



MINUTES

COUNCIL MEETING

18 JULY 2024

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SHIRE OF NORTHAMPTON

Minutes of the Ordinary Meeting of Council held in the Council Chamber, Hampton Road, Northampton, Thursday, 18 July 2024.

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS:

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

2. ANNOUNCEMENTS BY THE PRESIDENT:

Acknowledgement of Country

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

3. ATTENDANCE:

PRESENT:

Councillors

Cr Liz Sudlow (Shire President)
 Cr Rob Horstman (Deputy Shire President)
 Cr Richard Burges
 Cr Des Pike
 Cr Karl Suckling
 Cr Roslyn Suckling

Staff

Mr Andrew Campbell (Chief Executive Officer)
 Mr Brian Robinson (Executive Manager of Community, Development and Regulation)
 Mrs Michelle Allen (Manager of Corporate Services)
 Mrs Leanne Rowe (Manager of Financial Services)
 Ms Sonya Hasleby (Executive Support Officer)

Gallery

- 3.1 Apologies: Cr Tim Hay is an apology for the 18 July meeting.
- 3.2 Leave Of Absence: Cr Trevor Gibb was granted a leave of absence at the Ordinary Meeting of Council held on 16 May 2024.

4. DECLARATIONS OF INTEREST:

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

Nil.

5. PUBLIC QUESTION TIME:

5.1 Response to public questions taken on notice: Nil.

5.2 Public Question Time: Nil.

6. PRESENTATIONS:

6.1 Petitions: Nil.

6.2 Presentations: Nil.

6.3 Deputations: Nil.

6.4 Councillor reports

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

- 24/06/2024 – Northern Country Zone Meeting held in Dongara.
- 25/06/2024 – Citizenship Ceremony Kalbarri.
- 26/06/2024 – Attended a meet and greet with the St John Ambulance board with Cr Rob Horstman.
- 08/07/2024 – Attended Dreda Allen's funeral, pioneer of Kalbarri and wife of Ron Allen, Past President and Freeman of the Shire.
- 10/07/2024 – As Deputy Northern Country Zone Rep for WALGA State Council, represented President Kirrilee Warr on behalf of Northern Country Zone at WALGA State Council Meeting WALGA, Leederville.
- 17/07/2024 – Met with Tony Curren, Power 4, modular off-grid housing.

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

- 26/06/2024 – Attended a meet and greet with the St John Ambulance board with Cr Liz Sudlow.
- 28/06/2024 – Met with Merrilyn Eastman from Kalbarri Development Association to discuss the "Stay In Place" program.
- 09/07/2024 – Met with the Deputy Mayor of the City of Kalgoorlie.

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

- 26/06/2024 – Kalbarri Development Association meeting.

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

- 26/06/2024 – Kalbarri Development Association meeting.

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

- 24/06/2024 – Northampton Community Centre meeting.

6.5 Conference reports: Nil.

7. CONFIRMATION OF MINUTES:

MOVED: Pike, D

SECONDED: Burges, R

07/24-81

That the Minutes of the Ordinary Meeting of the Council held on 20 June 2024 be confirmed

MOTION CARRIED 6/0

FOR

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

AGAINST

8. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:

Nil.

9. OFFICERS' REPORTS:

9.1.1	Request to Expend Housing and Building Reserve Funds for Urgent Maintenance of Shire of Northampton Staff Housing
9.1.2	Proposal to Establish Office and Plant Nursery at Old Shire Depot 57 Stephen Street, Northampton
9.1.3	Confirmation of Correct Naming of "Gidamarra Spring", Kalbarri
9.1.4	Chief Executive Officer Activity Report April 2024 to June 2024
9.1.5	Proposed New Policy 4.1 Disposal of Shire of Northampton Property
9.1.6	Proposed New Policy - 3.1 Property Leasing
9.1.7	Proposed New Policy - 3.2 Freedom of Information
9.2.1	Proposed Accounts for Endorsement on 18 July 2024
9.2.2	Monthly Financial Statements for the Period Ending 30 June 2024
9.3.1	Executive Manager Community, Development and Regulation - Activity Report for April to June 2024
9.4.1	Proposed New Pelican Feeding Area - Reserve 25307 Grey Street, Kalbarri
9.4.2	Request for Reconsideration of Condition of Approval - Lot 260 (No 54) Centrolepis Circuit, Kalbarri
9.4.3	Delegated Planning Decisions for June 2024
9.5.1	Building Approvals Report June 2024
9.8.1	Information Items - Maintenance/Construction - Works Program

9.1.1 Request to Expend Housing and Building Reserve Funds for Urgent Maintenance of Shire of Northampton Staff Housing

PROPONENT	Shire of Northampton
OWNER	Shire of Northampton
LOCATION / ADDRESS:	52 Harvey Road, 21 Fitzgerald Street and 3 Rake Place, Northampton
ZONE:	Residential / Parks and Recreation
BUSINESS AREA:	Office of the CEO
FILE REFERENCE:	9.1.2
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Andrew Campbell
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	28 June 2024
DECLARATION OF INTEREST:	The CEO resides in the staff housing at 3 Rake Place, Northampton

BACKGROUND:

Recent heavy rainfall has exacerbated issues with staff housing in Northampton. Whilst originally intended to put forward proposed expenditure in the 2024/25 budget for staff housing maintenance, there are several urgent maintenance issues that need to be resolved as soon as possible. For administration convenience, funding for the remaining less urgent issues is also included in the item.

The purpose of this report is for Council to consider the transfer of funds from the Housing and Building Reserve for the purpose of maintenance of staff housing at 52 Harvey Road, 21 Fitzgerald Street, and 3 Rake Place, Northampton.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The proposed maintenance works for housing are as follows:

52 Harvey Road, Northampton – Anticipated Cost \$50,000

- Repair/replace rear section of house roof impacted by termites/rot that is now constantly inundated with stormwater;
- Diagnose electrical faults and repair;
- Upgrade kitchen; and
- Other inside/outside general maintenance.

21 Fitzgerald Street, Northampton – Anticipated Cost \$22,000

- Replace front door;
- Inspect roof to confirm if leaking areas previously fixed are still sound;
- Repair internal water damaged areas;
- Internal painting at rear of dwelling;
- Conduct electrical assessment;
- Install new lighting to poorly lit areas;
- Install air conditioner to main bedroom; and
- Replace dilapidated ceiling fans throughout.

3 Rake Place, Northampton Anticipated Cost - \$5,000

- Replace malfunctioning air conditioner in main bedroom;
- Replace faulty downlight in main bedroom; and
- Replace broken ceiling fan in main bedroom.

After a number of years of very limited maintenance, staff housing in Northampton has been undergoing significant upgrading over the past year with the ambition to bring all housing back to an appropriate executive standard that can be used by Shire staff and will enable attraction of future staff to the organisation.

STATUTORY ENVIRONMENT:

Any expenditure outside of the ordinary annual budget requires an Absolute Majority decision of Council in accordance with the requirements of the *Local Government Act 1995*.

POLICY / STRATEGIC IMPLICATIONS:

The Housing and Building Reserve was established and funded exactly for this type of purpose. The drawdown of significant funds from this Reserve will require future consideration of strategy for replenishment. The Shire holds a number of residential land parcels, some with prospective potential for subdivision that may be used in the future to replenish this Reserve if required.

ORGANISATIONAL RISK MANAGEMENT:

Risk rating is considered Major if the urgent maintenance works are not addressed as this would likely add significant additional future costs.

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 proposed cost impact is \$75,000 (ex GST) which if approved would leave \$41,740 (ex GST) remaining in the Housing and Building Reserve.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council endorse the immediate expenditure from the Housing and Building Reserve in accordance with the following table:

Area	Item	2023/24 Actual	2024/25 Budget	Expense/ (Revenue)
Housing and Building Reserve		\$118,740	\$41,740	(\$77,000)
52 Harvey Road – Staff Housing	Roof Damage Replacement / Repair	N/A	\$50,000	\$50,000

	Electrical Safety Assessment / Repair Kitchen upgrade Indoor / Outdoor Maintenance			
21 Fitzgerald Street - Staff Housing	Front Door Water Damage Repair Roof Assessment Electrical Assessment Lighting Internal Painting Air Conditioner Ceiling Fans	N/A	\$22,000	\$22,000
3 Rake Place – Staff Housing	Air Conditioner Lighting Ceiling Fan	N/A	\$5,000	\$5,000
			NET	\$0

COUNCIL RESOLUTION:

MOVED: Horstman, R **SECONDED:** Suckling, R

07/24-82

That Council endorse the immediate expenditure from the Housing and Building Reserve in accordance with the following table:

Area	Item	2023/24 Actual	2024/25 Budget	Expense/ (Revenue)
Housing and Building Reserve		\$118,740	\$41,740	(\$77,000)
52 Harvey Road – Staff Housing	Roof Damage Replacement / Repair Electrical Safety	N/A	\$50,000	\$50,000

	Assessment / Repair Kitchen upgrade Indoor / Outdoor Maintenance			
21 Fitzgerald Street - Staff Housing	Front Door Water Damage Repair Roof Assessment Electrical Assessment Lighting Internal Painting Air Conditioner Ceiling Fans	N/A	\$22,000	\$22,000
3 Rake Place – Staff Housing	Air Conditioner Lighting Ceiling Fan	N/A	\$5,000	\$5,000
			NET	\$0

MOTION CARRIED 6/0

FOR

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

AGAINST

9.1.2 Proposal to Establish Office and Plant Nursery at Old Shire Depot 57 Stephen Street, Northampton

PROPONENT	Shire of Northampton
OWNER	Shire of Northampton
LOCATION / ADDRESS:	57 Stephen Street, Northampton
ZONE:	Public Purpose
BUSINESS AREA:	Office of CEO
FILE REFERENCE:	4.2.10
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Andrew Campbell
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	28 June 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

With the recent appointment of the Manager Parks and Gardens to the Shire of Northampton (Shire), attention has turned to the office location of this position in the organisation in addition to office arrangements for other Northampton based employees. In previous discussion with Councillors, the creation of a plant nursery to support a strategic approach to parks and gardens functions was generally supported.

The site identified as suitable for this proposal is owned by the Shire and was formally the depot site before it became the Volunteer Fire and Rescue site and currently the property is vacant. The site abuts the Shire administration office and has water, power and telecommunications connections. Prior to the Council meeting, it is intended to invite Councillors to inspect the site during the Information Briefing Session. An aerial image of the site is shown below.



The purpose of this report is for Council to consider funding to upgrade the site to meet future strategic need.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The proposal involves the location of the Manager Parks and Gardens to the site along with the creation of additional internal office space for the Shire Rangers. By relocating the Shire Rangers to this site will provide for additional administration building office space to meet existing needs.

The property is considered suitable in that the existing shed contains an office space, ablutions, and a secure large enclosed area to house machinery and equipment. In addition to this the site has good external hardstand areas and sufficient room to establish a secure plant nursery. A road connection is already established with Stephen Street, however it would be envisaged that a former connection through to the Shire administration office site would be re-established for security purposes.

To enable this proposal to occur, Council will need to agree to fund improvements for maintenance, upgrades and new infrastructure to the value of approximately \$120,000 (ex GST). A list of items requiring funding include:

- New site security boundary fencing;
- Security surveillance;
- Nursery establishment;
- Communication link to Shire administration office (most likely NBN);
- Existing office cleanup and maintenance;
- Establishment of a crib room in the existing office space;
- Creation of an internal Rangers office;
- Ablution cleanup and maintenance;
- Re-keying or replacement of locks;
- Internal shed lighting upgrade;
- Re-establishment of road access between the site and the Shire administration office; and
- Other unforeseen maintenance costs.

The proposal is considered in the strategic best interests of the Shire by establishing a facility into the future that creates a significant focus on management of parks and gardens throughout the Shire district at a relatively small cost compared to having to create something equivalent from scratch. On this basis the proposal is recommended to Council for approval.

STATUTORY ENVIRONMENT:

Any expenditure outside of the ordinary annual budget requires an Absolute Majority decision of Council in accordance with the requirements of the *Local Government Act 1995*.

POLICY / STRATEGIC IMPLICATIONS:

The establishment of a dedicated plant nursery and an increased strategic focus on parks and gardens across the Shire district will not only improve community liveability, but will also make the Shire district more attractive to visitors.

ORGANISATIONAL RISK MANAGEMENT:

Risk rating is considered Minor based on risk, but it will still significantly impact on the ability of the Shire to deliver parks and gardens services to the community without establishing a dedicated facility.

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:

It is proposed that funding is sourced from the Strategic Opportunities and Land Development Reserve which has a current balance of \$775,639 (ex GST). The proposal is consistent with the purpose of this Reserve.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council allocate \$120,000(ex GST) to the creation of a plant nursery and office space at 75 Stephen Street, Northampton in accordance with the following table:

Item	2023/24 Actual	2024/25 Budget	Expense/ (Revenue)
Strategic Opportunities and Land Development Reserve	\$775,639	\$655,639	(\$120,000)
Upgrade of 75 Stephen Street, Northampton	N/A	\$120,000	\$120,000
		NET	\$0

COUNCIL RESOLUTION:

MOVED: Burges, R SECONDED: Pike, D

07/24-83

That Council allocate \$120,000(ex GST) to the creation of a plant nursery and office space at 75 Stephen Street, Northampton in accordance with the following table:

Item	2023/24 Actual	2024/25 Budget	Expense/ (Revenue)
Strategic Opportunities and Land Development Reserve	\$775,639	\$655,639	(\$120,000)
Upgrade of 75 Stephen Street, Northampton	N/A	\$120,000	\$120,000
		NET	\$0

MOTION CARRIED 6/0

FOR

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

AGAINST

9.1.3 Confirmation of Correct Naming of "Gidamarra Spring", Kalbarri

PROPONENT OWNER	Shire of Northampton Crown with Management Order to the Shire of Northampton
LOCATION / ADDRESS:	Reserve 25307, Grey Street, Kalbarri
ZONE:	Parks and Gardens
BUSINESS AREA:	Office of CEO
FILE REFERENCE:	9.1.4
LEGISLATION:	N/A
AUTHOR:	Andrew Campbell
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	28 June 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Councillor Des Pike has advised that he sought clarification from a Nanda Traditional Owner on the correct pronunciation spelling and meaning of "Gidamarra Spring". The response was that the approximate spelling was "Tjita-mia" meaning "Place of the Willy Wagtail" and was pronounced "jidda-mia".

The Shire of Northampton is soon to embark on the Kalbarri Foreshore Revitalisation project including the redevelopment of "Gidamarra Spring". The purpose of this report is for Council to consider seeking further advice in relation to the correct spelling, pronunciation and meaning.

PUBLIC CONSULTATION UNDERTAKEN:

Nil, however if the name "Gidamarra Spring" was proposed to be changed, public consultation may be required.

COMMENT (Includes Options):

It is important that a site such as "Gidamarra Spring" with a long-established history for Traditional Owners, the Nanda, is correctly named. To ensure that this occurs, it is recommended that the Nanda Board is consulted directly on the spelling, pronunciation and meaning of "Gidamarra Spring" and following the response, the matter is brought back to Council for further consideration and any action required.

STATUTORY ENVIRONMENT:

Nil.

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

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

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

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

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

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

- 1. Request the Chief Executive Officer confirm the spelling, pronunciation and meaning of “Gidamarra Spring” with the Nanda Board; and**

2. Once feedback has been received from the Nanda Board, report back to Council with further recommendations if required based on the response received.

COUNCIL RESOLUTION:

MOVED: Pike, D

SECONDED: Suckling, K

07/24-84

That Council:

1. Request the Chief Executive Officer confirm the spelling, pronunciation and meaning of “Gidamarra Spring” with the Nanda Board; and
2. Once feedback has been received from the Nanda Board, report back to Council with further recommendations if required based on the response received.

MOTION CARRIED 6/0

FOR

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

AGAINST

ATTACHMENT**9.1.4 Chief Executive Officer Activity Report April 2024 to June 2024**

PROPONENT	Chief Executive Officer
OWNER	N/A
LOCATION / ADDRESS:	Whole of Shire
ZONE:	All
BUSINESS AREA:	Office of CEO
FILE REFERENCE:	N/A
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Andrew Campbell
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	28 June 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

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

A copy of the CEO Activity Report April 2024 to June 2024 is attached.

ATTACHMENT: 9.1.4 (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
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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 April 2024 to June 2024 in accordance with ATTACHMENT 9.1.4 (1).

COUNCIL RESOLUTION:

MOVED: Horstman, R SECONDED: Suckling, R

07/24-85

That Council receive the Chief Executive Officer Activity Report April 2024 to June 2024 in accordance with ATTACHMENT 9.1.4 (1).

MOTION CARRIED 6/0

FOR

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

AGAINST

ATTACHMENT

9.1.5 Proposed New Policy 4.1 Disposal of Shire of Northampton Property

PROPONENT	Shire of Northampton
OWNER	Shire of Northampton
LOCATION / ADDRESS:	Whole of Shire
ZONE:	All
BUSINESS AREA:	Office of CEO
FILE REFERENCE:	4.1.15
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Andrew Campbell
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	28 June 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

As part of the major policy review it was noted that the Shire of Northampton (Shire) did not have a Disposal of Shire of Northampton Property policy. It is understood that previously there was a delegation in place that dealt with the matter to an extent, however contemporary practise in the Local Government sector is to provide a clear Council policy addressing the matter.

A copy of proposed finance policy *4.1 Disposal of Shire of Northampton Property* is attached.

ATTACHMENT: 9.1.5 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

Policy *5.1 Disposal of Shire of Northampton Property* provides clear guidance for employees on the disposal of Shire property no longer required whilst still complying with the requirements of the *Local Government Act 1995* and the disposal exemptions contained within the *Local Government (Functions and General) Regulations 1996*.

It is recommended that Council adopts finance policy *4.1 Disposal of Shire of Northampton Property* as presented.

STATUTORY ENVIRONMENT:

The *Local Government Act 1995* provides the mechanism to guide the creation of Council policies and outlines statutory processes to follow.

POLICY / STRATEGIC IMPLICATIONS:

This is a new policy proposed to reduce the administration burden of the Shire of Northampton.

ORGANISATIONAL RISK MANAGEMENT:

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

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

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council adopt Finance Policy 4.1 Disposal of Shire of Northampton Property in accordance with ATTACHMENT: 9.1.5 (1).

COUNCIL RESOLUTION:

MOVED: Burges, R **SECONDED:** Suckling, K

07/24-86

That Council adopt Finance Policy 4.1 *Disposal of Shire of Northampton Property* in accordance with ATTACHMENT: 9.1.5 (1).

MOTION CARRIED 6/0

FOR

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

AGAINST

ATTACHMENT**9.1.6 Proposed New Policy - 3.1 Property Leasing**

PROPONENT	Shire of Northampton
OWNER	Shire of Northampton
LOCATION / ADDRESS:	Whole of Shire
ZONE:	All
BUSINESS AREA:	Office of CEO
FILE REFERENCE:	4.1.15
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Michelle Allen
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	9 July 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Shire of Northampton leases land and building to various community groups, clubs, recreational bodies and commercial enterprises. Shire Officers have been working to provide clarity and a consistent approach to setting lease terms, lease fees and maintenance responsibilities. The policy provides a guide to setting lease terms and conditions and applies to all Shire of Northampton land and building leases, excluding residential tenancy agreements, with each new lease being referred to Council for approval. Alternate terms and conditions may be negotiated when appropriate.

The purpose of this report is for Council to consider the proposed Council Policy 3.1 Property Leasing (Policy).

ATTACHMENT: 9.1.6 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The proposed Policy has been formulated with intent to guide various entities and Council in the matter of lease arrangements that applies to all Council land and buildings facilitating a clear and consistent process for making these decisions.

The Shire of Northampton enters into a formal lease arrangement when leasing Council land and buildings to various entities and it is considered the Property Leasing Policy will providing clarity on the responsibilities of both Lessees and Lessors. The Policy's guiding objective is to provide a consistent approach to setting lease terms, lease fees and maintenance responsibilities.

The policy includes a Maintenance Responsibilities Schedule that provides detailed information around the matters of maintenance and repairs of Council assets, ensuring openness and transparency in the arrangements. If it is intended for this policy to be applied to new leases following expiry of a current lease agreement.

STATUTORY ENVIRONMENT:

Policies are created and guided by the requirements of the *Local Government Act 1995* (the Act). Section 3.58 of the Act deals with the requirements for leasing Shire managed and Council land, including public notice to be given prior to approving commercial leases. This is considered for each new lease.

Each lease of Crown land also requires approval from the Minister for Lands and is required under Section 18 of the *Land Administration Act 1997*.

POLICY / STRATEGIC IMPLICATIONS:

Policies are considered to be guiding documents and decisions may be varied by Council on a case by case basis. Council policies are able to be amended by Council at any time and are subject to a review period.

The proposed Policy will allow for open and transparent processes and assist with the preparation of new lease agreements and administration of existing lease agreements.

ORGANISATIONAL RISK MANAGEMENT:

Risk rating is considered 3 (Moderate) for the reason that failure to have an open and transparent policy dealing with Property Leasing decisions could result in inconsistent decision making by Council leading to prospective significant and substantiated reputational damage.

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

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

For leases of buildings to community associations on a ‘peppercorn’ basis there are outgoings that are a cost to the Shire, for example structural maintenance, building insurance and the emergency services levy.

Lease preparation fees adopted by Council will be reviewed at a later date.

All Shire building maintenance and capital improvements will be according to the annual budget and Capital Works Plan.

SUSTAINABILITY:

Environmental: Nil.

Economic: Maintenance and preservation of buildings reduces the potential for higher future costs in providing these facilities to the community.

Social: Many of the Leases of Shire land and buildings are to not for profit community and sporting groups that provide various services and social benefits to the local communities.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council adopt Council Policy 3.1 Property Leasing as contained in accordance with ATTACHMENT: 9.1.6 (1).

COUNCIL RESOLUTION:

MOVED: Horstman, R SECONDED: Pike, D

07/24-87

That Council adopt Council Policy 3.1 Property Leasing as contained in accordance with ATTACHMENT: 9.1.6 (1).

MOTION CARRIED 6/0

FOR

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

AGAINST

ATTACHMENT**9.1.7 Proposed New Policy - 3.2 Freedom of Information**

PROPONENT	Shire of Northampton
OWNER	Shire of Northampton
LOCATION / ADDRESS:	Whole of Shire
ZONE:	All
BUSINESS AREA:	Office of CEO
FILE REFERENCE:	4.1.15
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Andrew Campbell
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	9 July 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

During a review of the Shire of Northampton's Freedom of Information obligations it was identified that the Shire of Northampton did not have an applicable policy allocating responsibility.

The Chief Executive Officer has now produced a draft policy which is now provided to Council for their consideration.

ATTACHMENT: 9.1.7 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The Freedom of Information policy is designed allocate the responsibility of Freedom of Information application received by the Shire of Northampton. It is recommended Council consider adopting a policy of this nature as attached.

STATUTORY ENVIRONMENT:

Policies are created under the *Local Government Act 1995*. Freedom of Information applications are generated through the statutory provisions of the *Freedom of Information Act 1992*, the *Local Government Act 1995* and *Local Government (Administration) Regulations 1996*.

POLICY / STRATEGIC IMPLICATIONS:

The proposed policy is designed to ensure the organisation provides a defined pathway to deal with Freedom of Information applications.

ORGANISATIONAL RISK MANAGEMENT:

Risk rating is considered Moderate as the Shire of Northampton as failure to address Freedom of Information applications correctly can lead to penalties and reputational damage.

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

FINANCIAL IMPLICATIONS:

Nil.

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

That Council adopt policy **3.2 Freedom of Information** in accordance with **ATTACHMENT: 9.1.7 (1)**.

COUNCIL RESOLUTION:**MOVED:** Burges, R**SECONDED:** Suckling, K**07/24-88**

That Council adopt policy **3.2 Freedom of Information** in accordance with **ATTACHMENT: 9.1.7 (1)**.

MOTION CARRIED 6/0

FOR

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

AGAINST

ATTACHMENT**9.2.1 Proposed Accounts for Endorsement on 18 July 2024**

PROPONENT	Shire of Northampton
OWNER	N/A
LOCATION / ADDRESS:	Whole of Shire
ZONE:	All
BUSINESS AREA:	Corporate and Financial Services
FILE REFERENCE:	1.1.1
LEGISLATION:	<i>Local Government (Financial Management) Regulation 1996, Local Government Act 1995</i>
AUTHOR:	Leanne Rowe
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	28 June 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

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

A copy of the Payment List is attached.

ATTACHMENT: 9.2.1 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

Council is requested to endorse the payments as presented.

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

Council delegation allows the CEO to make payments from the Municipal bank accounts. These payments are required to be presented to Council each month in accordance with the Financial Management Regulations 13 (1) for recording in the minutes.

ORGANISATIONAL RISK MANAGEMENT:

The associated risk would be the failure to comply with Financial Management Regulation 13 (1) is considered moderate as the presentation of payments forms part of the Shires due diligence to ensure payments are presented as required. Risk rating is considered Level 3 - Moderate.

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

FINANCIAL IMPLICATIONS:

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

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council note Municipal EFT payments numbered EFT26430 to EFT26547 totalling \$569,148.62; Municipal Fund Cheques 22484 to 22495 inclusive totalling \$26,316.30; Direct Debit payments numbered GJ1205 to GJ1213 inclusive, payroll and superannuation totalling \$327,705.51; and itemised fuel card purchases, be declared authorised expenditure in accordance with ATTACHMENT: 9.2.1 (1).

COUNCIL RESOLUTION:

MOVED: Suckling, R SECONDED: Pike, D

07/24-89

That Council note Municipal EFT payments numbered EFT26430 to EFT26547 totalling \$569,148.62; Municipal Fund Cheques 22484 to 22495 inclusive totalling \$26,316.30; Direct Debit payments numbered GJ1205 to GJ1213 inclusive, payroll and superannuation totalling \$327,705.51; and itemised fuel card purchases, be declared authorised expenditure in accordance with ATTACHMENT: 9.2.1 (1).

MOTION CARRIED 6/0

FOR

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

AGAINST

ATTACHMENT**9.2.2 Monthly Financial Statements for the Period Ending 30 June 2024**

PROPONENT	Shire of Northampton
OWNER	N/A
LOCATION / ADDRESS:	Whole of Shire
ZONE:	All
BUSINESS AREA:	Corporate and Financial Services
FILE REFERENCE:	1.1.1
LEGISLATION:	<i>Local Government (Financial Management) Regulation 1996, Local Government Act 1995</i>
AUTHOR:	Leanne Rowe
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	28 June 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

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

The Monthly Statements of Financial Activity for the period ending 30 June 2024 are detailed from page 1 to page 24 per the attached Monthly Financial report.

A copy of the Monthly Financial Report is attached.

ATTACHMENT: 9.2.2 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

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

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

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

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

FINANCIAL IMPLICATIONS:

The 30 June 2024 financial position is comprised of the following:

Total operating revenue has a surplus position of \$4,097,522 and the operating expenditure has a deficit position of \$479,595.

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

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

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

COUNCIL RESOLUTION:

MOVED: Suckling, K SECONDED: Burges, R

07/24-90

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

MOTION CARRIED 6/0

FOR

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

AGAINST

ATTACHMENT**9.3.1 Executive Manager Community, Development and Regulation - Activity Report for April to June 2024**

PROPONENT	Executive Manager Community, Development and Regulation
OWNER	N/A
LOCATION / ADDRESS:	Whole of Shire
ZONE:	N/A
BUSINESS AREA:	Community, Development & Regulation
FILE REFERENCE:	N/A
LEGISLATION:	Various
AUTHOR:	Brian Robinson
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	8 July 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

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

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

Nil.

COMMENT (Includes Options):

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

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

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

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

FINANCIAL IMPLICATIONS:

All activities have been undertaken in accordance with the Shire's adopted budget for the 2023/2024 financial year, although it is noted that expenditure on Legal opinions has exceeded the adopted amount for those reasons detailed in the attachment (Refer Attachment: 9.3.1 (1)).

SUSTAINABILITY:

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

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

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

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

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

COUNCIL RESOLUTION:

MOVED: Suckling, R SECONDED: Pike, D

07/24-91

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

MOTION CARRIED 6/0

FOR

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

AGAINST

ATTACHMENT

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

PROPONENT OWNER	Shire of Northampton Crown Reserve – Management Order with Shire of Northampton
LOCATION / ADDRESS:	Part Reserve 25307 Grey Street, Kalbarri
ZONE:	Local Reserve – Parks and Recreation
BUSINESS AREA:	Planning Services
FILE REFERENCE:	9.10.11
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Brian Robinson
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	5 July 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

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

Location Plan



The Pelican Feeding in Kalbarri is well recognised as a long standing practice and tourism attraction, dating back to 1975. Operated by volunteers, the last major improvement to the area occurred with the erection of Shade Sails which were approved by Council in late 2010. The current Shades, being blue in colour, are now wind damaged and replacement of the structure is appropriate given the cost of replacing the shade sail.

More recently in February this year, the Kalbarri Development Association (KDA) supplied a copy of proposed concept designs relating to the redevelopment of the facilities. By way of summary KDA have proposed, with the support of the Pelican Feeders, a roof structure being 10.6m by 15.6m

Copies of the proposed designs along with letters of support from the Kalbarri Development Association and the Kalbarri Pelican Feeders are shown attached.

ATTACHMENT: 9.4.1 (1)

Councillors attention is drawn to the statement at the end of the KDA correspondence which identifies that KDA has paid for the Concept Design and hopes that future project funding might reimburse them for this cost. Further advice/comments on this are provided in the Comment Section below.

As Councillors are aware, the conceptual plans were brought to the attention of Council in March and were subsequently circulated to Councillors for preliminary feedback. By way of summary, the proposal was generally supported although concerns were raised regarding the need for a solid wall on the southern side of the facility and the colour of the roofing. Further details on this feedback are contained within the assessment provided in the comment section below.

Council is now requested to consider a formal application for Development Approval to the new facilities. It should be noted that the formal application has been lodged by the Chief Executive Officer in order that the new facilities may be considered as part of the greater Kalbarri Foreshore Redevelopment Project.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

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

Matters to be Considered

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

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

- (n) *The amenity of the locality; and*
- (y) *Any submissions received on the application.*

Local Planning Scheme No 11

The provisions of the Shire's Local Planning Scheme No 11 (the Scheme) reserve the land for the purpose of Public Open Space. The objectives of Public Open Space reservation are:

- *To set aside areas for public open space, particularly those established under the Planning and Development Act s 152; and*
- *To provide for a range of active and passive recreation uses such as recreation, buildings and courts and associated car parking and drainage.*

The proposed redevelopment of the Pelican Feeding Area is consistent with the objectives of the Scheme reservation.

Local Planning Strategy

The Pelican Feeding Area is recognised within the Town of Kalbarri Local Planning Strategy (the Strategy). As reflected on Plan 2 of the Strategy being the Town Centre Concept Plan, retention of the Pelican Feeding Area is recommended.

Compatibility with Setting

The current Pelican Feeding area is relatively informal with the feeding area defined by a series of pine post and rail, with a series of seats mounted to a concrete slab surrounding. Currently shade is provided over the area via a Shade Sail mounted on four upright posts. The shade structure is approximately 3-3.5m in height on the side facing the Murchison River.

As reflected on the submitted plans (refer Attachment: 9.4.1 (1)), the new roof structure is proposed in the location of the current Feeding Area, which is well serviced with pedestrian access and an adjacent car parking area. It is also noted that roof structure will have a similar height to the existing shade sail.

Given the above, the proposal is generally consistent with the setting. That said, there are concerns regarding two elements of the proposal, which are discussed within the Impact on Amenity Section below.

Impact on Amenity

Currently both the Shade Sail and upright posts are blue in colour. Councillors and Shire Officers have expressed concern regarding the proposed use of zincalume clad roof on timber battens.

As Councillors would be aware zincalume has the potential to detrimentally impact on visual amenity of the surrounding area given its reflective properties. As an alternative to zincalume, it is recommended that a condition should be imposed to require the use of a cream colourbond® or the like, being consistent with the majority of existing structures within the foreshore.

The submitted plans also currently show the construction of a 1.8 metre high, 12 metre long rammed earth wall on the southern side of the new structure. KDA have advised in their supporting correspondence that the primary purpose of the wall is to provide a wind break and that they envisage the wall being used to display interpretative information regarding the history of the Pelican Feeding in Kalbarri, about the Pelicans and an honour board.

Whilst the stated intent of the wall is noted, it is considered that the effectiveness of the wall as a wind break is questionable given that the wind direction and speed in Kalbarri varies greatly throughout the year. It is also considered that the proposed wall will unnecessarily restrict the use of approximately one third of the roofed area and viewing of the activity from the southern side of the structure. It will introduce substantial additional costs associated with its construction and ongoing maintenance.

Given the above, it is recommended that the proposed wall not be supported. As an alternative, a much smaller sign/wall could be established to contain the name "Pelican Feeding Area" as shown on the concept. The rear of the wall could be used for interpretative signage and other information. It is recommended that this aspect of the proposal should be further developed prior to completion of any new infrastructure.

Honour Board

As reflected above, the KDA correspondence indicates that one of the uses for the proposed wall would be to contain an honour board. Whilst the intent in recognising volunteers is acknowledged, approval to an honour board is likely to create a precedent for honour boards to be established with other facilities on the foreshore adding un-necessary infrastructure and visual impediments.

As an alternative it is recommended that additional information regarding the feeding area, including an honour board could be established electronically, with the interpretation signage directing members of the public to that information.

Kalbarri Foreshore Master Plan

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

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

ATTACHMENT: 9.4.1 (2)

Proposed Location

The plans submitted by KDA propose that the new facility will in the location of the existing facilities, whilst the Kalbarri Foreshore Master Plan indicates the

new facility should be located immediately south of the current location. The location of a new facility immediately south as reflected within the Master Plan provides the following opportunities:

- a) The existing facility can continue to be used whilst construction of the new facility is completed; and
- b) The new location would essentially 'line up' with Woods Street, potentially reducing the visual impact for dwellings and other development located on the eastern side of Grey Street.

It is therefore recommended that the new facility be constructed immediately south of the current location and the proposed site be modified accordingly.

Budget

As detailed above, the Foreshore Master Plan identifies conceptual designs for the construction of new facilities. The indicative budget for the Foreshore Redevelopment, as submitted with the grant application, does not however specifically provide for the construction of new Pelican Feeding Area facilities.

The budget does however contain a significant allowance for a total of 9 shelters on the foreshore, including paving at a cost of \$292,263.93 each. The budget has also allowed 20% for Professional and Project Management Fees and 10% for design contingency. With the project proposed to be managed 'in house', with much of the initial design work being completed by existing employees, it is likely that significant savings will be made in this area.

Given the above, and the urgent need to replace the existing shade sail structure, it is considered that there would be merit in funding the establishment of the new Pelican Feeding Area infrastructure from the grant funding, or other funding that may be sourced throughout the life of the project.

Request for Re-imburement

As detailed in Attachment No 1, KDA have advised that they have met the costs associated with preparing designs for the Pelican Feeding Area and substantial works on the playground adjacent to Gidamarra Springs (not forming part of this application). Their correspondence indicates that they are hopeful that these funds will be re-imbursed.

In response to the expectation for re-imburement, the following comments are offered:

- a) The Shire did not request the design work to be completed;
- b) The Foreshore Redevelopment Grant cannot be used to cover funds already incurred, or incurred by a third party;
- c) The Shire will be required to demonstrate compliance with legislated and standard procurement processes; and
- d) It is unknown whether the costs associated with the design work represent value for money and there is no budget allocation from which funds could be drawn.

It is also worthwhile noting that the Foreshore Master Plan contains a conceptual design for new facilities. With preliminary design works being completed in-house, it cannot be assumed that any design prepared by the Shire would have been consistent with the design now being considered.

Notwithstanding the above, should Council wish to proceed with the submitted design, the design will be used to inform a Quote/Tender process seeking the detailed design and construction of the new infrastructure.

Public Consultation

The author of this agenda understands that the Foreshore Master Plan was developed following detailed consultation with the Kalbarri Community. Whilst the plan was endorsed by Council “*for grant funding purposes*” (Resolution 10/23-12 on 20/10/23), the designs contained therein have not been advertised for public comment.

Prior to formally considering approval to the development as proposed, it is recommended that the proposal is advertised for comment over a period of 21 days. The consultation including correspondence to the adjacent landowners.

Conclusion

The installation of new infrastructure associated with the Kalbarri Pelican Feeding area as proposed has merit given that the proposal is consistent with the Kalbarri Foreshore Master Plan and the existing shade sail is now in need of replacement.

It is however recommended that the proposal be advertised for a period of 21 days as outlined in the comment section above.

STATUTORY ENVIRONMENT:

Local Government Act 1995.

POLICY / STRATEGIC IMPLICATIONS:

The application as submitted is consistent with the following key outcomes and objectives as detailed within the Shire of Northampton Strategic Community Plan:

	Key Outcomes	Objectives	Success Measures	Timelines
1.1.3	To maintain a tourism strategy within budget possibilities to have tourist facilities of the highest standard that the Council can afford	Increase in numbers of visitors accessing local business and tourist attractions.	Trends in visitor numbers and tourist enterprises operating.	Ongoing.
1.1.4	Support for visitor attraction and for community driven events-based tourism	Increase of events that attract overseas , regional, and local people to support the local economy.	Increase or decrease of visitors and number of events held.	Ongoing.

ORGANISATIONAL RISK MANAGEMENT:

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

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

FINANCIAL IMPLICATIONS:

As outlined within the comment section.

SUSTAINABILITY:

Environmental: Nil.

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

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

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

- 1. Support in principle the proposed development of new infrastructure associated with the Kalbarri Pelican Feeding Area as outlined in Attachment: 9.4.1 (1), subject to the following modifications:**
 - a) Deletion of the proposed rammed earth screen wall on the basis that its effectiveness as shelter from wind is questionable given that the prevailing winds impacting on the Kalbarri townsite vary significantly and the fact it will significantly and un-necessarily restrict potential seating numbers under the proposed shelter;**
 - b) The proposed roofing material being modified to read “Surfmist” or “Classic Cream” Colourbond® as opposed to the zincalume roofing material as currently identified given the potential for the reflective properties of zincalume to detrimentally impact on the appearance of the structure and the amenity of the surrounding area; and**
 - c) The proposed location being immediately south of the existing structure to better align with Woods Street, reducing the potential visual impact on adjacent properties and facilitate the continued use of the existing facilities whilst the construction of new facilities is completed.**
- 2. Advise the Kalbarri Development Association and Kalbarri Pelican Feeders that refinement of the current design and construction of the new facility will be undertaken by the Shire of Northampton as part of the Kalbarri Foreshore Redevelopment project;**
- 3. Defer consideration of the Application for Development Approval pending the proposal being advertised for public comment over a 21 day period, with sign on-site, advertisement in local newspaper, electronic media and correspondence to adjacent landowners on Grey Street; and**
- 4. Defer consideration of any proposed signage identifying the area or interpretative signage be considered as part of an overall co-ordinated signage program to be completed as part of the Kalbarri Foreshore Redevelopment project.**

COUNCIL RESOLUTION:**MOVED: Sudlow, L SECONDED: Suckling, R****07/24-92****That Council:**

- 1. Support in principle the proposed development of new infrastructure associated with the Kalbarri Pelican Feeding Area as outlined in Attachment: 9.4.1 (1), subject to the following modifications:**
 - a) Deletion of the proposed rammed earth screen wall on the basis that its effectiveness as shelter from wind is questionable given that the prevailing winds impacting on the Kalbarri townsite vary significantly and the fact it will significantly and un-necessarily restrict potential seating numbers under the proposed shelter;**
 - b) The proposed roofing material being modified to read “Surfmist” Colourbond® as opposed to the zincalume roofing material as currently identified given the potential for the reflective properties of zincalume to detrimentally impact on the appearance of the structure and the amenity of the surrounding area; and**
 - c) The proposed location being immediately south of the existing structure to better align with Woods Street, reducing the potential visual impact on adjacent properties and facilitate the continued use of the existing facilities whilst the construction of new facilities is completed.**
- 2. Advise the Kalbarri Development Association and Kalbarri Pelican Feeders that refinement of the current design and construction of the new facility will be undertaken by the Shire of Northampton as part of the Kalbarri Foreshore Redevelopment project;**
- 3. Defer consideration of the Application for Development Approval pending the proposal being advertised for public comment over a 21 day period, with sign on-site, advertisement in local newspaper, electronic media and correspondence to adjacent landowners on Grey Street; and**
- 4. Defer consideration of any proposed signage identifying the area or interpretative signage be considered as part of an overall co-ordinated signage program to be completed as part of the Kalbarri Foreshore Redevelopment project.**

MOTION CARRIED 6/0

FOR

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

AGAINST

**ATTACHMENT
APPENDIX**

**9.4.2 Request for Reconsideration of Condition of Approval - Lot 260
(No 54) Centrolepis Circuit, Kalbarri**

PROPONENT	S Gorman
OWNER	RC and DM Moore
LOCATION / ADDRESS:	Lot 260 (No 54) Centrolepis Circuit, Kalbarri
ZONE:	Residential
BUSINESS AREA:	Planning Services
FILE REFERENCE:	10.6.1.1 & A4137
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Brian Robinson
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	5 July 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

At its Ordinary Meeting held on 20 June, Council resolved (Resolution 0/624-74) to grant conditional approval to a revised Development Application for a dwelling and retaining walls Lot 260 (No 54) Centrolepis Circuit, Kalbarri. A location plan is shown below.

Location Plan



As the proposed development incorporated a number of second hand structures, condition No 13 was imposed to require the payment of a \$40,000 bond. A relevant excerpt of the minutes is appended.

APPENDIX: 9.4.2 (A)

A request has been received from the applicant (see attached), seeking to have the bond amount reduced to \$20,000 and requesting clarification of timing for release of the bond. Council is requested to determine the request.

ATTACHMENT: 9.4.2 (2)

PUBLIC CONSULTATION UNDERTAKEN:

Prior to Council determining the application in June 2024, the application was referred to the adjacent landowner for comment over a 14-day period. No comments were received in response.

COMMENT (Includes Options):

The provisions of the Shires Local Planning Scheme No 11 include the land within the Residential Zone, with an applicable density of R20 in accordance with State Planning Policy 7.3 – Residential Design Codes Volume 1 (the R-Codes).

Council previously approved to the development in December 2022, granting approval to a boundary setback variation. Council was required to further consider the proposal in June 2024 due to changes to the proposed basement design and the applicants intent to incorporate several second hand building components. Council resolved to grant approval to a total of 13 conditions, with condition No 13 being as follows:

- 13 *Prior to the issue of any Building Permit for the use of second hand structures the Shire of Northampton shall require the lodging of:*
- a) *A bond amount or bank guarantee of \$40,000 equivalent to 20% of the estimated value of the approved works to be undertaken to ensure the building presentation is of an acceptable standard; and*
 - b) *A Statutory Declaration, signed by the Applicants and appropriately witnessed indicating that the bond will be forfeited to Council if:*
 - i) *The approved works are not carried out within the approved timeframe; or*
 - ii) *Any notice duly served upon the builder is not promptly complied with.*

To assist Council in determining the applicants request for re-consideration of condition 13(a), the following advice and comments are provided.

Matters to be Considered

In considering an application for reconsideration of a condition of Approval, Council must have due regard to various matters, as if it were an application for approval. In accordance with 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 the Scheme and any other local planning scheme operating within the Scheme area;*
- (f) *Any local planning policy for the Scheme area;*
- (m) *The compatibility of the development with its setting including the relationship of the development to development on adjoining land or other land in the locality, including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) *The amenity of the locality.*

Council Policy

The Shire's Local Planning Policy – Repurposed & Second Hand Dwellings provides guidelines on the use of repurposed or second hand dwellings, *“particularly for former mine site ‘dongas’, shipping containers or sheds.”* The objectives of the Policy are to:

- 3.1 *To ensure that any development proposing to use a repurposes or second hand building meets acceptable aesthetic and amenity requirements in the locality for which it is proposed.*
- 3.2 *To ensure that any repurposed or second-hand dwelling does not detract from an existing (or reasonably desired) streetscape.*
- 3.3 *To enable the local government to retain such monies (bonds) to ensure the desired standard of development is achieved.*

The policy outlines design considerations to ensure that the resultant development is consistent with the amenity of the area and streetscape. In this case the Shire Officers assessment, as detailed in the June 2024 agenda, was that approval to the development would not result in a detrimental impact.

Additionally, the policy stipulates that prior to the issue of any building permit for a repurposes or second hand dwelling the local government shall require the lodging of:

- (a) *A bond amount equivalent to 20% of the estimated value of the approved works to be undertaken to ensure the building presentation is of an acceptable standard, with a minimum amount of \$5,000;*
- (b) *A statutory declaration, signed by the applicant(s) and appropriately witnessed, indicating that the bond will be forfeited to Council if:*
 - (i) *The approved works are not carried out within the approved timeframe; or*
 - (ii) *Any notice duly served upon the builder or not promptly complied with.*

A copy of the adopted Local Planning Policy is appended for Councillors information and reference.

APPENDIX: 9.4.2 (B)

It should be noted that as outlined in the background of the Policy, it is clearly stated that *“It is not intended that a policy be applied rigidly, but each*

application be examined on its merits, with the objectives and intend of the policy the key for assessment.”

Justification of Request

Within the email received (see Attachment: 9.4.2 (1)), the author advises that *“the owner considers this amount unreasonable as may affect their capacity to carry out the works in a timely manner”*. Approval is sought to reduce the amount of bond/bank guarantee to \$20,000.

In response it is noted by Shire Officers that the second hand components of the proposed development comprise only portion of the overall development, with new materials to be used to connect the second hand components and complete the external appearance of the development. The current bond amount specified within condition No 13 is a figure based on 20% of the overall cost of the development, despite only portion of the development utilising second hand structures. Given this it is considered that the request for reconsideration is fair and reasonable.

Conclusion

Shire Officers support the applicants request on the grounds that:

- a) Application of a \$40,000 bond was based on the total cost of development and the second hand components only comprise portion of the overall development; and
- b) A bond of \$20,000 is considered a fair and reasonable amount given the above and is substantial enough to be a strong incentive for the landowners to complete the development.

It is therefore recommended that condition No 13(a) as detailed in Council Resolution 0/624-74 be reduced from \$40,000 to \$20,000.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005.

In accordance with clause 77 of the *Planning and Development (Local Planning Schemes) Regulations 2015* Council may amend a condition of planning approval as requested.

POLICY / STRATEGIC IMPLICATIONS:

As detailed in the comment section above, Local Planning Policy – Repurposes and Second Hand Dwellings provides guidance on the use of second hand structures in the construction of dwellings within the Shire. It is considered that a bond amount of \$20,000 will be sufficient to ensure completion of the dwelling appearance to a suitable standard.

ORGANISATIONAL RISK MANAGEMENT:

Risk rating is considered 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:

As outlined above, it is considered that a bond amount of \$20,000 will be sufficient to ensure compliance with the Development Approval.

SUSTAINABILITY:

Environmental: Nil.

Economic: Reducing the imposed bond amount from \$40,000 to \$20,000 will ensure that the owners capacity to complete the development in a timely manner is not impacted.

Social: Ensuring completion of the dwelling to a suitable standard and external appearance will ensure no detrimental social impacts will result.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

- a) In accordance with clause 77 of the *Planning and Development (Local Planning Scheme) Regulations 2015* approve the applicants request for reconsideration of condition number 13(a) as imposed by Council's within Resolution 0/624-74, passed on 20 June 2024 and reduce the applicable bond amount from \$40,000 to \$20,000; and

- b) Request the Chief Executive Officer to amend the Shire's letter of conditional Development Approval accordingly.

COUNCIL RESOLUTION:

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

07/24-93

That Council:

- a) In accordance with clause 77 of the *Planning and Development (Local Planning Scheme) Regulations 2015* approve the applicants request for reconsideration of condition number 13(a) as imposed by Council's within Resolution 0/624-74, passed on 20 June 2024 and reduce the applicable bond amount from \$40,000 to \$20,000; and
- b) Request the Chief Executive Officer to amend the Shire's letter of conditional Development Approval accordingly.

MOTION CARRIED 6/0

FOR

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

AGAINST

ATTACHMENT

9.4.3 Delegated Planning Decisions for June 2024

PROPONENT	Shire of Northampton
OWNER	Various
LOCATION / ADDRESS:	Various
ZONE:	Various
BUSINESS AREA:	Planning Services
FILE REFERENCE:	10.4.1
LEGISLATION:	<i>Planning and Development Act 2005</i> <i>Local Government Act 1995</i>
AUTHOR:	Michelle Allen
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	9 July 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

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

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

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

ATTACHMENT: 9.4.3 (1)**PUBLIC CONSULTATION UNDERTAKEN:**

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

COMMENT (Includes Options):

During June 2024, three (3) development applications were determined under delegated authority. **Table 1** shows the number and value of development applications determined under both delegated authority and by Council for June 2023 compared to June 2024:

Table 1: Planning Decisions made in June 2024

	June 2023	June 2024
Delegated Decisions	5 - \$650,000 **3	3 - \$10,000 **2
Council Decisions	1 - \$369,125	6 - \$2,730,000 **0
Total	6 - \$1,019,125	9 - \$2,740,000

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

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

	YTD 2023	YTD 2024
Delegated Decisions	37 - \$5,439,308 **13	29 - \$1,452,936 **8
Council Decisions	7 - \$2,369,125 **9	21 - \$5,154,742 **4
Total	44 - \$7,808,433	50 - \$6,607,678

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

STATUTORY ENVIRONMENT:

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

The Shire's Local Planning Schemes, made in accordance with the *Planning and Development Act 2005* and associated regulations, set out procedures for the assessment and determination of development applications.

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

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

POLICY / STRATEGIC IMPLICATIONS:

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

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

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

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

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council received the report on Delegated Development Approvals for June 2024 as detailed in Attachment: 9.4.3 (1).

COUNCIL RESOLUTION:

MOVED: Suckling, R SECONDED: Sudlow, L

07/24-94

That Council received the report on Delegated Development Approvals for June 2024 as detailed in Attachment: 9.4.3 (1).

MOTION CARRIED 6/0

FOR

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

AGAINST

ATTACHMENT

9.5.1 Building Approvals Report June 2024

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

BACKGROUND:

This report had been produced to assist Council understand the Building and Demolition Permits approved and issued for the period of 1 June to 30 June 2024.

A copy of the Building Approvals Report for June 2024 is attached.

ATTACHMENT: 9.5.1 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

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

STATUTORY ENVIRONMENT:

Permits are processed in accordance with the requirements of the *Building Act 2011*, *Building Regulations 2016* and *National Construction Code*.

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

With all permits processed in accordance with legislative requirements, the risk rating is considered 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:

The required building fees have been paid for all Building and Demolition applications processed under delegated authority in accordance with Council's adopted Schedule of Fees and Charges.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

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

COUNCIL RESOLUTION:

MOVED: Horstman, R SECONDED: Suckling, R

07/24-95

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

MOTION CARRIED 6/0

FOR

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

AGAINST

ATTACHMENT

9.8.1 Information Items - Maintenance/Construction - Works Program

PROPONENT	Executive Manager of Works and Technical Services
OWNER	N/A
LOCATION / ADDRESS:	Whole of Shire
ZONE:	All
BUSINESS AREA:	Office of Executive Manager of Works and Technical Services
FILE REFERENCE:	N/A
LEGISLATION:	N/A
AUTHOR:	Neil Broadhurst
APPROVING OFFICER:	Neil Broadhurst
DATE OF REPORT:	11 July 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

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

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):Specific Road Works

- Maintenance grading carried out on Yerina Springs, Balla Whelarra, Binu East, Warribanno Chimney, Coolcalalaya, Wickens, Frosty Gully, Binu West, Ogilvie West, Chilimony, Rob, Swamps and Yallabatharra Road/s.
- Gravel Patching/Sheeting/Verge works carried out on Frosty Gully and Yerina Springs Road/s.

Maintenance Items

- General – Various signage and road furniture works.
- General – Potholes and edges various locations.
- General – Northampton and Kalbarri – Various tree lopping/vegetation works for road verge and Western Power line clearance.
- General – Rain event preparation works. Drainage clearance prior to and after.
- General – Various roadside verge chemical spraying.
- General – Public ablution septic pump outs for all public ablutions in preparation for school holiday traffic.
- General – Street sweeper (all towns) works in preparation for school holidays.
- Northampton – Council Chamber flagpoles installed.
- Northampton – Dual Use Pathway repair works.

- Horrocks – Extensive works at the 2 x beach access ramps.
- Horrocks – Assistance with Golf Club access track/s.
- Rubbish tip site/s – Push up and associated tip management works.
- Street Sweeping – Kalbarri, Port Gregory, Horrocks and Northampton prior to school holidays.
- Rainfall Event/s – 26th June to 30th June 2024. 9th and 10th July 2024
Road closures
Horrocks Road – ‘Closed to all Traffic’ 27th to 30th June 2024.
Horrocks Road – ‘Closed to all Traffic’ 10th July 2024. (Remains closed at date of report).
Warribanno Chimney Road - “Closed to all traffic” 30 June 2024. (Remains closed at date of report).
Coolcalalaya Road - “Closed to all traffic” 4th July 2024. (Remains closed at date of report).
Kalbarri received record breaking rainfall for the period 26th and 27th June 2024. (June 2024 – 317mm, Mean/Ave – 80mm). This monthly figure is the largest monthly figure since 1970.
Wittecarra Creek sand bar opened 27th June 2024 via mechanical means to prevent flooding and road closure of Red Bluff Road. Applicable permissions from State Authorities granted prior to this occurring.
Management undertaking assessment of damage to infrastructure following rainfall events from 7th to 9th June 2024, 26th to 29th June 2024 and 9th to 10th July 2024.
Preliminary Event Notification (PEN) information is being compiled for the combined rainfall event/s as per above. Information compiled to be submitted as part of the activation criteria of the Disaster Recovery Funding Arrangements Western Australia (DRFAWA).

Other Items (Budget)

- Kalbarri widening – Main Roads WA full funding (Blackspot funding) to the 10 kilometres of widening immediately to the east of Kalbarri as far as the Skywalk lookout turnoff. Practical completion pending review.

Plant Items

- Utility Fleet – Leading Hand Kalbarri utility arrived.

Staff Items

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

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

ATTACHMENT: 9.8.1 (1)

STATUTORY ENVIRONMENT:

Nil.

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

Risk rating is considered Level 1 Insignificant, as this is a information report only.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response
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Catastrophic (5)	Fatality, permanent disability	More than \$150,000	Indeterminate prolonged interruption of services – non-performance > 1 month	Non-compliance results in litigation, criminal charges or significant damages or penalties	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions	Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment & building	Uncontained, irreversible impact

FINANCIAL IMPLICATIONS:

Works in accordance with maintenance and construction budget.

SUSTAINABILITY:

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

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

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

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

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

COUNCIL RESOLUTION:

MOVED: Suckling, K SECONDED: Burges, R

07/24-96

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

MOTION CARRIED 6/0

FOR

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

AGAINST

10. LATE REPORTS:

Nil.

11. QUESTIONS FROM MEMBERS:

- 11.1 Response to questions from members taken on notice. Nil.
- 11.2 Questions from members.

Cr Des Pike asked about the procedure of Council to resolve motions “en-bloc”.

Andrew Campbell explained how motions could be moved using the “en-bloc” method but that it was commonly used in larger Local Governments however it could still be used in smaller councils however not beneficial with the smaller sized agendas.

12. MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING

Nil.

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

Nil.

14. APPLICATIONS FOR LEAVE OF ABSENCE:

Nil.

15. CLOSURE:

There being no further business to discuss the Shire President thanked those in attendance and closed the meeting at 2.22pm.

SIGNED:.....DATE:

**Cr Liz Sudlow
Shire President**