.

The exemption will apply to all forms of dwellings irrespective of whether it is a group dwelling, the lot size, available on-site parking, or the standard of the home. The proposed exemption could result in the occupants of a three-bedroom group dwelling using two bedrooms to cater for separate guests despite not having three parking bays available.

The exemption also does not consider regional variations in the tourism industry such as the fact many visitors to Kalbarri arrive with a boat in tow. Under the current legislative environment where prior approval is required, the application would include assessment as to whether the property is in fact suitable for the use, if carparking is adequate, and conditions may be imposed to require parking to be contained on-site.

On the above basis, it is recommended that an objection be lodged to the exemption for Hosted Accommodation and a request be made for this exemption to apply to the Metropolitan Region Scheme Area only.

### Conclusion

Several of the changes proposed relate to modification of the Model Scheme Text. This will have no impact on the Shire until such time as a new Local Planning Scheme is required. Modifications to the Deemed to Apply Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* as proposed will however result in a need for the provisions of both Local Planning Scheme No 10 and Local Planning Scheme No 11 to be modified.

Whilst the majority of the proposed modifications are supported, there are concerns around a blanket exemption for Hosted Short-Term Accommodation given the potential for inappropriate properties being used. Specifically, there are concerns that properties without suitable parking on-site may result. It is recommended that such exemptions should not apply outside of the Perth Metropolitan Area.

### **STATUTORY ENVIRONMENT:**

*Planning and Development Act 2005, Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Shire of Northampton's Local Planning Scheme No's 10 and 11.

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

Local Planning Policies relating Holiday Houses (2020) and Rural Tourism will need to be revised should the legislation be gazetted.

The Shires' Strategic Community Plan 2020-204 contains the following objectives and key outcome areas that are relevant to the proposed legislation changes.

### Key Focus Areas

Our Economy – To maintain or grow our population and prosperity through land development to attract and support residents, visitors, and business initiatives.  
Our People – To support our local communities in a place management approach to ambiance, facilities, and lifestyle enhancement.

### Key Outcome Areas

- 1.1.1 Population maintenance and growth through diversity in land zoning reflecting the diverse nature of residential needs;
- 1.1.4 Support for visitor attraction and for community driven event-based and tourism.

The Strategic Community Plan presents a balanced approach to the support of residential accommodation and tourism.

### **ORGANISATIONAL RISK MANAGEMENT:**

There is a risk that with Hosted Accommodation activities not requiring prior Development Approval, that it could result in detrimental impacts on the amenity of an area through parking, noise, or inappropriate management. The risk to the Shire is considered Low to Moderate given that other legislation could be used to address potential impacts. Impacts may however be ongoing where an inappropriate property or management occurs.

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 at this time.

### **SUSTAINABILITY:**

Environmental: As the proposed changes relate to the use of existing dwellings for Short-Term Rental Accommodation no environmental impacts are anticipated.

**Economic:** The proposed legislative changes will facilitate uses currently known as Bed and Breakfast to commence without approval, providing permanent occupants of the development with a potential source of income.

**Social:** By exempting Hosted Short Term Rental Accommodation from the need to obtain approval, there is a risk of detrimental impacts on amenity resulting. In the absence of an approvals process and appropriate conditions of approval, ongoing impacts, such as a lack of parking, may be difficult to resolve.

**VOTING REQUIREMENTS:                      SIMPLE MAJORITY**

**OFFICER RECOMMENDATION:**

**That Council:**

1. **Request the Chief Executive Officer to lodge the following comments in respect of the proposed Legislative Changes relating to Short Term Rental Accommodation by 10 May 2024:**
  - a) **The Shire of Northampton supports the modification of the existing legislation to differentiate between Short Term Rental Accommodation and other forms of Tourist Accommodation;**
  - b) **The Shire of Northampton objects to the blanket exemption for Hosted Accommodation within any form of dwelling, irrespective of whether it is a group dwelling, the lot size, available on-site parking, or the standard of the home on the basis that:**
    - i) **The exemption does not consider regional variations in tourism, such as the fact many visitors to Kalbarri arrive with boat in tow; and**
    - ii) **The exemption could result in premises with limited or no available on-site parking for guests. For example, a three-bedroom group dwelling could be used by the occupant to cater for two groups of guests irrespective of available on-site parking, resulting in unacceptable impacts on the amenity of the area.**
  - c) **The Shire of Northampton supports the proposed exemption for Unhosted Accommodation to the Perth Metropolitan Area and respectfully requests that the exemption for Hosted Short Term Rental Accommodation is also restricted to the metropolitan area.**
2. **Await a further report on the need to amend the Shires' Local Planning Scheme No 10 and Local Planning Scheme No 11 following gazettal of the legislative changes relating to Short Term Rental Accommodation.**

#### **ATTACHMENTS**

- |   |  |             |
|---|--|-------------|
| 1 | Attachment No 1 - WAPC Position Statement - Planning for Tourism and Short-term Rental Accommodation | 20<br>Pages |
| 2 | Attachment No 2 - Copy of Correspondence and Annotated Legislative Changes                           | 12<br>Pages |



**ATTACHMENT  
APPENDIX**

**9.3.2 Proposed Signage (Two Vertical Tourist Signs) at Reserve 40731 Grey Street, Kalbarri**

<b>PROPONENT OWNER</b>	Kalbarri Visitor Centre Shire of Northampton/State of Western Australia
<b>LOCATION / ADDRESS:</b>	Reserve 40731 – Lot 836 (No. 70) Grey Street, Kalbarri
<b>ZONE:</b>	Town Centre
<b>BUSINESS AREA:</b>	Planning Services
<b>FILE REFERENCE:</b>	10.6.1.3/A1985
<b>LEGISLATION:</b>	<i>Planning and Development Act 2005</i>
<b>AUTHOR:</b>	Michelle Allen
<b>APPROVING OFFICER:</b>	Brian Robinson
<b>DATE OF REPORT:</b>	8 April 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

Council is requested to consider a development application for the erection of two Vertical Tourist Signs at Reserve 40731 Lot 836 (No. 70) Grey Street, Kalbarri.

**LOCATION PLAN**



Lot 836/Reserve 40731 is 2.974 hectares in size and is located on Grey Street within the townsite of Kalbarri. Reserve 40731 is vested with the Shire of Northampton for Public Purposes and is located within the Town Centre Special Control Area (SCA2). The Administration Building has two tenancies being the Shire of Northampton and the Kalbarri Visitor Centre, who are the proponents of the application.

Two vertical tourist signs are proposed to be erected on two brick pillars at the front of the building and will have a ground clearance of 2.1m. Each double-sided sign will be 0.72m in height and 0.42m wide and will be erected at the start of the day and be removed at the end of the day. A copy of the signs and their proposed location is attached.

**ATTACHMENT: 9.3.2 (1)**

**PUBLIC CONSULTATION UNDERTAKEN:**

In accordance with Section 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and in consideration of the Shire of Northampton's *Local Planning Policy – Consultation for Planning Proposals*, a Level C 'Consultation with Owners and Occupiers of Nearly Land' was undertaken.

The application was advertised for a 14-day period to adjacent landowners with no comment received in relation to the application.

**COMMENT (Includes Options):**

The provisions of *Local Planning Scheme No. 11 – Kalbarri* (the Scheme) include the subject property within the Town Centre Special Control Area (SCA2). As prescribed by clause 4.8.22 of the Scheme outlines provisions for all advertisements. Clause 10 of *Local Planning Policy Signage* (the Policy) outlines provisions associated with the placement of signs on public thoroughfares/reserves under the care and control of Council. Copy of clause 4.8.22 of the Scheme and clause 10 of the Policy are attached.

**APPENDIX: 9.3.2 (A&B)**

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

Matters to be considered

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

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

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

Current Signage

Currently, a flutter flag is erected each day in the garden bed adjacent to the entrance to the Visitor Centre. The flag is now in poor condition, and it is considered the new signs proposed to be fixed to the brick pillars of the building to be a safer more appropriate option.

Signage Policy Assessment

The Policy outlines the development criteria for assessing proposed signs on public thoroughfares/reserves. Criteria is also detailed for vertical and tourist signs.

Assessment of the application against the criteria confirms that the proposal complies with clause 10.2 which deals with potential issues of obstruction to pedestrian access, views to the river and safety hazards. The location of the signage and its impact on the amenity of the area do not pose an impact by way of visual clutter or safety hazard. The signs will also be contained wholly within the property boundary therefore impact on pedestrian movement or safety is not considered a risk.

Conclusion

Conditional approval is recommended for the proposed signs given that the proposed location will not detrimentally impact on the amenity of the area.

**STATUTORY ENVIRONMENT:**

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

**POLICY / STRATEGIC IMPLICATIONS:**

The provisions of Local Planning Policy *Signage* apply, as detailed above.

**ORGANISATIONAL RISK MANAGEMENT:**

Nil.

**FINANCIAL IMPLICATIONS:**

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

**SUSTAINABILITY:**

Environmental: Nil.

Economic: Advertising the business located on the subject site, will potentially increase customer direction and use and directly benefit economic activity.

Social: Nil.

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

That Council, in accordance with Local Planning Scheme No. 11 – Northampton grant planning approval for two vertical tourist signs on Reserve 40731 Lot 836 (No. 70) Grey Street, Kalbarri in accordance with the plans and specifications at Attachment 9.3.2 (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	21 March 2024
2	Sign Design	21 March 2024

- 2 The sign shall be kept clean, free from unsightly matter and in good condition and presentation at all times. Should the signs become in a state of disrepair, the Shire of Northampton reserves the right to remove the signs at the cost of the Applicant;
- 3 The signs are to be securely fixed in position at all times and any damage caused, or losses incurred, as the result of any approved sign shall be wholly the Applicant's responsibility and the Shire of Northampton accepts no liability with respect to the signs;
- 4 No alterations shall be made to the sign(s) without the local government's approval;
- 5 Prior to installation of the signage, the Applicant is required to provide confirmation to the Shire of Northampton of current public liability insurance coverage of the signs with a reputable insurer to a minimum of \$1,000,000.

**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 If the development/use the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.

- 3 Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.**
- 4 The Applicant is advised that compliance with any and all governmental legislation and regulations is required at all times, including the relevant *Aboriginal Cultural Heritage Act*.**
- 5 If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of determination.**

#### **ATTACHMENTS**

- 1 Application Information 2 Pages**

#### **APPENDICES**

- A Clause 10 Local Planning Policy 1 Page**
- B Clause 4.8.22 LPS 11 1 Page**

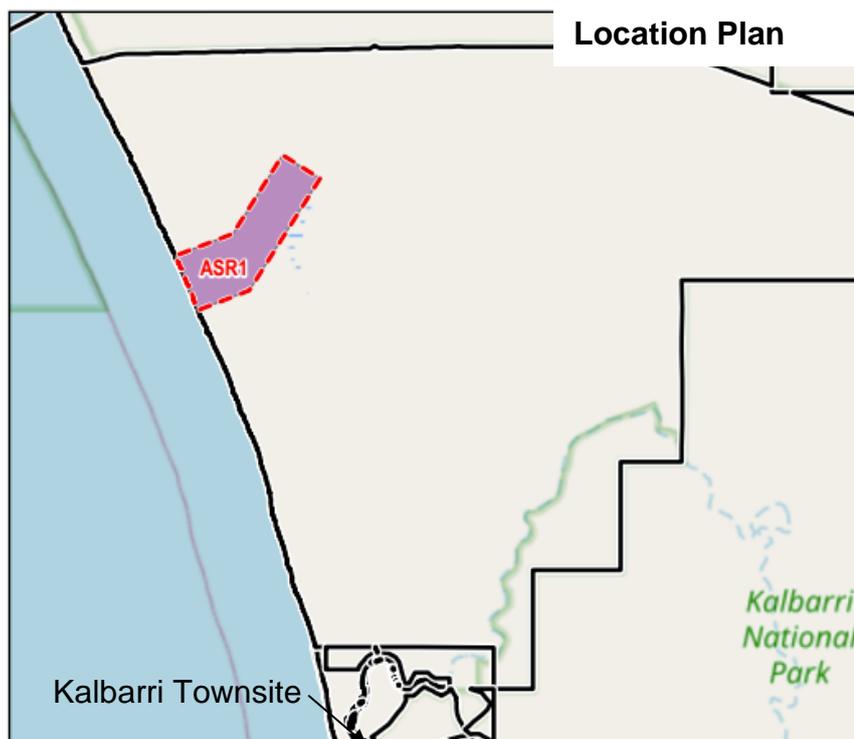
**ATTACHMENT  
APPENDIX**

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

<b>PROPONENT</b>	Murchison Green Hydrogen as subsidiary of Copenhagen Infrastructure Partners (CIP)
<b>OWNER</b>	State of Western Australia (pastoral lease)
<b>LOCATION / ADDRESS:</b>	Part Lot 944, Part Lot 1544, and Part Unallocated Crown Land (ID3846146)
<b>ZONE - EXISTING:</b>	Rural
<b>PROPOSED:</b>	General Industry with Site Specific Site and Development Requirements
<b>BUSINESS AREA:</b>	Community, Development & Regulation
<b>FILE REFERENCE:</b>	10.9.9
<b>LEGISLATION:</b>	<i>Planning and Development Act 2005</i>
<b>AUTHOR:</b>	Brian Robinson
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	4 April 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

Council is requested to consider an application to initiate a Scheme Amendment to rezone a portion of the Murchison House Station to facilitate the scheme provisions that would allow processing facilities associated with the Murchison Green Hydrogen project to be considered for development approval.



Murchison Green Hydrogen (MGH), being a subsidiary of Copenhagen Infrastructure Partners, are proposing the establishment of a large-scale renewable energy project on land contained within the Murchison House Station pastoral lease, approximately 20km north of Kalbarri. The project will use an estimated 5.2GW of wind and solar power to produce renewable hydrogen from desalinated sea water to produce an estimated 2 million tonnes of green ammonia per annum for domestic and export uses.

The major components of the proposal are:

- The primary plant including desalination plant, electrolyser, power-to-x plant, battery storage system, sub-station, ammonia chiller tanks, contained within an onshore footprint;
- A total of 450 wind turbines, with each turbine having a footprint of 0.2ha, although a temporary construction footprint of 2.1ha per turbine;
- Approximately 7,500 - 10,000ha of solar panels;
- Marine export facility located approximately 1.4km offshore;
- Associated infrastructure such as access roads connecting with the Northwest Coastal Highway, onshore pipeline corridors including shoreline infrastructure;
- Sea water intake and brine outfall;
- A temporary workers camp for some 1,700 employees, contractors and consultants associated with the construction; and
- An operational workforce of approximately 450 employees.

The Western Australian Government has identified the project as a project of State Significance and has appointed the Department of Jobs, Tourism, Science, and Innovation (JTSI) as Lead Agency to guide the proposal through the approvals process.

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

Whilst the majority of the development can be considered under the current provisions of Local Planning Scheme No 10, the Primary Plant is classified as an Industrial land use that is not permitted within the current Rural Zoning. An application has now been received requesting that Council amend the provisions of the Scheme to rezone an area of 3,881 ha from "Rural" to "General Industry" and introduce a range of site-specific development requirements. Copies of the submitted Scheme Amendment Request is shown attached.

**ATTACHMENT: 9.3.3 (1)**

Following provision of preliminary feedback to the applicant, revised Scheme Amendment documentation was received. The revised documentation includes two additional requirements, reflecting the need for a Social Impact Assessment and that a Social Impact Assessment shall be addressed in a Community Investment Plan as part of the development approval process.

A copy of the proposed scheme amendment provisions, as amended, is shown attached.

**ATTACHMENT: 9.3.3 (2)**

This agenda item has been prepared to assist Council in considering the request to initiate a Scheme Amendment.

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

Current Scheme Provisions

Currently provisions of Local Planning Scheme No 10 include the subject land within the Rural Zone. The objectives of the zone being:

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

Current Land Use Permissibility

Consistent with the Zone objectives, a Renewable Energy Project is listed as a “D” use within the Rural Zone. That is a use that is “*not permitted unless the local government has exercised its discretion by granting development approval.*”

The Scheme defines a Renewable Energy Project as:

**“renewable energy facility:** *means premises used to generate energy from a renewable energy source and includes any building or other structure used in, or in connection with, the generation of energy by a renewable resource. It does not include solar panels or a wind turbine located on a lot with a single house where the energy produced only supplies that house or private rural use or anemometers”.*

The above definition is an appropriate land use classification for the solar and wind turbine fields identified as the project’s power source. However remaining aspects of the project being the production, storage and export of green hydrogen and green ammonia does not readily fit in this definition. These uses are classified as Industry and prohibited within the Rural Zone.

### Scheme Amendment Justification

The submitted Request outlines that the proposal is strongly aligned with the goals of the State Government Western Australian *Renewable Hydrogen Strategy and Road Map* and that consideration of the amendment is warranted given the proposal addressed the key objectives of the State and local planning framework.

The following is a summary of the justification provided in Part 10 of the document:

- a) Proposed land use requirements will ensure that uses not associated with green hydrogen and green ammonia cannot occur on site;
- b) The project is currently subject to assessment under the *Environmental Protection Act 1986* and Scheme provisions will ensure compliance with any Section 45 approval granted by the EPA following a Public Environmental Review Process (PER);
- c) Only a 635ha of the proposed 3,881ha area of the proposed General Industry Zone area will be developed;
- d) The project involves a series of complex site and environmental considerations that warrant investigation, including:
  - Conservation of significant flora, fauna, and cultural heritage;
  - Risk, Security and Safety of the Project;
  - Impacts to the land's coastline and marine environment';
  - Visual impact on the surrounding landscape and key viewpoints; and
  - Management of bush fire risk.

The applicants' maintain that completion of these investigations would require a level of project design that it is *"unwarranted and not practically achievable at this stage. Progression of the Proposed Amendment would provide further confidence to undertake detailed investigation of the above-mentioned elements."* Given the significant size of the project the detailed designs are yet to be finalised.

Whilst the applicants' position is noted, a sufficient level of detail is required to demonstrate that approval to the proposal would be consistent with the principles of orderly and proper planning. Sufficient information is also required for various government agencies and members of the public to make an informed comment during the advertising period.

### Proposed Scheme Provisions

Following liaison with previous Shire Officers and the Department of Planning, Lands and Heritage the applicants are proposing to:

- a) Rezone a 3,881ha portion of the site to "General Industry", but limit the development footprint in that zone to 635ha;
- b) Replace the current wording of Clause 33 (Additional requirements that apply to land in the Scheme area) to reflect the creation of Table 6 in the Scheme and apply the identified additional requirements;
- c) Introduce site specific development requirements, limiting potential land uses and development to that authorised under Ministerial Statement

- (EPA approval) and outline site specific development considerations;  
and
- d) Provisions to ensure the completion of a Social Impact Assessment and the mitigation of potential impacts as part of the development approval process.

In examining the site-specific requirements, as submitted, the requirements of Local Planning Policies – Renewable Energy Facility, Social Impact Assessment are not addressed.

#### Liaison with Applicant

The applicant has been liaising with the Shire and various government agencies over the statutory planning framework and ultimately the approach to be used to amend the Scheme.

Following a meeting with MGH in early February 2024, Shire Officers provided feedback on the draft documentation. By way of summary, the correspondence:

- a) Highlighted the need for the required application fee to be paid for the proposal to be considered a formal decision,
- b) Identified concerns relating to the lack of detail regarding Bushfire, Heritage, Access, and Traffic Impact Assessment;
- c) Emphasised the need for requirements of the Shire’s Local Planning Policies relating to Renewable Energy Projects and Social Impact Assessment and the need to identify and address potential Social Impacts; and
- d) A number of relatively small typographic errors.

A full copy of that correspondence was previously provided to all elected members.

Subsequently on 8 March 2024, MGH provided a formal response to the Shire’s advice. MGH acknowledged the need to refine their documentation and include additional information relating to the matters highlighted. MGH also undertook to address the requirements of the above stated Planning Policies once proof that advertising of the Policy adoption had occurred as required by the provisions of the Planning and Development Act 2005. This proof was subsequently provided by Shire Officers.

On 14 March 2024, Shire representatives including Shire Officers, the Shire President and Deputy Shire President attended an on-line presentation/update on the project which was facilitated by JTSI. Subsequently on 27 March 2024, a further meeting was held between the author of this agenda item and representatives from MGH. In addition to discussions on the Scheme Amendment proposal, MGH presented preliminary visual impressions of the Wind Turbines.

A formal response to the MGH correspondence was delayed due to staff illness but was completed on 4 April 2024. A copy of the correspondence from MGH

dates 8 March 2024 and the Shire's response has been forwarded to elected members for their information and reference.

To further assist Council in considering the application, the following comments are provided in respect of key issues associated with the proposal.

#### State Planning Framework

The State Planning Framework in Western Australia consists of the *Planning and Development Act 2005*, State Planning Strategy 2050, State Planning Policies, Regional and Sub-Regional Strategies, Operational Strategies, Position Statements and Guidelines.

Those Strategies relevant to assessment of the proposal are examined below and overleaf.

#### State Planning Strategy 2050

The State Planning Strategy, which was prepared by the Western Australian Planning Commission (WAPC) seeks to build strategic planning capacity around a State planning vision. The Strategy is used to guide and inform amongst other things:

- Local Planning Schemes (including Scheme Amendments) and Strategies;
- Project approvals through the Governments lead agency network;
- Planning for the co-ordination of physical and community infrastructure; and
- Regional investments and service delivery programs.

The proposal is very consistent with many provisions and recommendations outlined within the State Strategy, including economic diversity and strong regions. The proposal could also contribute to "sustainable communities", provided that appropriate investment in infrastructure, community, and social capital is made. As recognised within the Strategy there is a need to balance the needs of a region and its people with the operational imperative of the resources sector.

Currently, the submitted documentation includes an assessment of three Strategy Goals, demonstrating the proposals consistency with those goals. Further information is required to determine how the proposal is consistent with the following aspects of the Strategy:

- a) Table 7 of the Strategy identifies the need for remote settlements to have acceptable social services, especially education and health including emergency services and workers camps having suitable infrastructure and services.

As highlighted on page 88, the provision of adequate social infrastructure and related services is also needed to support construction workforce accommodation that focus on the health and well-being of FIFO workers. The closer the distance between where FIFO workers live and work, the

easier it becomes to promote the liveability of regional towns and centres.

As no information has been provided regarding the location, form and intended use of the Workforce Accommodation, it is not known how this aspect of the proposal will compare to the objectives of the Strategy.

- b) The Strategy highlights that *"Public and private investment in social infrastructure is essential"* to address social infrastructure planning such as health, wellbeing, spaces and places, knowledge, and affordable accommodation. The Strategy further identifies that "Social infrastructure has both 'hard' and 'soft' elements. 'Hard' elements include health facilities and centres, education facilities, nursing homes, recreation grounds, police stations, prisons, fire and emergency service buildings, art and cultural facilities and other government buildings. Ensuring good quality design outcomes within these elements is important for maximising their potential benefits to the community and value for money outcomes.
- c) 'Soft' elements may include programs, resources, and services, as well as public art and cultural events, that complement these 'hard' elements and contribute to the formation of a community. 'Hard' elements do not work successfully unless the 'soft' elements accompany them.

It is recommended that Scheme Amendment documentation address the provisions of State Planning Strategy 2050 in respect of sustainable Workers Accommodation and the need for increases in both hard and soft social infrastructure within the Kalbarri townsite as a result of potential short-term pressures associated with the Workers' Accommodation/camp.

The need for significant infrastructure improvements and increased services is clear as a result of an estimated 450 operational employees that Section 9 of the Scheme Request indicates will reside in proximity to the facility. Given the amenity and level of facilities that would be available for workers and their families, the clear majority are likely to reside in Kalbarri. A managed transition of workforce accommodation is required as both the project and town develops.

#### State Planning Policy No 1 (SPP No 1)

The provisions of SPP No 1 – State Planning Framework set out the key principles relating to environment, economy, infrastructure, regional development, and governance and should guide the way future planning decisions are made in Western Australia. SPP No 1 provides the overall vision, pulling together all levels of statutory and strategic planning and must be considered by both the WAPC and Local Government when forming Local Planning Schemes, including Scheme Amendments.

#### Workers Accommodation

As stated on page 57 of the State Planning Strategy *"Remote settlements populated exclusively by a non-resident workforce that exists to temporarily service the agriculture and resource sectors are generally referred to as*

*workers camps and are common to the Pilbara and Goldfields. The workers' camps are generally proximate to the resources sites, temporary and have limited social services."*

Whilst the exact number of employees that will be located on-site at one time are still being defined as the design and construction programs are developed, the latest advice from the applicant is that up 1,700 workers will be accommodated in association with the construction of the plant. No other details in terms of the workforce accommodation location, the form of accommodation, associated facilities or access arrangements were included in the submitted Scheme Amendment Request.

Within their 8 March 2024 correspondence MGH highlighted that "Workers Accommodation" is already a discretionary use within the Rural zone and subject to the Shire's planning framework. They have however undertaken to revise the Amendment Request to identify the potential camp size, location, services, and facilities to *"support Council's decisions on the Scheme Amendment, the context of the project as a whole."*

It should be noted that the applicants' intend to locate the accommodation on land where the zoning allows approval to be granted. Notwithstanding this, consideration of the resultant workers accommodation associated with construction and ongoing operation of the plant and other infrastructure within the area to be rezoned is a valid planning consideration as provisions within the scheme amendment can be used to guide the resultant development within the area to be rezoned.

#### Amenity

Development resulting from this amendment has the potential to impact on the amenity of the area through noise, light, and visual impacts as well as dust associated with the construction phase and ongoing operations. To address this, proposed condition (c), the additional requirements stipulate that in determining the application the *"visual impact of the development on the amenity of the locality"* shall be considered. This will essentially defer assessment of the impacts until the development phase.

Notwithstanding that, submitted documentation contains little information on potential impacts amenity impacts or visual impact assessment, it is noted that within supporting documentation submitted to the Environmental Protection Authority (EPA):

- a) There is potential for impacts in the form of dust, odour, emissions, and noise associated with both the Plant and vessels;
- b) There is potential for a "reduction in visual amenity for any sensitive receptors in the locality"; and
- c) it is acknowledged that the Zuytdorp Cliffs within the proposed zone *"may be considered of significant amenity value."*

The documentation does advise that MGH proposes to complete various studies including Landscape and Visual Impact Assessment, Noise

Assessment, Traffic Impact Assessment (construction and operational), construction and operational air-quality, noise, and odour assessments. No information is currently available on water sources during construction, wastewater treatment/disposal or waste management.

During the JTSI organised project update MGH presented a visual representation of the plant and land-based infrastructure.

It is recommended that draft scheme amendment documentation should provide further information on the potential impacts, including the visual presentation and information contained within the documentation submitted to the EPA.

As Councillors would be aware, MGH have recently held an information day in Kalbarri where visual representations of the wind farm were presented. It must be noted that whilst the wind farm is intended to power the proposed plant, the Wind Farm does not form part of the Scheme Amendment process. Amenity impacts associated with the Wind Farm will be addressed as part of the EPA and Development Assessment processes. These processes will be outside of the Shire of Northampton's statutory oversight.

#### Environmental Impact Assessment (EIA)

The proponent has referred the proposal to the Environmental Protection Authority who have determined that the proposal will be subject to a formal Public Environmental Review process. The application as referred to the EPA was supported by a significant level of information obtained through initial design and site investigations.

A copy of the Environmental Assessment Supporting documentation is shown at Appendix C of Attachment: 9.3.3 (1).

#### Traffic

The documentation as submitted contains no reference to the potential traffic volumes or access routes either during construction or operational phases, other than proposed condition 5(d) which requires *“Arrangements to be made for legal and permanent vehicular access to the land to the satisfaction of the local government.”*

Shire Officers consider that, as a minimum, information relating to the intended access arrangements in terms of general location and construction should be included to provide the Shire, Main Roads Western Australia and the Department of Fire and Emergency Services with sufficient information to assess the proposal and provide informed comment and recommendations.

It is also considered that an additional commentary should be included in the document acknowledging the need for a traffic impact assessment and imposing an additional condition to require the preparation of a Traffic Management Plan.

In response MGH have advised that the Report will be revised to identify the likely access routes, estimates of ingress/egress requirements and the intended form of access road construction, both internal and external to the site.

#### Bushfire

State Planning Policy 3.7 (SPP No 3.7) requires strategic level assessment of bushfire risks to be undertaken. Whilst section 8.2.6 of the Scheme Amendment Request seeks to address the bushfire requirements, it effectively states that it is not possible as the exact location of the industry has not been confirmed. Whilst understood, this approach is not consistent with the requirements of SPP No 3.7.

As part of any advertising process, the proposed amendment will be referred to the Department of Fire and Emergency Services (DFES) and it is strongly recommended that the requirements of SPP 3.7 be addressed in more detail to ensure that an objection to the proposed Scheme Amendment is not received. Further detail regarding issues of access, escape routes and the like will be essential information to assist DFES in their assessment of the proposal.

MGH have undertaken to include further information relating to SPP 3.7.

#### Heritage

In respect of Heritage, the submitted report advises that there are no Aboriginal Heritage sites within the Scheme amendment area. Notwithstanding this, it is intended to undertake detailed archaeological and ethnographic surveys across the site in consultation with the Nanda People prior to ground disturbance works.

Shire Officers requested that information relating to compliance with the *Aboriginal Heritage Act 1972* be included within the report. In response MGH have advised that it will review and refine commentary on this matter.

The report also states there are no known European heritage sites within the Scheme Amendment area. It incorrectly states that the closest European heritage site is the Shark Bay World Heritage area, which is located 3km north of the land holding. Murchison House Station – Outbuildings and graveyard are formally recognised as having local and state significance. Whilst development is well separated from of the heritage elements on the property, MGH were requested to revise the statements.

#### Social Impact Assessment

In accordance with the Shire's Local Planning Policies relating to Renewable Energy Facilities and Social Impact Assessment outline the need to complete a detailed Social Impact Assessment (SIA). An SIA assesses the potential economic impacts, Housing, available social/community infrastructure, essential services, emergency services, education, health, and regulatory services such as law enforcement requirements.

As outlined in clause 3.3.4 of the Social Impact Assessment Policy, a Social Impact Statement (SIS) may form part of a SIA process and is a statement that

provides strategies and monitoring mechanisms. The policy outlines, in detail, those matters that are to be addressed.

With the submitted Amendment Report, the two above policies are identified as draft policies. In response to a request for the report to be updated to reflect the two policies as adopted. MGH are prepared to amend the report, accordingly, following proof of finalisation of the policies being provided. MGH have subsequently been provided with proof that Final adoption of the policy was advertised in accordance with requirements of the Local Planning Scheme and the *Planning and Development Act 2005*.

In terms of social infrastructure, MGH agreed in their correspondence dated 8 March 2024 that both public and private investment in social infrastructure will be required to address social infrastructure planning associated with the project's operational workforce. They have advised that they will work with the Shire and relevant stakeholders to address social infrastructure planning.

It should be noted that within a presentation to Council in December 2023, MGH:

- a) acknowledged the need for an SIA in accordance with the Shire's new adopted Policy;
- b) Social impacts were yet to be fully developed, with Social Impacts and associated Community Investment program with be undertaken in 2024;
- c) Social Impacts will be considered as part of social surrounds under EPA assessment and as part of the Development Application.

At this stage, as reflected within proposed additional condition 6 (refer to Attachment: 9.3.3 (1)), the proponents are seeking to defer a formal Social Impact Assessment and any associated Community Investment Program until the development application stage of the project.

As the Shire will most likely have little to no involvement in the assessment of the Development Application, it is imperative that appropriate scheme provisions are in place along with other appropriate mechanisms to satisfy Council that if the proposal proceeds, the intended and unintended social consequences including impacts on the Kalbarri community have been identified and can be mitigated or managed.

#### Likely Social Impacts

Such a significant proposal associated with the renewable energy industry has the potential to result in a significant number of social impacts, both positive and negative. In this case there are numerous potential short term impacts associated with such a large construction workforce based in close proximity to Kalbarri.

With reference to longer term impacts, a 450 person residential based workforce has potential to result in significant impacts on the urban and social fabric of a community. If all 450 employees chose to locate within the Kalbarri community, there is potential for the existing population of Kalbarri to double in a relatively short time frame. This is due to families or multiple persons

households relocating to the community, along with the likely need for additional teachers, police, health professionals, retail staff etc to service the population on a sustainable basis. A detailed Social Impact Assessment is required to identify all potential impacts.

Examples of the Potential Impacts are provided below:

#### Examples of Positive Impacts

- The establishment of such a large industrial based development will result in significant employment opportunities for existing residents and provide business opportunities for a range of local business, although this is dependant on the proponents operational model;
- The introduction of 450 operational employees and their families to the Kalbarri will provide opportunities for sustainable growth for the Kalbarri Community with improved social infrastructure and retail opportunities;
- International interest in the facility and its products drawing attention to the region;
- The opportunities for business because of increased population and visitors to the town.

#### Examples of Potential Negative Impacts

- The temporary workforce is likely to rely on Kalbarri for social infrastructure and retail support. Whilst this can be good for business, there is concern that the facilities would not have capacity to cater for the increased demands;
- Significant additional demands on Education, Health, Emergency and retail services;
- Significant short-term demand for employee housing, along with additional accommodation to support related industry and services (for example additional teachers to cater for an expanding school); and
- Significant impacts can also be expected on recreational facilities including the sporting oval and Kalbarri foreshore. The current recreational facilities, foreshore parking, refuse site and other facilities are unlikely to be adequate to service a townsite with up to double the population.

#### Community Investment Program

MGH have indicated that they are committed to establishing a Community Investment Program to address potential impacts identified through a detailed Social Impact Assessment.

Within their correspondence dated 8 March 2024, MGH identifies that *“There is not industry standard for community contributions associated with green hydrogen production projects as the industry has not been fully developed.”* They further advised that they have proposed and look forward to working with the Shire and community for the co-design of a Community Investment Program in 2024.

To further assure Council, MGH has proposed for the *“Shire and MGH to enter into a Memorandum of Understanding (MOU) to outline the ways in which we*

*can further identify potential impacts of the project and plan to mitigate the.”* Whilst an MOU is an appropriate tool to examine how the Shire and MGH can work together on identifying and mitigating impacts, an MOU agreement is not legally binding.

In terms of the level of Community Investment, it has been highlighted to the MGH that the Clean Energy Council – A Guide to Benefit Sharing Options for Renewable Energy Products 2019 provides some advice on the level of financial contributions through Community Benefit Sharing programs and that it is understood the current industry standard in Western Australia is \$1,000 per MW per year for the life of the project. MGH have responded by advising that the industry is not yet fully developed, and *“small-scale wind and/or solar projects are an inappropriate benchmark to apply.”*

By way of response to the MGH position, this proposal is substantially different to a standard wind or solar project, with all renewable energy being generated on-site being used to power the processing facility rather than being exported to the electricity network. Irrespective of whether the electricity is used on-site or exported, the potential social impacts are comparable. In addition to this, larger renewable energy projects in the Eastern States of Australia have contribution schemes exceeding Western Australian Industry Standards.

Given that it appears MGH is not excepting of a \$1,000/MW per year for the life of the project, it is even more imperative that Council is satisfied that appropriate mechanisms are in place to ensure an appropriate level of investment occurs. In the absence of an SIA or an agreed Community Investment Program there are no guarantees at this point as to what level of investment is to occur.

As a minimum a Social Impact Statement should be required along with a legally binding agreement to ensure that project provides an appropriate level of community investment.

It is recommended that Council invite MGH to identify what level of financial contribution MGH believes appropriate to address and mitigate potential social impacts associated with the project and formalise this through a legally binding agreement in lieu of an SIA.

#### Local Government Role in Managing Impacts

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

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

this policy, it must be satisfied that appropriate arrangements are in place and the requirements will be met.

Should MGH not enter into a legally binding agreement, it is recommended that a financial contribution should be secured through payment of a bond equivalent to the \$1,000/MW per year contribution for the life of the project as identified above.

Should Council agree to amend the Scheme and the project proceeds there will be significant short to medium term pressure on Shire infrastructure. An urgent review of Local Planning Scheme No 11 – Kalbarri and associated land use strategies will be required to ensure the urban form can support the increased population and demand for social infrastructure can be met.

### **STATUTORY ENVIRONMENT:**

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

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

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

**POLICY / STRATEGIC IMPLICATIONS:**

As outlined within the Comment section above, the Shires' Local Planning Policies relating to Renewable Energy Facilities and Social Impact Assessment are relevant to the proposal. Copies of these policies are Appended.

**APPENDIX: 9.3.3 (A & B)****ORGANISATIONAL RISK MANAGEMENT:**

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

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

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

**FINANCIAL IMPLICATIONS:**

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

In the event that the option of a legal agreement is pursued, the applicants should also be responsible for costs associated with that process.

**SUSTAINABILITY:**

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

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

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

**VOTING REQUIREMENTS:                      SIMPLE MAJORITY**

**OFFICER RECOMMENDATION:**

**That Council:**

- 1. Advise Murchison Green Hydrogen that Council is prepared to consider amending the provisions of Local Planning Scheme No 10 to rezone a 3,881ha portion of the Murchison House Station from “Rural” to “General Industry”;**
- 2. Defer adoption of the proposed Scheme Amendment in accordance with section 75 of the Planning and Development Act 2005, pending the receipt of three copies of the proposed amendment documentation, addressing the following matters:**
  - a) Revisions to the Scheme Amendment Report as agreed by Murchison Green Hydrogen in their correspondence dated 8 March 2023;**
  - b) Acknowledgement and response to the Shire of Northamptons’ adopted Local Planning Policies relating to Renewable Energy Facilities and Social Impact Assessment;**
  - c) Confirmation of the proposed Workforce Accomodation/Camp location, size, composition and access arrangements; and**
  - d) Inclusion of a detailed Social Impact Statement and outline of the Community Investment Program statement within the Scheme Amendment document, together with modification of proposed special provisions to reflect the need to comply with these elements of the proposed Amendment;**
- 3. Invite MGH be invited to nominate the method to be used for calculating the total expenditure within the Community Development Program on an annual basis; and**
- 4. Require MGH to enter into a legal binding agreement, at their cost, to ensure the completion and implementation of a Social Impact**

**Assessment and the associated Community Investment Program.  
As an alternative, the Shire will accept a bond or bank guarantee of  
\$1,000/MW per annum for the life of the project.**

**ATTACHMENTS**

- 1** Attachment No 1 - Copy of Submitted Scheme Amendment Report 146 Pages
- 2** Attachment No 2 - Amended Proposed Scheme Amendment Provisions 7 Pages

**APPENDICES**

- A** Appendix A - Local Planning Policy Renewable Energy 6 Pages
- B** Appendix B - Social Impact Assessment 8 Pages



The proposed wall height is greater than the variation limits of the deemed to comply requirements for residential outbuildings as outlined in the Residential Design Codes (R-Codes) and Local Planning Policy *Outbuildings* (the Policy) and therefore the application is presented to Council for determination.

**PUBLIC CONSULTATION UNDERTAKEN:**

In accordance with Section 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and in consideration of the Shire of Northampton's *Local Planning Policy – Consultation for Planning Proposals*, a Level C 'Consultation with Owners and Occupiers of Nearly Land' was undertaken.

The application was advertised for a 14-day period to adjacent landowners with one objection received in relation to increased wall height, potential stormwater runoff and elevated site levels.

**COMMENT (Includes Options):**

The property is zoned Residential with a density coding of R17.5 by the Scheme. The proposed development is required to comply with the requirements relating to R17.5 under the State Planning Policy 7.3 – Residential Design Codes Volume 1 (the R-Codes) and the Shire's Local Planning Policy *Outbuildings*.

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

Matters to be considered

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

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

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

Residential Design Codes (R-Codes)

The proposed outbuilding is to be setback 1m from the rear boundary and 0.6m from the eastern side boundary.

- (a) Eastern Side Boundary - Table 2a – Boundary Setback – Walls with no major opening require a setback distance of 1m for a wall that is 9m long with a wall height of 3.4m.

The variation was advertised to adjoining landowners, with one objection received in relation to the application.

#### Outbuilding Policy Assessment

The Policy outlines the Deemed-to-Comply provisions in the Residential zone replacing section 5.4.3 of the R-Codes due to the construction of outbuildings in the Shire of Northampton being generally greater in terms of floor area and height than those considered appropriate in the metropolitan area.

The Policy outlines that an outbuilding should not exceed 3m in wall height and 4.5m in ridge height. In this instance the outbuilding meets ridge height provisions but exceeds the variation by 0.4m in wall height. The proposed outbuilding was advertised to the adjoining landowners with one objection received raising concern to the proposed variation and the need for installation of a retaining wall to address site levels and stormwater run-off.

#### Impact on Amenity

In this instance the increased height of the wall of the outbuilding is 0.4m above the height requirements of the Policy, however, the overall height of the outbuilding complies with the Policy.

The lot is located within the Residential zone of Kalbarri and currently the area of open space is 77% well meeting R-Code open space provision which is 50%. The size of the outbuilding at 67.58m<sup>2</sup> which is well under the 120m<sup>2</sup> permitted by the Policy. The new structure and will replace the outbuilding damaged by the cyclone and sit on the concrete slab that still exists.

Inspection of Lot 806 did not highlight the need for retention of the site with no potential for the new dividing fence to be used as a retaining wall. Protection of solar access for the adjoining property was also taken into account with the potential for overshadowing not exceeding R-Code limits. Furthermore, the location of the outdoor living area of the adjoining property is estimated to sit 4m off the lot boundary which also limits the potential for overshadowing. A full copy of the submission is attached.

**ATTACHMENT: 9.3.4 (2)**

#### Conclusion

As it is considered that the proposed development will have minimal impact on the adjacent neighbouring property, conditional approval is recommended.

#### **STATUTORY ENVIRONMENT:**

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

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

The provisions of Local Planning Policy *Outbuildings* apply, as detailed above.

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

Nil.

**FINANCIAL IMPLICATIONS:**

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

**SUSTAINABILITY:**

Environmental: No vegetation is required to be removed for construction of the outbuilding.

Economic: Nil.

Social: Nil.

**VOTING REQUIREMENTS:                      SIMPLE MAJORITY**

**OFFICER RECOMMENDATION:**

**That Council, in accordance with Local Planning Scheme No. 11 – Kalbarri grant planning approval for an outbuilding on Lot 806 (No. 22) Glass Street, Kalbarri in accordance with the plans and specifications at Attachment 9.3.4 (1), subject to the following conditions:**

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

Reference	Document Title	Date
1	Site and Elevation Plans	15 March 2024

- 2 The approved shed/outbuilding shall only be used for domestic purposes such as storage, garaging of vehicles or other approved purposes, excluding human habitation;**
- 3 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:**
- 4 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;**
- 5 All stormwater and drainage runoff is to be retained on the subject property to the approval of the Shire of Northampton;**
- 6 Any soils disturbed or deposited on site shall be stabilised to the approval of the Shire of Northampton; and**
- 7 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 If the development/use the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.**
- 3 Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.**
- 4 The Applicant is advised that compliance with any and all governmental legislation and regulations, including but not limited to *Health (Miscellaneous Provisions) Act 1911*, the National Construction Code of Australia and the relevant *Aboriginal Cultural Heritage Act*, is required at all times.**
- 5 If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of determination.**

**ATTACHMENTS**

- 1 Site and Elevation Plans 2 Pages**
- 2 Submission 4 Pages**

## ATTACHMENT

### 9.3.5 Proposed Overheight Outbuilding at Lot 808 (No. 28) Glass Street, Kalbarri

<b>PROPONENT</b>	J and DL Brecich
<b>OWNER</b>	J and DL Brecich
<b>LOCATION / ADDRESS:</b>	Lot 808 (No. 28) Glass Street, Kalbarri
<b>ZONE:</b>	Residential
<b>BUSINESS AREA:</b>	Planning Services
<b>FILE REFERENCE:</b>	10.6.1.1/A636
<b>LEGISLATION:</b>	<i>Planning and Development Act 2005</i>
<b>AUTHOR:</b>	Michelle Allen
<b>APPROVING OFFICER:</b>	Brian Robinson
<b>DATE OF REPORT:</b>	8 April 2024
<b>DECLARATION OF INTEREST:</b>	Nil

#### BACKGROUND:

A planning application has been received for an overheight outbuilding at Lot 808 (No. 28) Glass Street, Kalbarri. A location plan is shown below.

#### LOCATION PLAN



The subject property is 930m<sup>2</sup> in size and consists of a newly constructed dwelling. The previous dwelling was destroyed by TC Seroja and subsequently demolished. The proposed outbuilding is 9m x 6m with a 5m x 3m lean-to and is to be setback 3m off the rear boundary and 1m from the northern side boundary. No other outbuildings exist on the site. The main structure will have a gable roof and the attached lean-to will have a skillion roof. A wall height of 4.1m and a maximum ridge height of 4.6m is proposed. A copy of the application is attached.

**ATTACHMENT: 9.3.5 (1)**

The proposed wall height is greater than the variation limits of the deemed to comply requirements for residential outbuildings as outlined in the Residential Design Codes (R-Codes) and Local Planning Policy *Outbuildings* (the Policy) and therefore the application is presented to Council for determination.

**PUBLIC CONSULTATION UNDERTAKEN:**

In accordance with Section 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and in consideration of the Shire of Northampton's *Local Planning Policy – Consultation for Planning Proposals*, a Level C 'Consultation with Owners and Occupiers of Nearly Land' was undertaken.

A submission was received from an adjoining landowner prior to receipt of the application with concern raised that the applicant was not willing to discuss his application before submitting it.

Once formally received, the application was advertised for a 14-day period to adjacent landowners with an additional submission received from the adjoining landowner objecting to the setback variation being sought on the northern boundary and the validity of the plans submitted. A full copy of this submission is attached.

**ATTACHMENT: 9.3.5 (2)**

**COMMENT (Includes Options):**

The property is zoned Residential with a density coding of R17.5 by the Scheme. The proposed development is required to comply with the requirements relating to R17.5 under the State Planning Policy 7.3 – Residential Design Codes Volume 1 (the R-Codes) and the Shire's Local Planning Policy *Outbuildings*.

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

Matters to be considered

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

- (a) *The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (b) *Any approved State planning policy;*
- (c) *Any policy of the Commission;*
- (g) *Any local planning policy for the Scheme area;*
- (n) *The amenity of the locality; and*
- (y) *Any submissions received on the application.*

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

### Residential Design Codes (R-Codes)

The proposed outbuilding is to be setback 3.4m from the rear boundary and 1.2m from the northern side boundary.

- (a) Northern Side Boundary - Table 2a – Boundary Setback – Walls with no major opening require a setback distance of 1.1m for a wall that is 9m long with a wall height of 4.1m.

The variation was advertised to adjoining landowners, with one submission received prior to receipt of the development application.

### Outbuilding Policy Assessment

The Policy outlines the Deemed-to-Comply provisions in the Residential zone replacing section 5.4.3 of the R-Codes due to the construction of outbuildings in the Shire of Northampton being generally greater in terms of floor area and height than those considered appropriate in the metropolitan area.

The Policy outlines that an outbuilding should not exceed 3m in wall height and 4.5m in ridge height. In this instance the outbuilding seeks a 0.1m variation to ridge height provisions and a 1.1m in wall height.

### Impact on Amenity

In this instance the increased height of the wall of the outbuilding is stated to be 1.6m above the height requirements of the Policy, and 0.1m above the overall height requirements of the Policy. The outbuilding is to house a boat and caravan with the increased wall height required to enable access through the roller door.

The subject lot is located within the Residential zone of Kalbarri and currently the area of open space is 81% meeting R-Code open space provision which is 50%. The size of the outbuilding at 79m<sup>2</sup> is well under the 120m<sup>2</sup> permitted by the Policy and no other outbuildings exist on the site. Site levels of Lot 808 sit 0.5m below the natural ground level of the adjoining lot to the north. The adjacent lot is retained by a retaining wall already constructed by the applicant which sits within the subject site.

An inspection of the subject site to confirm setback distances and site levels was undertaken to verify measurements submitted. The outbuilding will sit 0.5m lower on the site than the neighbouring property's natural ground level giving a wall height of 3.6m (not 4.1m) which is a 0.6m variation to Policy provisions.

### Conclusion

Setback distances on the northern boundary vary from 1.2m at the rear and 1m at the front respectively which is a 0.1m variation to R-Code provisions at the narrowest point. A retaining wall has been constructed within the subject site which supports and retains soil. Therefore, the development is considered to have minimal impact on the adjacent property and will not impact direct sun and ventilation to the building and open spaces on the adjoining site.

**STATUTORY ENVIRONMENT:**

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

**POLICY / STRATEGIC IMPLICATIONS:**

The provisions of Local Planning Policy *Outbuildings* apply, as detailed above.

**ORGANISATIONAL RISK MANAGEMENT:**

Nil.

**FINANCIAL IMPLICATIONS:**

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

**SUSTAINABILITY:**

Environmental: No vegetation is required to be removed for construction of the outbuilding.

Economic: Nil.

Social: Nil.

**VOTING REQUIREMENTS:**

**SIMPLE MAJORITY**

**OFFICER RECOMMENDATION:**

That Council, in accordance with Local Planning Scheme No. 11 – Kalbarri grant planning approval for an outbuilding on Lot 808 (No. 28) Glass Street, Kalbarri in accordance with the plans and specifications at Attachment 9.3.5 (1), subject to the following conditions:

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

Reference	Document Title	Date
1	Site and Elevation Plans	19 March 2024

- 2 The approved shed/outbuilding shall only be used for domestic purposes such as storage, garaging of vehicles or other approved purposes, excluding human habitation;
- 3 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;
- 4 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;
- 5 All stormwater and drainage runoff is to be retained on the subject property to the approval of the Shire of Northampton;

- 6 Any soils disturbed or deposited on site shall be stabilised to the approval of the Shire of Northampton;
- 7 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 Any retaining walls in excess of 0.5m in height required in connection with the development shall be so constructed as to accord with plans and specifications prepared by a practising structural engineer to the satisfaction of the Shire of Northampton and details and particulars of the certified plans and specifications shall be provided to the Shire of Northampton as part of any application for a building permit.
- 3 If the development/use the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.
- 4 Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
- 5 The Applicant is advised that compliance with any and all governmental legislation and regulations, including but not limited to *Health (Miscellaneous Provisions) Act 1911*, the National Construction Code of Australia and the relevant *Aboriginal Cultural Heritage Act*, is required at all times.
- 6 If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of determination.

**ATTACHMENTS**

- |   |                         |         |
|---|-------------------------|---------|
| 1 | Site and Elevation Plan | 1 Page  |
| 2 | Submission              | 4 Pages |

## ATTACHMENT

### 9.3.6 Proposed Change of Use from Single House to Holiday House at Lot 194 (No. 3) Cassia Close, Kalbarri

<b>PROPONENT</b>	LK Barker and JGR Gomeze
<b>OWNER</b>	LK Barker and JGR Gomeze
<b>LOCATION / ADDRESS:</b>	Lot 194 (No. 3) Cassia Close, Kalbarri
<b>ZONE:</b>	Residential
<b>BUSINESS AREA:</b>	Planning Services
<b>FILE REFERENCE:</b>	10.6.1.3/A4116
<b>LEGISLATION:</b>	<i>Planning and Development Act 2005</i>
<b>AUTHOR:</b>	Michelle Allen
<b>APPROVING OFFICER:</b>	Brian Robinson
<b>DATE OF REPORT:</b>	5 April 2024
<b>DECLARATION OF INTEREST:</b>	Nil

#### BACKGROUND:

Council is requested to consider a development application for a Change of Use from a Single House to a Holiday House for a single dwelling located at Lot 194 (No. 3) Cassia Close, Kalbarri. A location plan is shown below.

#### LOCATION PLAN



The subject property is 536m<sup>2</sup> in size and comprises one dwelling which is a two-storey single house. The property is located within the Eco Flora estate south of the Kalbarri townsite.

The existing two-storey dwelling is proposed to be used as short stay accommodation and consists of four (4) bedrooms, three (3) bathrooms and one (1) kitchen. The applicant/owners reside in the metropolitan area and currently use the dwelling for personal use. The intention is to manage guests visiting the property via the Airbnb platform and make regular trips to Kalbarri

throughout the year to use the property themselves and to ensure it is maintained.

The key elements of the submitted Management Plan are as follows:

- The application is proposing the number of guests to be a maximum of ten (10) persons;
- Key collection will be person to person utilising an external lock box arrangement;
- The management of the property will be undertaken by the owner;
- Bookings for the Holiday House will be through internet booking sites;
- Parking available for 2 cars on-site;
- Cleaning and maintenance will be undertaken by local contractors;
- Local Emergency contact details will be displayed in the holiday house at all times;
- Code of Conduct and House Rules documentation will be displayed in the holiday house at all times;
- Guests must observe 'quiet hours' between 10pm and 6am;
- No pets are permitted at the holiday house;
- Wi-Fi internet is available at the site; and
- The host will be contactable 24 hours a day.

A copy of the plan of the Holiday House and the proposed Management Plan and House Rules are attached.

**ATTACHMENT: 9.3.6 (1)**

Council is asked to consider the application due to an objection received from the adjacent landowner.

**PUBLIC CONSULTATION UNDERTAKEN:**

In accordance with Section 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and in consideration of the Shire of Northampton's *Local Planning Policy – Consultation for Planning Proposals*, a Level C 'Consultation with Owners and Occupiers of Nearly Land' was undertaken.

The application was advertised for a 14-day period to eight (8) adjacent landowners with one submission received objecting to the application.

**COMMENT (Includes Options):**

The provisions of the Scheme include the subject land within the Residential zone. To assist Council, the following comments are offered:

Land Use Classification

The zoning table of the Scheme identifies that various forms of Holiday Accommodation may be considered within the Residential zone of Kalbarri. Having regard to the fact that the change of use from a Single House to a Holiday House is defined as follows:

**'holiday house'** means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast.

The proposal is consistent with the land use definition given the proposal is utilising an existing building and will not have a detrimental impact on the surrounding amenity.

#### Land Use Permissibility

A Holiday House is an 'A' use within the Residential zone that is, a use which is *'not permitted unless the local government exercised its discretion by granting planning approval after giving special notice in accordance with clause 64 of the deemed provisions'* of the Planning and Development Act 2005.

#### Matters to be Considered

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

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

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

#### Consistency with Zoning

The proposed short stay accommodation is considered to meet the objectives of the Residential zone, which include *'To provide for a range of non-residential uses, which are compatible with and complementary to residential development'*.

The proposed Holiday House will provide the owner with an additional source of income and diversify the accommodation availability.

#### Day to Day Management

The applicant/owner will not reside on the property or within the Shire and have stated that as part of the management of the Holiday House they will be available by phone 24 hours a day.

#### Public Liability Insurance

The applicant has not supplied a copy of their current Public Liability Insurance Certificate. A condition will be included on any approval issued that this must be supplied prior to the commencement of the activity.

Guest Register

The applicant is required to maintain a guest register of all guests, and this is to be made available to an authorised officer from the Shire of Northampton on request. This will be included as a development condition in the event that Council determines to approve the application.

Health (Miscellaneous Provisions) Act, 1911

The proposed use will be required to operate in compliance with all relevant requirements of the *Health (Miscellaneous Provisions) Act, 1911*. It is recommended that an advice note be included on any approval granted by Council to reflect this.

Fire and Emergency Management Plan

Whilst the subject property is not located within a designated bushfire prone area, the applicant has submitted a Fire and Emergency Plan for the proposal. A copy of the plan is attached.

**ATTACHMENT: 9.3.6 (2)**

It is recommended a copy of the plan is kept on display in a common area within the Holiday House for access during an emergency. A development condition ensuring this occurs is recommended for inclusion should council approve the application.

Submission ReceivedAdjacent Landowner

One adjacent landowner has submitted an objection to the proposed development on the basis that holiday houses do not have a good reputation due to unruly behaviour and wild parties. It is purported that this will impact the amenity of the area and the absence of the owner will impact on their ability to implement rules as stated within application documentation. Furthermore, it was considered that limited parking spaces exist on the property.

Impact on Amenity of Area

The application is proposing a maximum number of 10 guests, however, the Holiday House has only four bedrooms. The maximum number of guests permitted is assessed with reference to the size of the lot, number of bedrooms, size of each bedroom, appropriate ablution facilities and available car parking spaces within the subject lot.

In consideration of these factors, it is recommended that a development condition be included to limit the maximum number of guests to eight (8) persons. The limitation is considered an integral part to minimising the potential for detrimentally impacts to occur and allowing for all car parking to be contained on site.

Lodging House

Should approval be granted for short stay accommodation for eight (8) persons, the applicant will also need to apply for secondary approval for a "Lodging House" from the Shire in order to operate. Advice to this effect has been included in the Officer Recommendation below.

### Conclusion

Should Council approve the application for un-hosted short stay accommodation use of the property, it is considered that conditions should be imposed to manage the potential for detrimental impact on the surrounding area and to meet land use definitions of the Scheme and requirements of the Policy.

### **STATUTORY ENVIRONMENT:**

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

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

*Local Planning Policy Holiday Houses and Kalbarri Townsite Strategy 2016*

By granting approval to the proposed use, Council will assist in upholding the strategic vision of the Kalbarri Townsite Strategy which is:

*‘To develop a long-term Strategy for future development and enhancement of Kalbarri that recognises, builds upon and promotes the tourism and residential values of the location in an environmentally and economically sustainable manner’.*

As outlined in Part 3.6 of the Local Planning Policy, the responsibility for day-to-day management rests with the owner to ensure visitors occupy the holiday house in a responsible manner and do not create impacts to adjoining properties. In this instance, the owners are proposing to manage the property from their primary place of residence in Perth.

It is considered that the proposed form of management is not acceptable as the owners will not be able to attend the property in a timely manner where management issues arise, or complaints are received. It is recommended that the Property Management Plan be reviewed to include the appointment of a Property Manager in the local area who will be responsible for managing the property on a day-to-day basis.

### **ORGANISATIONAL RISK MANAGEMENT:**

The risk rating is considered Level 3 - Moderate as there would be some reputational damage and a risk to the surrounding area should conditions of approval to manage potential amenity impacts not be imposed.

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

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
							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 development application fee in accordance with the Shire of Northampton's 2023/2024 Fees and Charges Schedule has been paid.

### SUSTAINABILITY:

Environmental: It is considered that the proposed holiday house will not have any environmental implications.

Economic: If approved the proposed Holiday House will diversify the applicant's income and provide additional accommodation within the Shire of Northampton for visitors in the region which will benefit the local economy.

Social: The proposal if approved is not expected to generate a negative impact on the neighbouring and surrounding properties.

**VOTING REQUIREMENTS: ABSOLUTE MAJORITY**

### OFFICER RECOMMENDATION:

**That Council:**

- A. Defer consideration of the proposed Holiday House pending review of the proposed Property Management Plan to appoint a property manager in the local area who would be responsible for day to day management of the property. Remote management of the property is not suitable given that managers will not be able to attend the property in a timely manner in order to manage any issues that may arise.**

- B. Authorise to the Chief Executive Officer to approve the proposed Change of Use from a Single House to a Holiday House at Lot 194 (No. 3) Cassia Close, Kalbarri in accordance with the plans and specifications at Attachment 9.3.6 (1), subject to the following conditions once an acceptable local management arrangement has been identified:**

- 1 The use as permitted shall operate in accordance with the submitted plans and supporting documents as listed below:**

Reference	Document Title	Date
1	Development Information	16 February 2024
2	Fire and Emergency Management Plan	16 February 2024

- 3 Prior to the commencement of the approved use, the applicant is to supply a copy of their Public Liability Insurance to the Shire of Northampton within 2 months of the date of the approval being issued;**
- 4 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:**
- 5 The development approval is granted for a period expiring on 30 June 2025 only after which period the use shall cease unless an application to renew this use is submitted prior to the expiration of the period seeking approval for the Holiday House to be continued for a further period of 12 months has been submitted and approved by the Shire of Northampton;**
- 6 The Applicant shall appoint a local Property Manager within Kalbarri that has responsibility for the day-to-day management of the property;**
- 7. The Holiday House is not to be occupied by a person for more than three (3) months within any twelve (12) month period. In this regard, the Property Manager is to maintain a register of guests and the duration of their occupation to the satisfaction of the Shire of Northampton;**
- 8 The Holiday House hereby approved is limited to a maximum of eight (8) guests who are known to each other at any one time to the satisfaction of the Shire of Northampton;**
- 9 The Fire and Emergency Management Plan, incorporating the contact details of the Property Manager, is to be displayed within the Holiday House at all times; and**
- 10 All parking for guests is to be provided for on-site for the use of users of the Holiday House.**

**Advice Notes:**

- 1 The approved development must comply with all relevant provisions of the *Health (Miscellaneous Provisions) Act, 1911* and the *Building Act 2016*.
- 2 The development the subject of this development approval is required to comply with the Shire of Northampton's Health Local Law.
- 3 Prior to commencement the Holiday House will require approval as a "Lodging House" under the Health Local Laws from the Shire of Northampton.
- 4 Please note that the use of the building in the manner proposed requires the installation of additional smoke alarms and emergency lighting for a Class 1b building as detailed in the Building code of Australia, Part 3.7.2, Smoke Alarms.
- 5 If the development/use the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.
- 6 Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
- 7 The Applicant is advised that compliance with any and all governmental legislation and regulations, including but not limited to *Health (Miscellaneous Provisions) Act 1911*, the National Construction Code of Australia and the relevant *Aboriginal Cultural Heritage Act*, is required at all times.
- 8 If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of determination.

**ATTACHMENTS**

- 1 Management Plan and House Rules 6 Pages
- 2 Fire and Emergency Management Plan 2 Pages

## ATTACHMENT

## 9.3.7 Delegated Planning Decisions for March 2024

<b>PROPONENT OWNER</b>	Shire of Northampton
<b>LOCATION / ADDRESS:</b>	Various
<b>ZONE:</b>	Various
<b>BUSINESS AREA:</b>	Planning Services
<b>FILE REFERENCE:</b>	10.4.1
<b>LEGISLATION:</b>	<i>Planning and Development Act 2005 Local Government Act 1995</i>
<b>AUTHOR:</b>	Michelle Allen
<b>APPROVING OFFICER:</b>	Brian Robinson
<b>DATE OF REPORT:</b>	8 April 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

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

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

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

**ATTACHMENT: 9.3.7 (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 below.

**COMMENT (Includes Options):**

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

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

	March 2023	March 2024
<b>Delegated Decisions</b>	5- \$961,000 **1	1 - \$8,000
<b>Council Decisions</b>	0 – \$0	5 - 1,323,649 **1
<b>Total</b>	<b>5 - \$961,000</b>	<b>6 - \$1,331,649</b>

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

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

	YTD 2023	YTD 2024
<b>Delegated Decisions</b>	23 - \$4,883,509 **2	13 - \$1,392,936 ** 2
<b>Council Decisions</b>	0 - \$0 **2	10 - \$2,367,648 **2
<b>Total</b>	<b>23 - \$4,883,509</b>	<b>23 - \$3,760,584</b>

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

### **STATUTORY ENVIRONMENT:**

The *Local Government Act 1995* creates and gives powers to local governments. The Act then empowers the local government to delegate its powers to the CEO and committees (1) which gives the CEO the authorisation to exercise power on behalf of the local government.

Scheme is a Local Planning Scheme, made in accordance with the *Planning and Development Act 2005* and associated regulations, sets out procedures for the assessment and determination of development applications.

Council has delegated a number of planning powers to the Chief Executive Officer and/or Principal Planner who can deal with those town planning issues that are not of a contentious nature. All other items shall be referred to Council.

In accordance with Regulation 19 of the *Local Government (Administration) Regulations 1996*, a written record of each delegated decision is kept.

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

Applications for Development Approval must be assessed against requirements of the Schemes and Local Planning Policies that have been adopted in accordance with the Schemes. These policies include Local Planning Policy *Consultation for Planning Proposals*, which details the level and scope of advertising required for Applications for Development Approval.

Each application processed under delegated authority has been processed and advertised, where required, and has been determined to be consistent with the requirements of all adopted Local Planning Policies.

### **ORGANISATIONAL RISK MANAGEMENT:**

Nil.

**FINANCIAL IMPLICATIONS:**

The required planning fees have been paid for all applications for Development Approval processed under delegated authority.

**SUSTAINABILITY:**

Environmental: Nil.

Economic: Nil.

Social: Nil.

**VOTING REQUIREMENTS:                      SIMPLE MAJORITY**

**OFFICER RECOMMENDATION:**

**That Council received the report on Delegated Development Approvals for March 2024 as detailed in Attachment: 9.3.7 (1).**

**ATTACHMENTS**

1 Delegated Planning Decisions March 2024 1 Page

**ATTACHMENT****9.3.8 Proposed Commercial Recreational Tourism Activity "Wagoe Beach Quad Bike and Buggy Tours"**

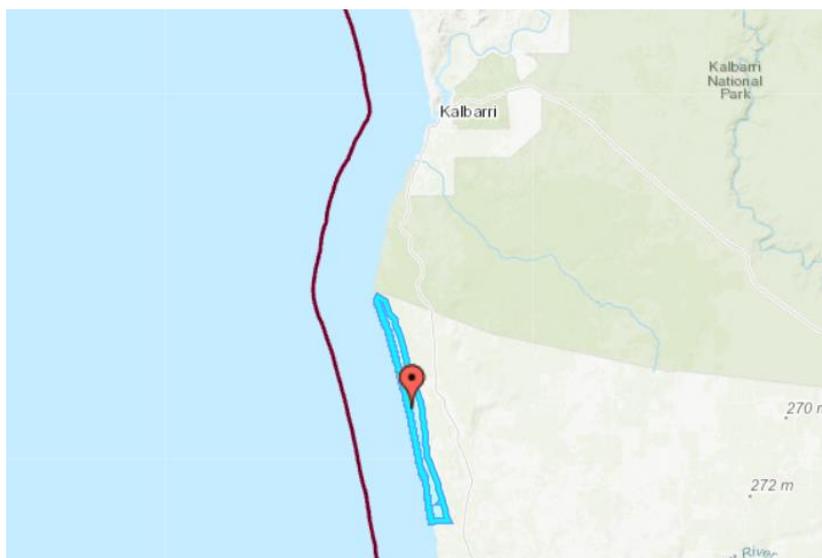
<b>PROPONENT OWNER</b>	EJ, AJ and JA McClintock Shire of Northampton/State of Western Australia
<b>LOCATION / ADDRESS:</b>	Lot 11 (No. 4043) George Grey Drive, Yallabatharra and Portion of Lot 11263 on Deposited Plan 91188 being a portion of Reserve 35206
<b>ZONE:</b>	Public Open Space (Reserve)
<b>BUSINESS AREA:</b>	Planning Services
<b>FILE REFERENCE:</b>	10.9.4 & A2966
<b>LEGISLATION:</b>	<i>Planning and Development Act 2005</i>
<b>AUTHOR:</b>	Michelle Allen
<b>APPROVING OFFICER:</b>	Brian Robinson
<b>DATE OF REPORT:</b>	9 April 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

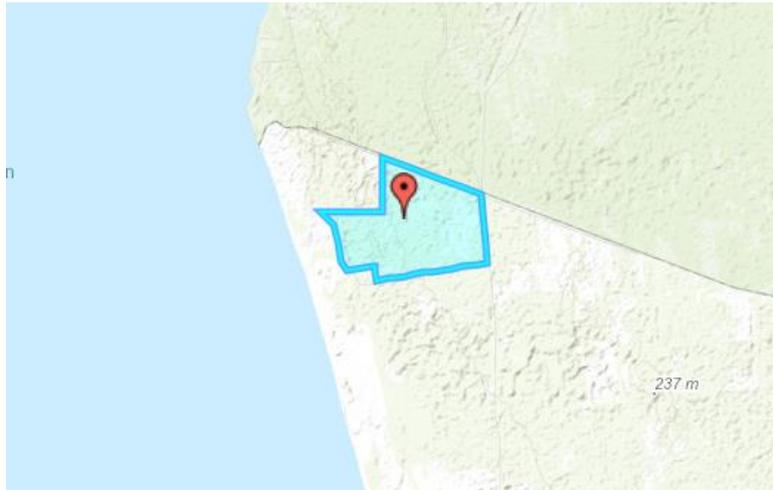
A planning application has been received from the McClintock Family who are seeking to renew a Licence to Occupy Crown Land to continue the existing quad bike tour operation upon their private landholding known as "Wagoe Farm" and a portion of Reserve 35206 for which they have had previous development approval and a license agreement with the Minister for Lands.

**LOCATION PLAN**

Portion of Lot 11263 On DP 9118 being a portion of Reserve 35206.

**LOCATION PLAN**

Lot 11 (No. 4043) George Grey Drive, Yallabatharra.



The Application for Development Approval has been referred to Council as the Commercial Recreational Tourism use is proposed on Crown Land located within the Shire of Northampton with the existing agreement due to expire 14 June 2024.

Reserve 35206 is Crown Land vested with the State of Western Australia for the purpose of Recreation. The Applicants are seeking renewal of a License with the Minister of Lands for a further three-year period in accordance with provisions of Council's Local Planning Policy *Commercial Recreational Tourism Activity* (the 'Policy'). The property is located south of the Kalbarri townsite.

A copy of the application is attached.

**ATTACHMENT: 9.3.8 (1)**

**PUBLIC CONSULTATION UNDERTAKEN:**

In accordance with Section 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and in consideration of the Shire of Northampton's *Local Planning Policy – Consultation for Planning Proposals*, a Level C 'Consultation with Owners and Occupiers of Nearly Land' was undertaken.

The application was advertised for a 14-day period to one adjoining landowner and seven government agencies and authorities and advertisements were placed in the local newspaper and on the Shire's website. Responses were received from three government agencies who had no objection to the proposal.

**COMMENT (Includes Options):**

The applicant has operated 'Wagoe Beach Quad Bike and Buggy Tours' (WBQBT) for 17 years working closely with the Yamatji Southern Regional Corporation, the Department of Planning, Lands and Heritage and the Shire of Northampton.

The proposed Tours are considered to accord with the Shire of Northampton *Local Planning Scheme No. 11 – Kalbarri*, the Kalbarri Coastal Management

Strategy and the Local Planning Policy *Commercial Recreational Tourism Activity on Crown Reserves.*

The proposal

The guided tours are proposed to operate on “Wagoe Farm” and a portion of Reserve 35206.

The tours are for families and individuals with a choice of vehicle available including quad bikes or a buggy. A tour is either 2 hours or 4 hours in duration and is available each morning and afternoon during peak season. Operating hours are between 6am and 7pm.

Fishing and sandboarding activities are available on the guided tour/s which include a maximum number of 14 all-terrain vehicles chosen from a bigger fleet of vehicles. The variety of fleet vehicles offer various seating options that accommodate the differing needs of families and people with disabilities.

WBQBT also have two courtesy buses used to transport customers to and from their accommodation in Kalbarri. Bookings are made directly with the operator and through the Kalbarri Visitor Centre.

WBQBT has operated within the recreational reserve area and their private landholding utilising existing and well-established tracks only and offer only supervised, guided tours

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

Matters to be considered

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

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

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

Local Planning Scheme

According to the Scheme, Reserve 35206 is zoned 'Public Open Space' and is vested with the State of Western Australia for the purpose of "Recreation". The land contained within Wagoie Farm is zoned 'Rural'.

#### Recreational and Cultural Values

Guidance for the management of coastal and human use impacts within the Scheme area, including beach areas, is provided with a number of strategic documents. The Applicants are also guided by an Environmental Management Plan endorsed by the Western Australian Planning Commission and a Cultural Heritage Management Plan.

Recreational values of the Kalbarri community are detailed with Off Road Vehicle (ORV) use highlighted as a significant activity. The Shire's Local Planning Strategy highlights concerns regarding environmental and cultural degradation that can typically apply with the uncontrolled use and management of ORV's.

#### Conclusion

In consideration of the above, it is considered that the operational activities of the business will not pose an unacceptable risk to the environmental or cultural values of the area and any potential risk can be managed through appropriate conditions of approval, including that only existing, well-established tracks are used.

The Applicants have 17 years' experience conducting supervised, guided tours which shows a strong well managed association with the area. Furthermore, adherence to requirements and conditions considered essential for the operation of the business to ensure ecologically and sustainable use and protection of the Reserve and the private landholding for the benefit and enjoyment of future generations has been demonstrated over that time.

It is recommended that Council grant approval of the application with a Licence Agreement to be entered into with the Minister of Lands to Occupy Crown Land.

#### **STATUTORY ENVIRONMENT:**

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

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

Kalbarri Coastal Management Strategy and Local Planning Policy 'Commercial Recreational Tourism Activity'.

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

Nil.

#### **FINANCIAL IMPLICATIONS:**

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

#### **SUSTAINABILITY:**

**Environmental:** This project involves operational activities that could pose risks for the environmental and cultural values of the area. The risks can be managed through appropriate conditions of approval to mitigate any potential impacts.

**Economic:** The development has demonstrated the potential to diversify the visitor experience and the economic activity (both directly and indirectly) through a controlled commercial recreational tourism activity in the area.

**Social:** Access to a range of activities and cultural experiences are significant contributors to a community's vibrancy, identity and culture.

**VOTING REQUIREMENTS: ABSOLUTE MAJORITY**

**OFFICER RECOMMENDATION:**

**A. That Council in accordance with Local Planning Scheme No. 10 – Northampton Kalbarri grant planning approval to the proposed Commercial Recreational Tourism Activity (“Wagoe Beach quad and Buggy Tours”) on Lot 11 (No. 4043) George Grey Drive, Yallabatharra and Portion of Lot 11263 on Deposited Plan 91188 being a portion of Reserve 35206, in accordance with the plans and specifications at Attachment 9.3.9 (1), subject to the following conditions and advice:**

- 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
	Application Information	February 2024

- 2 This Development Approval is an approval for the proposed use as presented for the purposes of the Shire of Northampton’s *Local Planning Scheme No.10* and the *Planning and Development Act (2005)* only and does not constitute an Agreement / Licence with the State of Western Australia;**
- 3 This Development Approval is subject to the continuing Approval of the Minister of Lands by means of a valid License Agreement with the Department of Planning, Lands and Heritage (or relevant state lands authority) in accordance with the provisions of the Land Administration Act (1997), of which a copy is to be forwarded to the Shire of Northampton;**
- 4 This Development Approval shall remain valid whilst the agreement referred to in Condition 2 remains current and valid, and on the expiration or in the termination of such licence agreement, this Development Approval shall cease to be valid;**
- 5 The Applicant shall conduct the tours using existing pathways, roads and tracks only, and shall not negatively impact, degrade or**

damage the natural amenity or cultural heritage sites within the approved land locations in any way;

- 6 The Applicant is required to provide adequate rubbish disposal facilities, remove all rubbish associated with the operation and maintain clean and sanitary conditions at all times;
- 7 The Applicant shall obtain Public Liability Insurance coverage to a minimum of \$20 million, and forward a copy of this certificate to the Shire of Northampton, to comply with the provisions of the Shire of Northampton's Local Planning Policy – Commercial Recreational Tourism Activity;
- 8 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; and
- 9 Authorise delegation to the Chief Executive Officer for preparation and execution of renewal applications with any disputes to be referred back to Council for final determination.

**Advice Notes:**

- 1 Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
  - 2 The Applicant is advised that this development approval does not negate the requirement for any additional approvals which may be required under separate legislation including but not limited to Fish Resources Management Act 1994, Environmental Protections Act 1986, Fire and Emergency Services Act 1998 and Aboriginal Heritage Act 1972. It is the Applicant's responsibility to obtain any additional approvals required before the use lawfully commences.
  - 3 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. Authorise delegation to the Chief Executive Officer to approve renewal applications subject to approval of the activity of the Minister of Lands with any disputes to be referred back to Council for final determination.**

**ATTACHMENTS**

- 1 Application Information 4 Pages

## ATTACHMENT

## 9.4.1 Building Approvals Report March 2024

<b>PROPONENT OWNER</b>	Shire of Northampton
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>ZONE:</b>	All
<b>BUSINESS AREA:</b>	Building Services
<b>FILE REFERENCE:</b>	N/A
<b>LEGISLATION:</b>	Local Government Act 1995 Building Act 2011 Building Regulations 2012
<b>AUTHOR:</b>	Michaela Simpson
<b>APPROVING OFFICER:</b>	Brian Robinson
<b>DATE OF REPORT:</b>	5 April 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

This report has been produced to assist Council understand the Building and Demolition Permits approved and issued for the period of 1 March 2024 to 31 March 2024.

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

**ATTACHMENT: 9.4.1 (1)**

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

During March 2024, ten (10) building and demolition applications were determined under delegated authority.

**STATUTORY ENVIRONMENT:**

Nil.

**POLICY / STRATEGIC IMPLICATIONS:**

Nil.

**ORGANISATIONAL RISK MANAGEMENT:**

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

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
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 a 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 March 2024 in accordance with Attachment 9.4.1(1).**

#### **ATTACHMENTS**

1 Building Approvals Report March 2024 1 Page

**ATTACHMENT****9.5.1 Kalbarri Lights Up Event Market Stallholders Request to Camp On-Site**

<b>PROPONENT OWNER</b>	Kalbarri Development Association Shire of Northampton Manager of Crown Reserve
<b>LOCATION / ADDRESS:</b>	Sally's Tree Grassed Area, Reserve 25307 Grey Street, Kalbarri
<b>ZONE:</b>	All
<b>BUSINESS AREA:</b>	Environmental Health & Town Planning
<b>FILE REFERENCE:</b>	7.1.9 & 11.1.2
<b>LEGISLATION:</b>	<i>Local Government Act 1995; and Caravan Park and Camping Grounds Regulations 1997</i>
<b>AUTHOR:</b>	Wendy Dallywater
<b>APPROVING OFFICER:</b>	Brian Robinson
<b>DATE OF REPORT:</b>	12 April 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

Council is requested to consider approving the ability for stallholders leave stalls erected overnight for the Kalbarri Lights Up event on Saturday 1<sup>st</sup> and Sunday 2<sup>nd</sup> June 2024. Permission is also sought for stall holders to camp within their stalls or adjacent vehicles on the Kalbarri Foreshore Reserve near Sally's Tree.

The Kalbarri Lights Up event was first held on Saturday 3<sup>rd</sup> June 2023 on 1 day only. This year the event is to be a two- day event with market stalls present both days.

To reduce their workload, numerous stallholders who requested permission via the event organisers (see attachment) to leave their tents/marquees erected along with trestle tables setup overnight. If they can leave these items set out overnight, the stallholders would also like to camp next to their stall at Sally's Tree. Several stall holders have advised the event organisers that will not attend if they are not allowed to leave stalls in place and camp on-site.

**ATTACHMENT: 9.5.1 (1)****PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

Approval is sought for all stallholders that have multiple tents/marques as part of their normal stall and due to the quantity of items that they display for sale. The stallholders will be camping in their vehicles or camping under their stall.

All other stallholders, which is the majority, who only operate from a small pop-up tent and 1 or 2 trestle tables will be required to pack up their stall on Saturday afternoon and then set up Sunday morning.

In terms of available facilities There are public toilets at Sally's Tree which are open all the time (not locked during the evening) and bins which the stallholders can access. While there are outdoor shower heads on the outside of the toilet block, it is unlikely that the stallholders would use these at this time of year being Winter. They are more likely to have a wash at the hand basin inside one of the toilet stalls instead.

#### Approval to Camp

Council can grant approval for these stallholders to camp next to their stall on-site at Sally's Tree, which is not a designated camping area, via the use of Regulation 11 (1) (d) (ii) of the Caravan Park and Camping Grounds Regulations (see copy of this Regulation below under Statutory Environment). This Regulations allows the local government who manages Reserve 25307 Grey Street, Kalbarri to approve a person to camp on the land if it is in accordance with the use or the land.

Approval to camp is issued to a person, each stallholders details will need to be provided for an approval to be granted. It is recommended that Council delegate authority to the CEO to grant these approvals.

#### Reserve Purpose

Reserve 25307 is for public purposes recreation. The holding of community markets on this land is an approved land use. Stallholders camping over-night for one night only for the purposes of having their stall at the community markets by association is in-line with the land use. However, as camping is not permitted on this land usually, Council needs to grant special approval as a one-off approval to camp over-night on Saturday 1<sup>st</sup> June 2024.

#### Conclusion

As with other community events, the Kalbarri Lights Up event has potential to attract both stall holders and visitors to the area. Generally speaking, the greater number of stall holders, the greater the success of the event in attracting patrons. A large portion of potential stall holders advising the event organisers that they are not prepared to attend unless their large stalls and products can remain in place overnight and they are permitted to camp.

Given the facilities available in proximity to the market stall location, and that that camping will occur on a single night in association with the event, it is recommended approval be granted. To ensure that members of the public are aware that camping is otherwise prohibited on the foreshore, appropriate signage should be erected to advise that approval has been granted and camping is restricted to stall holders.

#### **STATUTORY ENVIRONMENT:**

*Caravan Park and Camping Grounds Regulations 1997 –*

Regulation 10 stipulates that a person may only camp in a caravan park/ camping ground, or in accordance with Regulation 11. In accordance with Regulation 11, the circumstances under which a person may camp outside of a licensed facility, includes:

- (a) *for up to 3 nights in any period of 28 consecutive days on land which he or she owns or has a legal right to occupy, and may camp for longer than 3 nights on such land if he or she has written approval under sub regulation (2) and is complying with that approval; or*

As the Shire is effectively the landowner, Council can grant permission to the overnight camping.

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

Currently no camping is permitted on Reserve 25307 Grey Street, Kalbarri and signs have been erected to warn visitors not to camp in the area, including the car parks. However, Council has supported the Kalbarri Community Markets to operate from Sally's Tree grassed area which they have done for many years.

The holding of the markets is in line with the purpose of the reserve which is for Public Purposes and Recreation.

### **ORGANISATIONAL RISK MANAGEMENT:**

The associated risk would be that these stallholders would need to spend time packing up their stall on Saturday afternoon and would probably be unhappy with Council, but otherwise the general public would not be affected.

Risk rating is considered Level 1 – Insignificant.

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

**FINANCIAL IMPLICATIONS:**

None.

**SUSTAINABILITY:**

Environmental: Nil.

Economic: Approval to the overnight storage of stalls and camping within those stalls will encourage stallholders to operate over both days of the event.

Social: A successful event will benefit locals and tourists over the long weekend.

**VOTING REQUIREMENTS:**

**ABSOLUTE MAJORITY**

**OFFICER RECOMMENDATION:**

**That Council:**

- 1. Advise the Kalbarri Development Association that it has no objection to market stalls associated with the Kalbarri Lights Up Event on 1 June and 2 June 2024 on the Kalbarri Foreshore, but accepts no responsibility for any damage or losses that may occur; and**
- 2. Grant delegated authority for the Chief Executive Officer to grant permission to stall holders wishing to camp under their, or within adjacent vehicles overnight stalls for the night of 1 June 2024 in accordance with Regulation 11 of the Caravan Park and Camping Grounds Act 1995.**

**ATTACHMENTS**

- 1 Attachment No 1 - Email Request 2 Pages**

## ATTACHMENT

## 9.6.1 Proposed Terms of Reference - Bush Fire Advisory Committee

<b>PROPONENT</b>	Shire of Northampton
<b>OWNER</b>	N/A
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>ZONE:</b>	N/A
<b>BUSINESS AREA:</b>	Community, Development and Regulation
<b>FILE REFERENCE:</b>	5.1.2
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i> <i>Bush Fires Act 1954</i> Shire of Northampton – Bush Fire Local Laws 2017
<b>AUTHOR:</b>	Brian Robinson
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	2 April 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

Council is requested to consider adopting Terms of Reference for the Bush Fire Advisory Committee in order to formalise the Committee as an Advisory Committee of Council under the *Local Government Act 1995* and to provide further guidance on the form and function of the Committee and the coordinated management of Bush Fire Brigades.

The formation and operation of Bush Fire Brigades within the Shire of Northampton are governed by the provisions of the *Bush Fires Act 1954* and Shire of Northampton Bush Fire Brigades Local Law 2017. The Shire's current Bush Fire Advisory Committee (BFAC) is formed in accordance with Division 4 of the Local Law. Further details on the current BFAC and relevant provisions of the Local Laws is provided in the comment section below.

Currently there are a total of 5 operational Bush Fire Brigades within the Shire, being Ajana/Binnu, Horrocks, Isseka, Port Gregory/Yalbatharra and Sandy Gully/Alma. In addition, Volunteer Fire and Rescue Services (VFRS) are based in Kalbarri and Northampton.

Coordinated representation and management of the Bush Fire Brigades is essential to ensure to ensure efficient operation of the brigades and effective response to Bush Fire emergencies. Council is requested to consider adopting a detailed Terms of Reference for the Bush Fire Advisory Committee to provide clear guidance on the operation of the committee, including its role in developing a Bush Fire Operational Procedure Manual for brigades within the Shire.

A draft copy of the Terms of Reference is shown attached.

**ATTACHMENT: 9.6.1 (1)**

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

To assist Council in determining this matter, the following advice and comments are provided:

Current BFAC Committee

The current Committee is formed under the Shire's Bush Fire Local Laws 2017, with Councillor Karl Suckling appointed as a voting member under the *Local Government Act 1995*. Other members of the Committee are:

- The Shire's Chief Bushfire Control Officer;
- The Deputy Chief Bushfire Control Officer,
- The Fire Control Officer;
- Representatives from each Bush Fire Brigade, being their brigade Captain;
- A representative from the Department of Fire and Emergency Services;
- A Representative from Parks and Wildlife.

Other non-voting attendees have in the past included the Executive Manager of Corporate Services, the Shire's Ranger based in Kalbarri, additional officers from the State Government departments and other brigade members.

Currently an Annual Bush Fire Advisory Committee Meeting is held in April and a pre-fire season meeting in September each year.

Whilst there are currently no Terms of Reference for the Committee, the Committee has served well in compliance with the requirements of the *Bush Fires Act 1954*. At the annual meeting, the Committee provides recommendations on annual Fire Control Officers, Permit Officers, the Annual Firebreak Notice along with brigade and department reports and other brigade matters. The second meeting, whilst focused on pre-fire season matters also deals with general brigade matters.

It is recommended that Council adopt a more formal Terms of Reference, providing clarity around the purpose, role and voting membership of the Committee.

Local Government Act 1995

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

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

Where a person is appointed as a member of a committee, the persons membership of the committee continues until the person no longer holds office, resigns, the committee is disbanded or the next ordinary election day, whichever occurs first.

#### Bush Fires Act 1954

In accordance with section 67 of the *Bush Fires Act 1954*, A local government may at any time appoint such persons as it thinks fit as a BFAC for the purpose of:

- *advising the local government regarding all matters relating to the preventing, controlling, and extinguishing of bush fires,*
- *the planning of the layout of firebreaks in the district;*
- *Prosecutions for breaches of the Act,*
- *The formation of fire brigades and the grouping thereof under group brigade officers,*
- *The ensuring of co-operation and co-ordination of bush fire brigades in their efforts and activities, and*
- *any other matter relating to bush fire control whether of the same kind as, or different kind from specified.*

Clause 67(2) of the *Bush Fires Act 1954* state that a committee appointed under this section shall include a member of the council of the local government. The clause also specifies that the BFAC shall elected one of their number to be chairman. Finally, the balance of clause 67 outlines that the local government shall fix the quorum, may make rules for the guidance of the committee, accept the resignation in writing, or remove any member of the committee, appoint any replacement committee members.

#### Bush Fire Local Law 2017

The Bush Fire Local Law prescribes the process to be followed in forming and operating Bush Fire Brigades.

Division 4 of the Bush Fire Brigade Local Law 2017 outlines that a BFAC is to have the functions as set out in Section 67, provides some guidelines as the nomination process (being at each Annual General Meeting) and that the BFAS is to make recommendations to the local government on all motions received by the Bush Fire Advisory Committee.

It is noted that whilst the Shire's Bush Fire Local Law makes multiple reference to Bush Fire Operational Procedures for matters such as "command of a fire", Chain of Command and the rules applicable to the operation of a brigade, it appears that the Shire is yet to adopt an Operational Procedure Manual (Manual). It is considered essential that a Manual is developed in consultation with BFAC as soon as possible.

### Terms of Reference

Terms of Reference are a fit for purpose tool, used by local government to define the composition of a committee and their functions. In the case of a Bush Fire Advisory Committee, the Functions of the Committee are required to be consistent with Section 67 of the *Bush Fires Act 1954* and the Shire's Bush Fire Local Law 2017.

Clear Terms of Reference and a Bush Fire Operational Procedure Manual will ensure the Shire's Bush Fire Brigades are managed in a consistent manner within a set a framework, ensuring the co-ordinated management of the brigades.

### Need for Bush Fire Operational Procedures

Whilst the Shire's Bush Fire Local Law 2017 makes multiple reference to Bush Fire Operational Procedures for matters such as "command of a fire", Chain of Command and the rules applicable to the operation of a brigade, it appears that the Shire is yet to adopt an Operational Procedure Manual (Manual). It appears that the lack of such procedures has in the past resulted in some confusion over Chain of Command and other operational matters.

It is considered essential that a Manual is developed in consultation with BFAC as soon as possible.

### Proposed Terms of Reference

Having regard to the provisions of the Bush Fire Act 1954 and the Shire's Bush Fire Local Law 2017 it is proposed that:

- a) the committee consist of a minimum of 8 voting members, being a single representative of each of the 6 bush fire brigades together with the Chief Bushfire Control Officer and at least one elected member;
- b) On this basis a quorum would be achieved through the attendance of a minimum of 5 members;
- c) It is recommended that a proxy be identified for each voting member;
- d) Unless otherwise recommended by BFAC and approved by Council, members and their proxies be appointed for a two-year term, expiring on the next ordinary local government election or other for other reasons as detailed in clause 5.10 of the *Local Government Act 1995*;
- e) Members of staff appointed to the committee, other than the Chief Bushfire Control Officer will be non-voting along with representatives of any other agency or body (i.e. Northampton/Kalbarri VFRS);
- f) The Terms of Reference be more specific than the general statements under Section 67 of the Act and include assisting Shire Officers prepare a Bush Fire Operational Procedure Manual;
- g) The Terms of Reference are to be reviewed every two years, following the Ordinary Local Government Election, notwithstanding that modification of the Terms of Reference may require review a times due to membership changes.

It is proposed that current BFAC voting members are retained as voting members and be provided with formal proxies, ensuring compliance with the

requirements of the Local Government Act 1995. It is recommended that proxies be identified through the Committee.

Council is requested to confirm the appointed Councillor and their proxy.

### Conclusion

Whilst the Shire's current BFAC has been formed in accordance with Division 4 of the Shire's Bush Fire Local Law 2017 and they have been acting in accordance with Section 67 of the Bush Fires Act, there are currently no Terms of Reference for the Committee. It also appears that the committee has not been formally created as Advisory Committee of Council under the *Local Government Act 1995*.

To ensure best practice, it is recommended that formal Terms of Reference be adopted, and the Committee requested.

### **STATUTORY ENVIRONMENT:**

*Local Government Act 1995 and Bush Fires Act 1954.*

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

Adoption of a Terms of Reference for BFAC will ensure an appropriate framework to guide the consistent operation and management of bush fire brigades and their resources. This approach is consistent with Strategic Community Plan Key Outcome Areas 5.1.2 and 5.1.3, being:

*5.1.2 To maintain best practice in all areas of Council operations incorporating appropriate risk management strategies; and*

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

### **ORGANISATIONAL RISK MANAGEMENT:**

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

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
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

In the absence of a BFAC Terms of Reference and detailed Bush Fire Operational Procedures, there is a risk that the Shire's Bush Fire Brigades are not coordinated and consistent in terms of equipment or incident response protocols. This could represent a catastrophic risk to both the organization and community.

#### **FINANCIAL IMPLICATIONS:**

Nil.

#### **SUSTAINABILITY:**

Environmental: Well organised, equipped, and co-ordinated Bush Fire Brigades maximises the potential response and ability minimise the footprint and impact of a bush fire on native flora and fauna.

Economic: Well organised, equipped, and co-ordinated Bush Fire Brigades maximises the potential response and ability to minimise the potential footprint and impact of a bush fire on Rural based and other business.

Social: Well organised, equipped, and co-ordinated Bush Fire Brigades maximises the potential for response, minimise potential social impacts.

#### **VOTING REQUIREMENTS: ABSOLUTE MAJORITY**

#### **OFFICER RECOMMENDATION:**

**That Council:**

1. **Nominate Councillor Karl Suckling as Councillor Representative on the Northampton Bush Fire Brigade Advisory Committee, with Councillor \_\_\_\_\_ to be their proxy;**
2. **Adopt the proposed Terms of Reference for the Shire of Northampton Bush Fire Advisory Committee as shown at Attachment: 9.6.1 (1), with the inclusion of those Councillors detailed in point 1 above;**
3. **Request comments on the Terms of Reference from the Bush Fire Advisory Committee; and**
4. **Request the Chief Executive Officer to arrange for the preparation of a draft Bush Fire Operational Matter for consideration by the Bush Fire Advisory Committee as soon as possible.**

#### **ATTACHMENTS**

- 1 Draft Terms of Reference - Bush Fire Advisory Committee 2 Pages



**ATTACHMENT****9.7.1 Information Items - Maintenance/Construction - Works Program**

<b>PROPONENT</b>	Executive Manager of Works and Technical Services
<b>OWNER</b>	N/A
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>ZONE:</b>	All
<b>BUSINESS AREA:</b>	Office of Executive Manager of Works and Technical Services
<b>FILE REFERENCE:</b>	N/A
<b>LEGISLATION:</b>	N/A
<b>AUTHOR:</b>	Neil Broadhurst
<b>APPROVING OFFICER:</b>	Neil Broadhurst
<b>DATE OF REPORT:</b>	9 April 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

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

Specific Road Works

- Maintenance grading carried out on Blue Well, Harvey, Ogilvie West, Horan, Teakle, Isachar, Isachar Back, Isseka East, Yallabatharra, Horry, Diepeveen, Mongeragarry, James, Frosty Gully, Swamps, Bishop Gully and Yerina Springs Road/s.
- Gravel Patching/Sheeting/Verge works carried out on Blue Well, Diepeveen, Harvey and Balaam 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.
- Northampton – Water supply/reticulation issues – Oval x 3, Hampton gardens toilet, Golf course, Guide Park, Lions Park x 2.
- Kalbarri – Preparation works for 2024 Murchison River dredging. Start up meeting 17<sup>th</sup> April 2024.
- Kalbarri – Assistance prior and after Kalbarri music event.
- Balla Whelarra Road – Guidepost replacement works.
- Horrocks – Beach access carpark area – resealed.
- Rubbish tip site/s – Pushup and associated tip management works. Dozer at Northampton.
- Road verge mowing/slashing works – Harvey, Nabawa, Binnu East, Ogilvie East, Binnu West Road and Kalbarri Road.
- Street Sweeping townsites prior to Easter school holidays.

Other Items (Budget)

- Northampton – Gwalla Street / Second Avenue works - fence replacement works completed.
- Northampton – Reseal of town street/s. Budget works for Bruce and John Streets plus 2 x internal cemetery road/s to commence 15<sup>th</sup> April 2024.
- Northampton – Dual Use Pathway installed at new Northampton Oval toilet area.
- Kalbarri – Skate Park works, Removal of internal stone area and replacement with coloured (limestone) concrete surface to commence April 17<sup>th</sup> 2024.
- Kalbarri widening – Main Roads WA full funding (Blackspot funding) to the 10-12 kilometres of widening immediately to the east of Kalbarri as far as the Skywalk lookout turnoff. Practical completion sign off by the end of April 2024. Centreline marking to be remarked week starting 15<sup>th</sup> April 2024
- Binnu East Road – Municipal funding, Complete road overlay to failed 1.1km section. Earthworks, roadworks to primer seal stage completed. Minor site works and tidy up by end of April 2024. Reseal to be listed for 2024/2025 budget consideration.
- Kalbarri Road – Reseal works. White line replacement, week starting 15<sup>th</sup> April 2024.
- Balla Whelarra Road – Reseal works to commence 18<sup>th</sup> April 2024. Reduced scope of works indicative of increase bitumen/material supply costs.

Plant Items

- Backhoe – New backhoe arrived. Incorrect specification machine supplied by Westrac. New machine ordered. Replacement approximately end of April 2024.
- EMWTS – Replacement vehicle has been ordered – Ford Ranger, delivery end of April 2024.

Staff Items

- Vacant positions filled.
  - 1 x Tip Supervisor. (Kalbarri)
- Vacant positions to be advertised.
  - 1 x Water Custodian. (Port Gregory)
  - 1 x Administration Assistant (Works and Technical Service)

A copy of the Executive Manager of Works and Technical Services – Works Crew Budget – Program and Progress Report (2023/2024), April 2024 is attached.

**ATTACHMENT: 9.7.1 (1)**

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

Nil.

**STATUTORY ENVIRONMENT:**

Nil.

**POLICY / STRATEGIC IMPLICATIONS:**

Nil.

**ORGANISATIONAL RISK MANAGEMENT:**

Risk rating is considered Level 1 – Insignificant.

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

**FINANCIAL IMPLICATIONS:**

Works in accordance maintenance and construction budget.

**SUSTAINABILITY:**

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

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

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

**VOTING REQUIREMENTS:                      SIMPLE MAJORITY**

**OFFICER RECOMMENDATION:**

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

**ATTACHMENTS**

**1 Works Program - April 2024 1 Page**

**10. LATE REPORTS:**

**11. QUESTIONS FROM MEMBERS:**

11.1 Response to questions from members taken on notice.

11.2 Questions from members.

**12. MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING:**

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

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

**15. CLOSURE:**

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