



AGENDA

COUNCIL MEETING

20 MARCH 2025

SHIRE OF NORTHAMPTON – COUNCIL MEETING AGENDA**20 MARCH 2025****NOTICE TO ALL COUNCILLORS**

An Ordinary Meeting of Council is called for Thursday 20 March 2025 commencing at 2:00 PM in the Council Chamber, Hampton Road, Northampton.



Andrew Campbell
CHIEF EXECUTIVE OFFICER

13 March 2025

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

SHIRE OF NORTHAMPTON**COUNCIL MEETING THURSDAY 20 MARCH 2025****TO BE HELD
IN THE COUNCIL CHAMBER, HAMPTON ROAD,
NORTHAMPTON****COMMENCING AT 2:00 PM****AGENDA**

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

Acknowledgement of Country

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

- 3. ATTENDANCE:**

- 3.1 Apologies:
- 3.2 Approved Leave of Absence:

- 4. DECLARATIONS OF INTEREST:**

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

- 5. PUBLIC QUESTION TIME:**

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

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

6. PRESENTATIONS:

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

7. CONFIRMATION OF PREVIOUS MINUTES:

_____ / _____

That the Minutes of the Ordinary Meeting of the Council held on 20 February 2025 be confirmed.

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

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ATTACHMENT**9.1.1 Proposal to Excise Portion Reserve 26591 and Reserve 32600 for the Purpose of Enabling the State of Western Australia to Create a Tourist Accommodation Site with a Power to Lease**

PROPONENT	Shire of Northampton
OWNER	State of Western Australia
LOCATION / ADDRESS:	R26591 and R32600 Kalbarri-Ajana Road, Kalbarri
ZONE:	Urban Development
BUSINESS AREA:	Office of the CEO
FILE REFERENCE:	10.6.7
LEGISLATION:	<i>Local Government Act 1995; Land Administration Act 1997</i>
AUTHOR:	Andrew Campbell
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	26 February 2025
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Council will be aware that in 2024, the Shire of Northampton (Shire) was in communication with a prospective proponent looking to establish significant tourist accommodation in Kalbarri. Following the enquiry, the Shire determined that potentially portion of Reserve 26591 and Reserve 32600 Kalbarri-Ajana Road (cnr Anchorage Road), Kalbarri was a prospective site that satisfied size requirements of approximately 15ha for a significant tourist development. The location of the Reserve land identified is shown in the attachment.

ATTACHMENT: 9.1.1 (1)

Following the enquiry and identification of a potential site, Councillors and senior employees met with the proponent's representative onsite in Kalbarri to discuss the site suitability. The meeting occurred in April 2024 and was undertaken on a preliminary basis only with no commitments made and a clear acknowledgement that any disposal of the identified land would be subject to a public disposal process if the land was able to be accessed for a tourist accommodation purpose. It was indicated at the time by the proponent's representative that the site would be highly desirable for a potential future tourist accommodation project.

Since the time of the meeting the Chief Executive Officer has been liaising with the Department of Planning, Lands and Heritage (DPLH) about the land to establish the correct pathway required to affect the change. DPLH have undertaken preliminary consultation with relevant agencies and has determined that there are no known fatal flaws for the proposal and that the Shire can now formally proceed with a request. The purpose of this report is for Council to consider proceeding with a formal request.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):Reserve 26591

Reserve 26591 is a 62.5ha site with a management vesting purpose of "Parkland". It is highlighted by the diagram below with the boundaries highlighted in red.



Reserve 26591 comprises of foreshore, tracks, vegetated land areas and partially denuded vegetated land areas. It has a current Local Planning Scheme zoning of "Urban Development" meaning it has previously been identified for a use by the Shire with a land use intensity greater than the management vesting purpose of "Parkland".

The site identified for the proposal would consume approximately 14.4ha of Reserve 26591 leaving a balance of 48.1ha. The topography of the proposal site orientates toward the Murchison River and ceases at the access track to protect public access to the Shire managed foreshore.

It is also proposed to create a new road reserve between the proposal site and the foreshore area over the existing track to provide formal access to the site

without the need to access via the much busier Kalbarri-Ajana Road. It is considered that the proposed road reserve with a proponent constructed sealed road would also provide a clear delineation between the proposal site and the balance of the Reserve toward the Murchison River.

Reserve 32600

Reserve 32600 is a 1.2ha site with a management vesting purpose of “Effluent Disposal Site”. It is highlighted in the diagram below with the boundaries highlighted in red.



Reserve 32600 comprises of tracks, vegetated land areas, partially denuded vegetated land areas and what appears to be two old septage ponds. It has a current Local Planning Scheme zoning of “Urban Development” meaning it has previously been identified for a use by the Shire with a land use intensity greater than the management vesting purpose of “Effluent Disposal Site”.

The site identified for the proposal would consume the majority of the 1.2 hectares (approximately) of Reserve 32600 north-east of Anchorage Lane. The topography of the proposed site is similar to Reserve 26591 however it is possible that there could be some form of low-level contamination of this site from what appears to be the historic use for septage disposal. This is not considered to be significant as over time natural processes tend to neutralise contamination arising from septage waste ponds.

The balance of Reserve 32600, being a thin strip of land presumably created to provide access to the septage site, is the subject of apparent infrastructure encroachment by the adjoining caravan park. It is recommended that if the proposal site proceeds, Council resolve to recommend to DPLH to dispose of the land adjoining the caravan park to resolve the encroachment issue.

The proposed land identified by the Shire, discussed with the representative of a prospective proponent, and evaluated by DPLH with relevant agencies is shown in the attachment.

ATTACHMENT: 9.1.1 (2)

In the creation of the entire proposal site, an excision of land discussed above would be required to create a new area of State of Western Australia land with a suitable management order purpose to enable a tourism accommodation site that is supported by a power to lease. The Shire would also be required to undertake a Local Planning Scheme amendment to facilitate a tourism accommodation purpose.

If the proposal site was successfully created, discussions with DPLH offered two potential lease options:

1. The first option is for the State of Western Australia to have a direct market value lease with a proponent attracted using State Government processes. The Shire would maintain development approval control and the property would be rateable, however any market lease fees collected would be revenue direct to the State of Western Australia. The balance of Reserve 26591 would be retained by the Shire; or
2. The second option is for the State of Western Australia to have a direct market value lease with the Shire who is then provided the power to sublease at market value to a proponent. The Shire would potentially negotiate a portion of the market value lease (up to 50%) with the State Government as a discount where those funds retained are applied to rejuvenation, management and improvement of the balance of Reserve 26591. Under this arrangement the Shire would retain full control of property disposal and development approval processes plus have additional revenue to look after the Reserve.

It is recommended that Council supports the proposal utilising option 2 above.

Other land considerations for Reserve 26591

Whilst Council is contemplating a tourist accommodation use over portion of Reserve 26591 and Reserve 32600, plus the recommendation to incorporate the thin strip of land adjoining the caravan park into the caravan park to address infrastructure encroachment issues, if the tourist accommodation use was to proceed it creates a situation where Reserve 26591 will be split into two non-contiguous areas.

The area identified for further consideration is approximately 3.5ha of Reserve 26591 bounded by Kalbarri-Ajana Road, Anchorage Lane, the existing caravan

park and the existing tourist resort. This area of land currently comprises of tracks, vegetated land areas, partially denuded vegetated land areas and significant encroachment from the adjoining caravan park. The land has the same current Local Planning Scheme zoning as the balance of Reserve 26591 being “Urban Development”. In informal discussions with Councillors over the past year, the Chief Executive Officer has suggested that a site of this size and location could be strategically important in the townsite of Kalbarri as a future commercial precinct.



It is recommended that Council consider requesting DPLH excise this portion of land from Reserve 26591 and create a separate land parcel to be held by the Shire of Northampton for a future for a commercial precinct. It is also recommended that the Shire also adds this parcel of land, zoning to become “Commercial”, to the process of amending the Local Planning Scheme as described for the tourist accommodation use.

STATUTORY ENVIRONMENT:

The proposed changes to land arrangements would be dealt with under the *Land Administration Act 1997*.

POLICY / STRATEGIC IMPLICATIONS:

This proposal manifests into prospectively significantly improving the tourism capacity of Kalbarri in the short to medium term, plus strategically setting aside

suitable land to ensure that commercial areas in the Kalbarri townsite can expand if required in the future.

ORGANISATIONAL RISK MANAGEMENT:

Risk rating is considered Minor in that Council has total discretion in making a decision of this nature.

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 anticipated costs of a survey and Local Planning Scheme Amendment are likely to be in the order of \$25,000. Council is being requested to consider this amount as part of 2025/26 budget deliberations. This type of activity could be possibly funded through the Strategic Opportunities Reserve which has a consistent Reserve purpose.

SUSTAINABILITY:

Environmental: Both Reserve areas forming part of the proposal have environmental issues that should be addressed. The approach for the Shire to retain part of lease revenue will assist in addressing environmental issues.

Economic: Additional tourism opportunities in Kalbarri will generate more visitation and add to the economy through jobs and expenditure. Setting aside additional land for commercial purposes is strategically important for the future.

Social: The proposal will improve liveability in Kalbarri by creating new facilities and improving Reserve.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

- 1. Request that the Department of Planning, Lands and Heritage:**
 - a. proceed with the creation of a Tourist Accommodation Site land parcel in accordance with ATTACHMENT: 9.1.1 (2);**
 - b. establish a long-term lease at market value for the Tourist Accommodation Site to the Shire of Northampton with a power to sub-lease to a proponent; and**
 - c. support a 50% discount on the market value lease between the Shire of Northampton and the State of Western Australia with the retention of funds to be applied by the Shire of Northampton to rejuvenation, management and improvement of the balance of Reserve 26591.**
- 2. Subject to point 1. above, request that the Department of Planning, Lands and Heritage dispose of portion Reserve 32600 to the owners of the adjoining caravan park to assist in resolving infrastructure encroachment issues;**
- 3. Request the Department of Planning, Lands and Heritage create a separate parcel of land suitable for future commercial purposes to be held by the Shire of Northampton for approximately 3.5 hectares of Reserve 26591 bounded by Kalbarri-Ajana Road, Anchorage Lane, the existing caravan park and the existing tourist resort; and**
- 4. Considers the allocation of funding in the 2025/26 budget for survey work and Local Planning Scheme amendments to facilitate the proposals.**

ATTACHMENTS

- | | | |
|----------|--|---------------|
| 1 | Reserve Area Location Map | 1 Page |
| 2 | Kalbarri Tourist Accommodation Potential Site | 1 Page |

ATTACHMENT**9.2.1 Monthly Financial Statements for the Period Ending 28 February 2025**

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:	17 February 2025
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 28 February 2025 are detailed from page 1 to page 24 per the attached Monthly Financial Report.

A copy of the Monthly Financial Report is attached.

ATTACHMENT: 9.2.1 (1)**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

COMMENT (Includes Options):

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

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulation 1996.
Local Government Act 1995.

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 28 February 2025 financial position is comprised of the following which are variances between year-to-date budget and actual figures which are expected to reconcile as the year progresses:

- total operating revenue has a surplus position of \$1,063,190 due to timing in receiving grants, interest revenue and interim rates,
- operating expenditure has a deficit position of \$3,723,959 due to timing in YTD budget figures and DFRAWA works completed by February 2025.

Further explanations of material variances are detailed by reporting program in Note 3 (page 6) 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 28 February 2025 in accordance with ATTACHMENT: 9.2.1(1).

ATTACHMENTS

1	Monthly Financial Statements for Period Ending 28 February 2025	24 Pages
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ATTACHMENT**9.2.2 Proposed Accounts for Endorsement on 20 March 2025**

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:	17 February 2025
DECLARATION OF INTEREST:	Nil

BACKGROUND:

A full list of payments is submitted to Council on 20th March 2025 for consideration.

A copy of the Payment List is attached.

ATTACHMENT: 9.2.2 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

Council is requested to endorse the payments as presented.

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

Council delegation allows the CEO to make payments from the Municipal bank accounts. These payments are required to be presented to Council each month in accordance with the *Local Government Act 1995 (Financial Management) Regulations 1996 Section 13 (1)* for recording in the minutes.

ORGANISATIONAL RISK MANAGEMENT:

The associated risk would be the failure to comply with *Local Government Act 1995 (Financial Management) Regulations 1996 Section 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 EFT27444 to EFT27528 totalling \$437,558.19; Municipal Fund Cheques 22557 to 22564 inclusive totalling \$20,563.56, Direct Debit payments numbered GJ0807 to GJ0814 inclusive, payroll and superannuation totalling \$282,045.19; and itemised fuel card purchases, be declared authorised expenditure in accordance with ATTACHMENT: 9.2.2 (1).

ATTACHMENTS

1 Proposed Accounts for Endorsement on 20 March 2025 6 Pages

ATTACHMENT**9.2.3 Proposed Budget Review for period ended 31 January 2025**

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</i>
AUTHOR:	Leanne Rowe
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	17 February 2025
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The purpose of this report is for Council to consider the Shire of Northampton's financial position for the period ended 31 January 2025 and review budget projections for the remainder of the financial year.

The Budget Review Report for the period ended 31 January 2025 is attached and has been prepared incorporating year to date budget variations and forecasts to 30 June 2025.

Council is requested to endorse the payments as presented.

ATTACHMENT: 9.2.3 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

Adjustments for the 2024/25 adopted budget, already approved by Council by way of specific agenda items, are:

- Kalbarri Waste Management Site – Safety Improvements \$45,000, Waste Management Reserve (\$45,000) minute 10/24-116.
- Municipal Road Fund – Road RAV Review \$8,500, Sundry Road Expenses (\$8,500) minute 11/24-124.
- Audit Fees Auditor General \$10,000, and Kalbarri Multi-purpose Community Centre \$15,000, Rate Review (\$25,000) minute 12/24-128.

- Kalbarri Loader Replacement \$185,000, Plant Replacement Reserve (\$160,000) and Sale of existing Kalbarri Loader (25,000) minute 12/24-143.
- Budget Carried Forward adjustment, Cash at Bank \$317,808, Strategic Opportunities Reserve (\$317,808).

Following a review of the 2024/25 Budget and discussion with Executive Officers, a summary of predicted variances are:

Adjustment to carryover figure @ 30 June 2024	(\$ 317,808)
Increased revenue from operational activities	\$1,953,771
Increased expenditure from operational activities	(\$1,756,386)
Increased inflows from investing activities	\$2,800,000
Increased outflows from investing activities	(\$2,800,000)
Estimated Surplus @ 30 June 2025	\$ 197,385

Note 4 of the Budget Review Report explains predicted variances, however further explanation is:

- DFRAWA AGRN965 Kalbarri Coastal Infrastructure Repair estimated increase of \$1,932,772, will be offset by increased expenditure \$1,648,946.
- Profit on asset disposals increased to \$20,999 was not included in the adopted budget.
- Employee costs are over budget by \$91,440 due to increased relief administration staff required due to long term illness, and increased Ranger requirements due to entitlement payments paid to an exiting employee. Employees were utilised for the Port Gregory Toilet leach drain project and the Stephen Street Depot. Will be offset by DFES Community Benefit Grant \$155,725 to be transferred to income.
- Materials and contracts over budget by \$1,664,946 (includes DFRAWA \$1,648,946). Increases in costs Port Gregory Toilet block pumping septic \$15,000, and additional materials/contractor for Port Gregory toilet block leach drains.
- The CEO's replacement vehicle budgeted for \$100,000 was not going to be available in time to economically trade the then existing vehicle. Opportunistic CEO vehicle was purchased for \$75,000 with the view to trade when the pre-ordered vehicle is available. No net change is expected to budget.
- Capital Grants MRD Blackspot increased by \$2.8M and will be offset by \$2.8M expenditure.

These budget variations are included the Budget Review Report for Council consideration.

STATUTORY ENVIRONMENT:

Regulation 33A of the *Local Government (Financial Management) Regulations 1996* requires:

- (1) Between 1 January and the last day of February in each financial year a local government is to carry out a review of its annual budget for that year.
- (2A) The review of an annual budget for a financial year must —
 - (a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
 - (b) consider the local government's financial position as at the date of the review; and
 - (c) review the outcomes for the end of that financial year that are forecast in the budget; and
 - (d) include the following —
 - (i) the annual budget adopted by the local government;
 - (ii) an update of each of the estimates included in the annual budget;
 - (iii) the actual amounts of expenditure, revenue and income as at the date of the review;
 - (iv) adjacent to each item in the annual budget adopted by the local government that states an amount, the estimated end-of-year amount for the item.
- (2) The review of an annual budget for a financial year must be submitted to the council on or before 31 March in that financial year.
- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.

*Absolute majority required.

- (4) Within 14 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

POLICY / STRATEGIC IMPLICATIONS:

Nil

ORGANISATIONAL RISK MANAGEMENT:

The risk of not approving the budget review is considered moderate as the budget review is a requirement per the Financial Management Regulations. 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:

Details of the recommended budget adjustments are attached in the Budget Review Report.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council adopts by absolute majority the Budget Review Report for the period ended 31 January 2025, in accordance with ATTACHMENT: 9.2.3 (1).

ATTACHMENTS

- 1 Shire of Northampton Budget Review Report for the period ended 31 January 2025

7
Pages

9.2.4 Proposed 2024/25 Budget Amendment for Shire Property Security Upgrade

PROPONENT	Shire of Northampton
OWNER	Shire of Northampton
LOCATION / ADDRESS:	Whole of Shire
ZONE:	All
BUSINESS AREA:	Corporate and Financial Services
FILE REFERENCE:	1.1.1
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Leanne Rowe
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	27 February 2025
DECLARATION OF INTEREST:	Nil

BACKGROUND:

At Council meeting 19 December 2024 Council resolved a budget amendment of \$15,000, minute 12/24-128 to commence a business case for the Kalbarri Multipurpose Evacuation and Community Centre.

The business case was to support an application for funding for construction of the Kalbarri Multipurpose Evacuation and Community Centre through the Commonwealth Government Disaster Recovery Fund (DRF). The business case will now not go ahead utilising this funding as now there are other Government sources to fund this as part of pre-election commitments.

It is requested that Council consider a budget amendment of the \$15,000 to upgrade security to some Shire workplaces that is considered urgent.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The Shire has several workplace buildings that require a security upgrade which would have been considered in the 2025/26 budget.

As the funding for the business case is not now required, it is requested those funds be utilised to commence upgrading security.

There would be no financial impact on the 2024/25 budget.

STATUTORY ENVIRONMENT:

The *Local Government Act 1995* establishes the statutory process to undertake budget amendments.

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

Risk rating is considered insignificant based on financial impact.

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:

This is a proposed 2024/25 budget amendment, with no financial impact to the current budget.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council endorse the following amendment to the 2024/25 budget in accordance with the following table:

Item	Current	Proposed	
Business Case - Kalbarri Multipurpose Community Centre	\$15,000	\$0	(\$15,000)
Office Security	\$1,600	\$16,600	\$15,000
		Net	0

ATTACHMENT**9.2.5 Proposed New Risk Management Framework**

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:	Brian Robinson
DATE OF REPORT:	9 March 2025
DECLARATION OF INTEREST:	Nil

BACKGROUND:

As part of the major review of the Shire of Northampton Policy Manual several policies dealing with risk management were reviewed and adopted by Council on 20 February 2025 as follows:

- 1.9 Risk Management;
- 1.10 Legislative Compliance; and
- 1.5 Internal Control.

Sections within the old policies that were operational in nature were removed thereby separating the roles of Council and the CEO. These sections are now contained in a separate document being the Shire of Northampton's Risk Management Framework (RMF).

The Shire of Northampton's Strategic Community Plan and Corporate Business Plan are supported by various informing strategies with one being the Risk Management Framework. The RMF is intended to assist with the management of risks associated with carrying out the Shire's day-to-day activities.

The purpose of this report is for Council to consider adoption of the Shire of Northampton's RMF. A copy of the document is attached.

ATTACHMENT: 9.2.5 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The RMF describes the policy, responsibilities, approach and processes for identifying, assessing, managing, reporting and monitoring risks within the Shire. It includes a description of the resources and processes to ensure the RMF is monitored, reviewed and continually improved.

The RMF applies to all Shire activities and encompasses full-time, part-time, casual and temporary or contracted works. It applies to Shire-wide risk and includes consideration of visitors, third parties and key stakeholders.

The RMF is the guiding document that outlines the critical components of a risk management program, and the measures used by the organisation to identify, eliminate and minimise risks.

It is recommended that Council determine to adopt the RMF which reflects contemporary best practice industry standards for risk management.

STATUTORY ENVIRONMENT:

The *Local Government Act 1995* section 5.56 provides the statutory framework for strategic planning in local government. *Local Government (Administration) Regulations 1996* contains the requirements for a local government's plan for the future.

POLICY / STRATEGIC IMPLICATIONS:

The RMF is an informing strategy to both the Strategic Community Plan and the Corporate Business Plan.

ORGANISATIONAL RISK MANAGEMENT:

Adoption of the RMF will contribute to the ongoing control and mitigation of risk to the organisation. Risk rating is considered 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:

It is widely recognised that there may be insufficient resources available to address all risk presented in the RMF. However, many of the risk management actions can be undertaken within existing resources and in most instances, reflect current practice.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Risks are inherent in the local government environment. The RMF provides a structured approach to assessment of risk and appropriate level response, balancing the impact of such risk against the cost of mitigation.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council adopt the *Shire of Northampton Risk Management Framework* in accordance with ATTACHMENT: 9.2.5 (1).

ATTACHMENTS

1 Shire of Northampton Risk Management Framework 33 Pages

ATTACHMENT APPENDIX

9.2.6 Proposed Disposal of Shire of Northampton Property (Kalbarri Marquee)

PROPONENT	Shire of Northampton
OWNER	Shire of Northampton
LOCATION / ADDRESS:	Kalbarri
ZONE:	All
BUSINESS AREA:	Office of CEO
FILE REFERENCE:	11.1.2
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Michelle Allen
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	9 March 2025
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Kalbarri Marquee was purchased in 2013 and has been stored and used in Kalbarri since that time. This structure remains on the Shire's registers as a low value asset and this report looks to dispose of the asset in accordance with the *Local Government Act* and with respect to community sentiment.

On behalf of the Kalbarri Community, the Shire of Northampton submitted a grant application to Lotterywest in May 2013 seeking to purchase a marquee together with 15 trestle tables under the *Furniture, Equipment, Information Technology and Web Grant*.

At the time, the community was having difficulty securing marquees and tables for local events due to their lack of availability, distance from town and the prohibitive cost incurred being \$4100 per event (Zest Festival cost incurred at the time). The community felt considerable savings over time would be achieved by having a marquee available locally and they worked with the Shire to submit a grant application.

The grant application was successful and a sum of \$20,000 was secured which included \$18,600 for the cost of the marquee. To further support the application, several local community groups also contributed funds at the time as follows:

Group	Funds donated
Kalbarri Development Association Inc. (Zest Festival)	\$500
Kalbarri Development Association Inc.	\$1,000
Kalbarri Sport & Recreation Club Inc.	\$1,000

Council is requested to consider advertising for expressions of interest from local Kalbarri Community Groups to acquire the marquee.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The marquee has been used and stored in Kalbarri since its acquisition and been used for many community events since 2013. It is a 10m x 21m Hoecker F Series Event Marquee. A photo of the structure is attached.

ATTACHMENT: 9.2.6 (1)

Over time, a variety of local community groups have informally had responsibility for managing the bookings, erection, dismantling, and storage of the structure including the Kalbarri Sport and Recreation Club, Kalbarri Men's Shed and the Kalbarri Development Association. Whilst the marquee is listed as Shire of Northampton property due to the nature of the historical acquisition, in practical terms the Shire has little to no involvement in the management of the marquee.

Recent enquiries demonstrate the structure is still utilised on a regular basis and considered a valuable asset by the community. It is therefore recommended that the marquee should be disposed of by transferring ownership to a Kalbarri based community group who would then be responsible for the ongoing use and management of the marquee.

Disposal of Shire of Northampton property valued less than \$20,000 is guided by *4.1 Disposal of Shire of Northampton Property* policy, which ensures full compliance with applicable legislative obligations and principles of transparency.

It is recommended that the disposal of the marquee currently situated in Kalbarri be in accordance with the Policy by way of publishing a local Public Notice of Intention to Dispose (including details and consideration of submissions thereon received) giving all local community groups the opportunity to lodge an Expression of Interest to acquire the marquee.

Formalisation of the management of the Kalbarri Marquee to a local community group will facilitate improved planning and communication for events and clarify responsibility of the structure at a local level.

STATUTORY ENVIRONMENT:

Section 3.58 of the *Local Government Act 1995* sets the requirements for disposal of property either by:

- (a) Public auction;
- (b) Public tender; or
- (c) Local public notice of intention to dispose (including details and consideration of submissions thereon).

Under Regulation 30 of the *Local Government (Functions and General) Regulations 1996*, an exemption applies where the property to be disposed of:

- (a) Has a market value less than 420,000; or
- (b) The entire consideration received by the local government for the disposition is used to purchase other property, and where the total consideration for the other property is not more, or worth more, than \$75,000.

POLICY / STRATEGIC IMPLICATIONS:

The *Disposal of Shire of Northampton Property* policy (the Policy), adopted by Council in June 2024, clarifies the circumstances and methods by which Shire property is to be disposed. A copy of the Policy is appended.

APPENDIX: 9.2.6 (A)

As outlined in the Policy, from time to time minor property that is surplus to the needs of the Shire of Northampton is identified for disposal. Where the property to be disposed of is exempt under the market value provisions (ie value is less than \$20,000) the Chief Executive Officer (CEO) is to determine the most efficient method of disposal taking into consideration the costs associated with disposal.

As a general guideline the following approach is to apply based on the estimated value of the property,

- (a) \$10,000 - \$20,000 Local public notice calling for expressions of interest
- (b) \$ 5,000 - \$10,000 Seek three quotations (if possible) from likely purchasers
- (c) \$ 5,000 or less Seek only one quotation from likely purchasers
- (d) \$ 1,000 or less or of no commercial value Internal expressions of interest or alternatively, by way of a donation to a not for profit community group

ORGANISATIONAL RISK MANAGEMENT:

Risk rating is considered 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:

Currently the written down value of the equipment in the Shire's Asset listing is less than \$5,000. The written down value is the value of an asset after accounting for depreciation. The item has been fully depreciated due to the length of time the item has been held by the Shire.

SUSTAINABILITY:

Environmental: Nil.

Economic: Availability of a marquee locally reduces event costs for the community thus removing a financial barrier to hosting local events.

Social: A community marquee creates a versatile space for social interaction contributing significantly to the social fabric and well-being of the area.

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. Authorise the Chief Executive Officer to dispose of the Kalbarri Marquee by way of issue of a local Public Notice of Intention to Dispose seeking Expressions of Interests from local community groups to acquire and manage the structure in accordance with Attachment: 9.2.6 (1); and
2. Require the preparation of an additional agenda item for Council consideration should more than 1 expression of interest be received.

ATTACHMENTS

1 Photos Kalbarri Marquee 2 Pages

APPENDICES

A Disposal of Shire of Northampton Property 3 Pages

APPENDIX**9.3.1 Proposed Reinstatement of Three (3) Transportable Motel Accommodation Units - Lot 188 (No. 60) Jeffrey Browne Way, Kalbarri**

PROPONENT	Warren Sizer
OWNER	Sanpoint Enterprises Pty Ltd
LOCATION / ADDRESS:	Lot 188 (No. 60) Jeffrey Browne Way, Kalbarri
ZONE:	Town Centre (SCA2) and Special Use 4 (SU4)
BUSINESS AREA:	Community Development and Regulation
FILE REFERENCE:	10.6.1.3 / A108
LEGISLATION:	<i>Caravan Park and Camping Grounds Act 1995;</i> <i>Local Government Act 1995.</i>
AUTHOR:	Michelle Allen; Brian Robinson
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	11 March 2025
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The subject land is located in a Special Use Zone (SU4) which is a designated area of land where the specific land use and activities permitted by the zoning regulations include a Motel. The location is also located within a Special Control Area (SCA2) identified as 'Town Centre'.

Location Plan

In July 2021, the applicant developed self-contained accommodation in the form of thirty-one (31) one-bedroom units for the purpose of short stay

accommodation. Initially, three (3) transportable units on wheels were provided temporarily whilst waiting for six (6) modular accommodation units to arrive. All of the accommodation units are movable living spaces designed to be easily transported and able to be set up in the location where traditional construction was not feasible at the time following the impact of Cyclone Seroja. A copy of the original development plans is appended.

APPENDIX: 9.3.1(A)

Currently, the demand for accommodation in the area remains significantly higher than availability and is predicted to continue for a number of years whilst the community finalises disaster recovery activity and facilitates emerging industries in the area to create accommodation options for their workforces.

The purpose of this report is for Council to consider approving the reinstatement of the three (3) transportable units on wheels to the location of Lot 188 Jeffrey Browne Way, Kalbarri, enabling immediate demand for short-stay accommodation to be met in the short-term whilst maintenance /upgrades are being undertaken to the Garnet Mine.

The applicant also advises that they will be seeking an extension of time for the modular accommodation unit development with an item likely to be presented at the April Council.

As the development is proposed for a limited time period, public advertising has not been undertaken.

Council is requested to determine the application given the proposed development is for a limited time period and is subject to conditions.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

In accordance with Clause 10 of the Caravan Parks and Camping Grounds Regulations, a person may camp at a licensed caravan park, or in circumstances outlined within Regulation 11.

By way of summary, Regulation 11A allows a person to apply in writing to a local government for approval to camp on land that the person has a legal right to occupy for a period not exceeding 24 consecutive months. In doing so, the local government must be satisfied that the caravan or camp is maintained in an appropriate condition and that the land is suitable for camping with particular reference to safety and health and access to services.

In this case, the applicants are proposing to occupy the caravans for a period of approximately 4 months, each of the caravans will be self contained and will be connected to reticulated sewerage. Given this, conditional approval is recommended.

To assist Council in determining the application, the following additional advice is provided:

Zoning

The provisions of the Shire Local Planning Scheme No. 11 (the Scheme) include the subject land within Special Use Zone 4 (SU4) which is a designated area of land where the specific land use and activities permitted by the zoning regulations include a Motel. The location is also located within a Special Control Area (SCA2) identified as 'Town Centre'.

Zone Objectives

As set out in Schedule 3 of the Scheme, special use classifications and conditions are as follows:

3.6.1 *Schedule 3 sets out -*

- a) *special use zones for specified land that are in addition to the zones in the zoning table; and*
- b) *the classes of special use that are permissible in that zone; and*
- c) *the conditions that apply in respect of the special uses.*

3.6.2 *A person must not use any land, or any structure or buildings on land, in a Special Use zone except for a class of use that is permissible in that zone and subject to the conditions that apply to that use.*

Note: Special use zones apply to special categories of land use which do not comfortably sit within any other zone in the Scheme.

According to the Shire of Northampton's *Local Planning Scheme No. 11 – Kalbarri*, Special Use Zone 4 (SU4) applies to the land and includes special use classifications and conditions as follows:

SU 4	Lot 188 Corner of Grey Street and Porter Street.	<p><u>'P' Uses:</u> Tavern Motel</p> <p><u>'A' Uses:</u> All other Use Classes listed under the Centre Zone as 'P', 'D' or 'A' in Table 3 – Zoning Table.</p>	<p>1. As determined by the local government in accordance with the requirements of the Scheme, Special Control Area No. 2 and the Use and Development provisions of the Kalbarri Townsite Local Planning Strategy that relate to the subject land.</p> <p>2. The Local Government shall require the preparation of a Local Development Plan for the land demonstrating the manner in which the proposed development integrates with Grey Street, Porter Street and adjoining lands including the 'Commercial' zoned land on the south side of Porter Street.</p>
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Lot 188 is also contained with Special Control Area 2 – Town Centre. The purpose and objective of the SCA is:

- *To facilitate the redevelopment of the Kalbarri Town Centre to provide for the needs of visitors and residents in a safe and pedestrian friendly, family orientated environment;*
- *To facilitate the re-development of Grey Street between Porter Street and Wood Street as a predominantly pedestrian friendly precinct;*
- *To facilitate the release of surplus land within the Grey Street road reserve into adjoining development sites;*
- *To facilitate the reservation of Gabba Gabba Creek for Recreation and Conservation;*
- *To facilitate the reservation and construction of the Grey Street diversion; and*
- *To ensure all development will accord with the objectives and guidelines established for the Special Control Area in the Kalbarri Townsite Local Planning Strategy.*

The proposed development is considered to address the “Special Use” requirements given the proposed reinstatement of the three (3) accommodation units on wheels are an extension of the existing permitted use of “Motel” and are in line with the original configuration approved by Council in July 2021.

However, it is considered that the proposed development does not address the detailed requirements of the Special Control Area No. 2 or the use and development provisions contained within the Kalbarri Townsite Local Planning Strategy. Given the temporary and limited development being sought, along with the circumstances surrounding the need for accommodation in Kalbarri it is not considered appropriate to apply the planning requirements of SCA2 at this time.

Conclusion

The original accommodation configuration was established in July 2021 and consisted of ten (10) modular units in total. Six (6) transportable units and three (3) transportable units on wheels were for accommodation purposes and one (1) transportable unit for the purpose of laundry and living area. Fencing and retaining walls have been installed providing security and stability to the area and as a measure to address potential visual amenity concerns.

The accommodation units on Lot 188 Jeffrey Browne Way have been servicing accommodation needs in the area since 2021 and have operated smoothly establishing a facility that provides comfortable, affordable accommodation with access to food and facilities in close proximity.

Whilst the community of Kalbarri has worked to recover from the impacts of Cyclone Seroja, development of additional accommodation in the town following the natural disaster has been limited. The community’s focus has been on repair and rebuilding efforts.

It is considered that extending the availability of the short-term accommodation facility on Lot 188 Jeffrey Browne Way will provide quality temporary accommodation as a measure to facilitate transition to long-term recovery from the natural disaster and to meet current accommodation demands of emerging industries. Importantly it will allow businesses time to assess and secure suitable long-term accommodation for their workforce without interrupting the town's broader economic and social stability.

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

The Kalbarri Townsite Local Planning Strategy (LPS) provides the basis for strategic direction for the Kalbarri Townsite.

The strategic vision of the LPS is to develop a long-term strategy for the future development and enhancement of Kalbarri that recognises, builds upon and promotes the tourism and residential values of the location in an environmentally and economically sustainable manner.

The strategic objectives are as follows:

- *To enhance Kalbarri's position as a premier family holiday destination within Western Australia while recognising the continuing value and importance of non-family Intrastate, Interstate and International visitors.*
- *To broaden Kalbarri's economic and employment base by furthering Kalbarri's position as a desirable alternative residential and employment location within the Mid-West.*
- *To protect and enhance Kalbarri's unique urban values and particularly its connectivity to the surrounding natural environment together with its compactness and high level of walkability.*

ORGANISATIONAL RISK MANAGEMENT:

Risk rating is considered Moderate given the risks can be significant and affect various aspects of the town's economy and social fabric.

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:

With limited short-term accommodation available in town, it can have significant financial implications across several sectors and may affect the local economy and the town's ability to attract tourists, investment and the necessary workforce.

SUSTAINABILITY:

Environmental: Nil.

Economic: A town that lacks adequate accommodation may be perceived as unprepared for future growth and recovery. This can damage a town's reputation and hinder its ability to attract investment and tourists

Social: Adequate accommodation can positively impact the well-being, cohesion and resilience of a community.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council, in accordance with clause 11A of the Caravan Parks and Camping Grounds Regulations 1997 grant approval to the placement of three caravans/transportable accommodation units on wheels on Lot 188 (No. 60) Jeffrey Browne Way, Kalbarri:

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

Reference	Document Title	Date
1	Site Plan	20 March 2025

- Unless otherwise approved, this approval shall be valid for a period of six (6) months from the date of the approval, after which the caravans shall be removed from site to the satisfaction of the Shire of Northampton;**

3. Prior to commencement of the use hereby approved the applicant shall submit a detailed site plan showing location of all existing and proposed structures, boundary fencing and vehicle access ways to the satisfaction of the Shire of Northampton;
4. Any conditions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and development approval for that use/addition;
5. The use hereby approved shall be managed so as not to detrimentally impact on the amenity of the adjacent area through noise, light or other means to the satisfaction of the Shire of Northampton;
6. Unless otherwise approved, all stormwater and drainage runoff is to be retained on the subject property to the satisfaction of the Shire of Northampton; and
7. On expiration of the temporary accommodation use, all temporary structures, waste disposal facilities, road, parking areas and drainage facilities are permanently removed from the site. The site is to be left in a neat and tidy condition to the satisfaction of the Shire of Northampton.

Advice Notes:

- a) This development approval is NOT a building permit. A building permit must be formally applied for and obtained from Building Services BEFORE the commence of any site and/or development works;
- b) A certified Building Practitioner will need to be appointed by the landowner to certify the structural integrity of the building and compliance with the requirements of the Building Code of Australia;
- c) The approved development must comply with all relevant provisions of the *Health (Miscellaneous Provisions) Act, 1911 and the Building Act 2016*.
- d) If the development/use the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.
- e) The Applicant is advised that compliance with any and all governmental legislation and regulations, including but not limited to *Health (Miscellaneous Provisions) Act, 1911*, the *Building Act 2016*; the National Construction Code of Australia and the relevant *Aboriginal Cultural Heritage Act*, is required at all times.
- f) If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of determination.

APPENDICES

A	Plans for Temporary Accommodation Units - Lot 188 (No. 60) Jeffrey Browne Way, Kalbarri (July 2021)	2 Pages
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ATTACHMENT**9.3.2 Results of Shire of Northampton Public Consultation Process - Stage 1 of Kalbarri Foreshore Revitalisation Project**

PROPONENT OWNER	State of Western Australia Crown Land – Management Order in favour of Shire of Northampton
LOCATION / ADDRESS:	Reserves 25307 & 26591 Grey Street, Kalbarri
ZONE:	Public Open Space
BUSINESS AREA:	Community, Development & Regulation
FILE REFERENCE:	10.6.7
LEGISLATION:	Local Government Act 1995
AUTHOR:	Brian Robinson
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	11 March 2025
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Shire of Northampton is the recipient of an \$8.1 million grant from the Western Australian State Government relating to Stage 1 of the Kalbarri Foreshore Revitalisation Project. This agenda item seeks Council's consideration of the primary elements funded by the grant, having regard to the 201 submissions received in response to the Shire's public consultation process.

Tourism is a primary economic driver for the town of Kalbarri, with the permanent population of approximately 1,478 (2021 ABS Census) swelling to more than 8,000 during peak holiday seasons. While people are attracted to the town for various reasons, both the Murchison River foreshore and coastal reserves play a significant role in meeting both the active and passive recreational needs of both the community and tourists. The foreshore also contains tourist enterprises and attractions, ablutions, the Kalbarri Volunteer Marine Rescue Group and the RSL Memorial.

In April 2021, Tropical Cyclone Seroja (Seroja) caused significant damage to both private and public infrastructure in Kalbarri. The response to the disaster was multifaceted and has included the following in relation to public infrastructure on the Murchison foreshore and coastline:

- Federally funded disaster recovery funding, facilitating re-instatement of infrastructure from Chinaman's point to Jacques Point; and
- In 2022 the Kalbarri Foreshore Revitalisation Master Plan (the Master Plan) was prepared by Tourism Western Australia in consultation with the State of Western Australia and the Shire following a public consultation process including workshops with the Kalbarri community.

Further information regarding the 2022 Master Plan and associated Landscape Master Plan is provided in the comment section below, with a copy of the Master Plan which was finalised in June 2022 (copy attached).

ATTACHMENT: 9.3.2 (1)

Having regard to the submissions received, Council is requested to consider whether to accept specific elements of the project or to seek a review of the project elements and/or the Landscape Master Plan designs.

PUBLIC CONSULTATION UNDERTAKEN:

As the Master Plan designs have never been advertised for public comment, Council indicated a preference at its 19 December 2024 Council meeting to advertise proposed Stage 1 and the associated budget for comment prior to committing to the project.

The consultation process consisted of:

- A total of 164 surveys being sent to the landowners along Grey Street;
- Correspondence to key stakeholders such as Kalbarri Development Association, the Pelican Feeders and Kalbarri Volunteer Marine Rescue;
- Advertisements on the Shire's electronic media and local newspapers/publications circulating in the district;
- Copies of the surveys were made available on-line and in person;
- A drop-in Session held at the Allen Centre held by the Executive Manager of Community, Development and Regulation; and
- Council's two Community Development Officers attending Kalbarri on numerous occasions handing out copies of the surveys at the local news agency and post office.

Availability of the survey and the closing date was also promoted via social media, the Shire website and via the Shire's electronic notice boards.

In response a total of 201 submissions were received. Whilst the submissions and their content are further discussed in the Comment section below, A detailed summary of each submission is shown attached.

ATTACHMENT: 9.3.2 (2)

Full copies of all submissions are available to Councillors on request.

COMMENT (Includes Options):

To assist Council determining whether to consider this matter, the following comments and advice are offered:

Kalbarri Foreshore Revitalisation Master Plan 2022

The Master Plan, which was prepared by Tourism WA, spans a project area of around 5km taking in many key recreational and visitor sites. The document was produced following a public consultation process undertaken in October 2021 which included two public workshops, interviews with tourists and liaison

with stakeholders including, direct liaison with the traditional owners (the Nanda peoples).

Within the Master Plan, opportunities were identified for the following locations on the Murchison River foreshore:

- Gidamarra Spring;
- Pelican Feeding Area and nearby Aquatic Hire tourism operation;
- Sallys Tree;
- The Returned Services League Memorial and Volunteer Marine Rescue/Boat Ramp area; and
- Chinaman's Beach and the associated point/lookout.

The Master Plan is supported by the following documents:

- Kalbarri Beaches and Foreshore Revitalisation Socio-Economic Analysis;
- 2021 Kalbarri Foreshore Plan Consultation Report;
- Landscape Foreshore Landscape Master Plan;
- An opinion of probable cost; and
- A Business Case, prepared in support of the Grant Application.

Whilst in 2022, Council supported the Master Plan concepts for the purposes of the grant funding application, the plan has not otherwise been considered by the Shire. The Master Plan has not been advertised for public comment in its entirety.

The Grant

The grant for Stage 1 of the Revitalisation Program specifically relates to four distinct precincts on the Murchison River foreshore. A brief description of the precincts and the associated budgets are summarised as follows:

Precinct 1 – Gidamarra Springs with approximately 21% of the budget;
 Precinct 2 – Boat Trailer Park with approximately 9.6% of the budget;
 Precinct 3 – Chinaman's Beach (approximately 61% of budget); and
 Precinct 4 – Zuytdorp Lookout (approximately 8% of budget).

The conceptual designs have been drawn from the Kalbarri Landscape Master Plan 2022 and were costed by the state to inform the application for grant funding. Copies of the Landscape Concepts and budget breakdown are shown attached.

ATTACHMENT: 9.3.2 (3)

Shire Survey

The Shire Survey on Stage 1 of the Kalbarri Foreshore provided an opportunity for respondents to indicate their support and/or opposition to elements currently included in each of the four precincts. Respondents were also provided an opportunity to provide other comments on the project elements.

As reflected above, a total of 201 submissions were received. Comments on the submissions received is provided below. A full copy of the survey and more

detailed analysis of the consultation processes associated with the Foreshore Revitalisation Project are attached.

ATTACHMENT: 9.3.2 (4) & (5)

Invalid Responses

As reflected within the Schedule of Submissions shown at Attachment: 9.3.2 (2), five of the submissions received did not identify an author or address of the person who had completed the survey. In the interest of transparency and potential for a single person to complete multiple surveys, it is recommended that these submissions should not be accepted.

In addition it should be noted that the author of submission number 141 as shown at Attachment: 9.3.2 (2) provided general comment only and did not complete the survey. In the absence of a completed survey, the submission has not been included in the Analysis of Submissions.

A number of the submissions also propose that the funds be used to address matters not located within the foreshore reserve and/or proposals that are not contemplated in the Landscape Master Plan that would in the opinion of Shire Officers not be deliverable with the funding or timeframes available. For example:

- a) The need to complete improvements to Kalbarri infrastructure located outside of the foreshore reserve; and
- b) The funding being used towards a skatepark on the foreshore, a swimming pool, when the funding would most likely be insufficient and designs (even conceptual) are not available.

It is recommended to Council that all submissions relating to the above cannot be supported.

Precinct 1 – Gidamarra Springs

Respondents were requested to indicate their support for the following core elements of the precinct:

1. *Recognition of Indigenous Heritage associated with the natural spring through an interpretative raised boardwalk and decking around Gidamarra Springs, with provision for seating and tour groups;*
2. *Additional shade structures, based on the same design as the shade structures located within the Kalbarri National Park (see photo overleaf), at a cost of approximately \$292,000 each, including paving;*
3. *Additional path networks forming part of a pedestrian boardwalk, to extend the length of the river foreshore;*
4. *Improvements to pedestrian safety on Grey Street; and*
5. *Landscaping and park infrastructure including picnic tables, bins, water fountain and dog water fountain;*

Essentially all elements, with the exception of the National Park Shelter Design were supported by a clear majority. The following is a summary of the responses received, excluding those who did not indicate a clear response:

- a) Element 1 was supported by 71.5% of respondents.
- b) 92% of respondents were opposed the use of National Park style Shade Structures (element 2);
- c) Element 3 was supported 75% of respondents; and
- d) Element 4 was supported by 85% of respondents.

The survey also identified that the Shire did not support the use of the National Park Shelter designs due to the design, scale and cost. Alternatively, that the Shire prefers shade shelters consistent with existing shelters, which can be constructed locally at significantly less cost, with any remaining funds to be used towards elements 1 and 4.

Respondents were asked if they supported the Shire's proposal for remaining funds. A total of 52% of all respondents indicated support for the Shire's proposal for remaining funds, whilst 23% opposed the Shires proposal and 25% did not indicate a preference.

In terms of other comments, the following is a summary of the wide range of views was expressed:

- A request for more shade, including shade over the playground, a larger family size gazebo and wind protection.
- Requests for more trees including some that nominated species;
- Improvements to the playground, including additional equipment, fencing and installation of a water play area;
- Improvements to other park infrastructure including drainage, furniture and toilets;
- Opposition to crosswalks on Grey Street, the use of the National Park shelter designs and fencing of the playground;
- Requests not to block the view with as many trees as shown in the design; and
- A range of requests/suggestions relating to matters outside of the precinct including a swimming pool, more youth projects such as a skatepark on the foreshore.

Precinct 2 – Boat Ramp/RSL

Respondents were requested to indicate their support for the following core elements of the precinct:

1. *Terraced seating on the southern side of the Returned Serviceman's League Kalbarri Memorial;*
2. *Creation of a viewing point on top of the existing Volunteer Marine Rescue Group building, incorporating decking with seating, shade shelters and landscaping, including two substantial planters with trees; and*
3. *Landscaping abutting the building.*

By way of summary 78% of persons who indicated their opinion indicated support for the Terraced Seating at the RSL (element 1) and just under 82% supported landscaping abutting the Volunteer Marine Rescue (VMR) building (element 3). However, a clear majority (approx. 72%) opposed Element 2.

The survey outlined that the Shire supported elements 1 and 3 but did not support the development of a lookout on the VMR building and was proposing to use any remaining funds towards improvements to the pedestrian network and RSL memorial area. In summary, just under 88% (116) of those who provided a response support the Shire's proposal.

Various additional comments were provided, including:

- a) Suggestions for the lookout to be established immediately west of the VMR building;
- b) More trees for shade;
- c) Additional park infrastructure including a water fountain near the jetty, exercise equipment along the foreshore;
- d) A tapas bar or other restaurant on top of the VMR;
- e) The need to improve or redo the RSL memorial; and
- f) Several suggestions relating to projects not within the precinct including a floating pontoon, a swimming pool.

Precinct 3 - Chinaman's Beach

Respondents were requested to indicate their support for the following core elements within the Chinaman's Beach Precinct:

- 1. *A pedestrian boardwalk both within and extending out of the precinct;*
- 2. *A new, more-substantial toilet block;*
- 3. *Additional seating, park furniture and landscaping;*
- 4. *New shade shelters based on designs used in the Kalbarri National Park with a budget of approximately \$292,000, with 5 to be established on the beach/adjacent area; and*
- 5. *A new 3,100m² landscaped lookout area, adjacent to the existing slip-access carpark viewing area on Grey Street. This area to include 2 of the new shelters and landscaping.;*

In response, 74% of those persons who indicated a view supported element 1, 66% supported element 2 and 85% supported element 3. Elements 4 & 5 were however not supported, with 87% opposing the new style shelters and 87% opposing the lookout off Grey Street.

For Precinct 3, the survey identified that the Shire did not support the new style shade shelters or the landscaped lookout area off Grey Street and proposed to use any remaining funds towards improvements to an expansion of the existing gravel carpark and associated access. Of those who indicated a view, 76% supported the Shire's proposal for remaining funds.

As with Precincts 1 & 2 a wide range of other comments were provided, on Precinct 3 including:

- a) Criticism of the recent recovery works and the establishment of the pine log and wire fence on the back side of the existing gravel carpark;
- b) Support for additional shelters and other park facilities;
- c) Inclusion of a building with retail and kitchen capacity tucked into the hill in the area where the Kalbarri Gala is held;

- d) Objections to the extensive retaining required for the Grey Street lookout, any obstruction of the current view, with many submissions referring to the vista currently available for vehicles entering town;
- e) Retention of existing grass areas and planting of more trees;
- f) Improved accessibility, particularly wheelchair accessibility;
- g) Requests to bituminise the current gravel carpark along with objections to bituminising the current carpark;
- h) Suggestions for development outside of the precinct.

Precinct 4 – Zuytdorp Lookout

Works to be funded by the grant in this precinct relate to access improvements, construction of a viewing platform and a sculpture being a *“replica of the bow frame of the Zuytdorp shipwreck protruding over the cliff face where visitors can snap an Instagram worthy image and learn of the story of the ship and its survivors.”*

The survey identified that the Shire supported the access and lookout improvements but was seeking public input to determine the suitability and relevance of the sculpture. In response 34 respondents supported the proposal, 148 opposed the proposal and 12 people did not indicate a response. Generally speaking, opposition to the Zuytdorp Bow frame sculpture centred around:

- i) The existing memorial being located some 150 metres south of the proposed artwork;
- ii) The relevance of the Zuytdorp to Kalbarri;
- iii) The impact on the current natural appearance of the headland;
- iv) The appearance of the sculpture and its potential impact on the appearance of the headland and the impediment of views;
- v) The sculpture being perceived as a negative image; and
- vi) The need for a sculpture at that location.

As alternatives to the proposed Bow Frame, suggestions were made for:

- a) Improvements being limited to access and seating;
- b) Improvements being made to the existing Zuytdorp Memorial lookout 150 metres south;
- c) Potential for a wider tribute to the multiple shipwrecks along the coast with binoculars; and
- d) Suggestions for an alternative artwork including local industry, nature and a unified theme with the Kalbarri entrance statements.

With the respect to the last suggestion, submission 196 provided some artist impressions of four potential artworks.

General Comments

A number of the comments provided relate to the full extent of the foreshore. Such comments included, but were not limited to:

- Retention of the natural beauty and views, with requests that over development be avoided;
- Increased shade in the form of both shelters and trees together with wind protection;

- Provision of a shelter for the Pelican Feeding area;
- Showers at various locations along the foreshore;
- The installation of exercise equipment;
- Dog exercise areas;
- Establishment of accessible compliant facilities and access; and
- Increased play equipment and other youth facilities such as a BMX track;

Refinement of Conceptual Designs and Advisory Committee Role

The designs contained within the Landscape Master Plan are considered to be conceptual and the Mid-West Development Commission has acknowledged that the designs will be refined as part of the process.

As Councillors are aware, Terms of Reference have been adopted for the “Kalbarri Foreshore Revitalisation Advisory Committee”. The purpose of the Advisory Committee is to:

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

Whilst it is recommended that Council dismiss those submissions that do not have an identified author and those submissions proposing alternatives not consistent with the grant, it would be appropriate for the balance of the submissions to be considered by the Advisory Committee before Council formally responds to those submissions.

Financial Assistance Agreement

Rather than enter into a Financial Assistance Agreement (FAA) for the entire project at this stage, it is recommended that the Shire enter into an agreement relating to the initial phases of the project being the production of a Project Management Plan and revision of the Landscape Master Plan concepts.

The Mid-West Development Commission is currently working on the FAA being based on the release of an initial \$300,000 to allow these activities to occur. It is anticipated that a further agenda item on the agreement will be prepared for Council’s consideration at the April Council meeting.

Conclusion

The Survey/Public Consultation process undertaken by the Shire resulted in a significant level of submissions providing detailed feedback on the proposed

conceptual designs and budget for Stage 1 of the Kalbarri Foreshore Revitalisation. Given concerns regarding the following concepts and associated budget, it is recommended that Council not support the following elements of proposed Stage 1:

- a) Use of the National Park Shelter Design within Precincts 1 and 3, with a preference for future shelters to match existing shelters on the Foreshore;
- b) The lookout proposed to be located on the Kalbarri Volunteer Marine Rescue Group building (Precinct 2);
- c) The proposed Lookout off Grey Street (Precinct 3); and
- d) The Zuytdorp Memorial (Precinct 4).

It is also recommended that Council dismiss those submissions that do not have an identifiable author, those comments relating to matters that are not located within the Foreshore Reserve and those comments that are not achievable within the timeframe or available funding.

The balance of the submissions are proposed to be referred to the Kalbarri Foreshore Revitalisation Advisory Committee, to be taken into account in refining the concepts within the Kalbarri Foreshore Landscape Master Plan and the associated grant funding.

STATUTORY ENVIRONMENT:

Local Government Act 1995 and other legislation relevant to the resultant development.

POLICY / STRATEGIC IMPLICATIONS:

the following Key Outcomes and objectives of the Shire of Northampton's Strategic Community Plan 2020-2030 are relevant to the revitalisation of the Kalbarri Foreshore:

	Key Outcomes	Objectives	Success Measures
1.3.4	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.
2.1.1	Natural Environment and Biodiversity are conserved and protected.	Protection of coastal land by managing access points with designated entry and exist points. Managing camping and litter.	Well managed environments that are protected and enjoyed by residents and visitors
3.1	Providing community and recreation facilities within budget constraints.	Asset development and management plans in place.	Community satisfaction and level of facility use.
4.1.3	To ensure the built assets enhance the ambience of each town or location.	Each town and location maintain their own unique characteristics.	Community satisfaction.

5.1.3	To demonstrate a proactive approach to community and economic development, and service delivery.	Community engagement strategies in place and positive relationships with business and service providers.	Community satisfaction levels and level of interaction with business owners and service providers.
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ORGANISATIONAL RISK MANAGEMENT:

As a substantial project both in terms of value and the potential community and economic benefit, it is imperative that the project is successfully delivered. The risk rating is considered Major given the potential for substantial reputational damage should the project not be delivered.

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:

Currently the grant budget includes an allowance for the construction of 11 shelters at a cost of \$292,000 each (i.e. \$3.2 million). Should Council resolve to proceed with locally constructed shelters to match those existing on the existing on the foreshore, there is potential for approval to be sought to reallocate an estimated \$2 million of funding.

Additionally, the grant allows for \$641,768 for the establishment of a lookout on the VMR building roof and \$677,297 for the landscaped lookout off Grey Street.

Approval to be sought to vary the grant budget, to allow an estimated \$3.3 million of the \$8.1 million grant to be reallocated to other elements already funded or not currently included.

SUSTAINABILITY:

Environmental: The Murchison River foreshore is a significant element of the Kalbarri environment, with many respondents to the survey indicating a desire to retain the informal/natural landscape that exists.

Economic: As reflected within the Kalbarri Foreshore Revitalisation Master Plan, there are opportunities on the Foreshore reserve to stimulate economic activity.

Social: The Murchison River Foreshore is a critical component of the Kalbarri lifestyle, providing significant active and passive recreational opportunities for both residents and visitors alike.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

- 1. Not accept Submissions 21, 66, 75, 77 and 84 as shown in Attachment: 9.3.2 (2) given that the author's are not identifiable;**
- 2. Note that Submission 141 as shown in Attachment: 9.3.2 (2) provided general comments only and did not complete the survey and as a result this submission is not reflected within the Analysis of Submissions included in Attachment: 9.3.2 (4);**
- 3. Dismiss those comments and suggestions not relating to the four precincts of the Murchison River Foreshore subject of the grant funding;**
- 4. Dismiss suggestions for funding to be utilised for establishment of a community swimming pool and skatepark on the foreshore on the basis that the timelines and available funding would not be sufficient for such proposals to be entertained. Such matters to be considered as part of the Shire of Northampton Strategic Community Plan;**
- 5. Having regard to the public feedback and other reasoning outlined within this agenda item, not support the following elements of the Landscape Master Plan and associated grant budget:**
 - a) Use of the National Park style Shade Shelters, with the majority of dependents agreeing with the Shire position to utilise Shade Shelters similar to those existing on the Murchison River Foreshore;**
 - b) The construction of a viewing platform on top of the Kalbarri Volunteer Marine Rescue Building as proposed;**
 - c) The construction of a new lookout off Grey Street due to the potential impact on existing vegetation and the existing view for drivers entering the townsite from the south; and**

- d) The proposed Zuytdorp Artwork, noting that the majority of respondents support improvements to the access and lookout area.
6. Having regard to the significant funds that would remain as a result of point 5 above, seek approval to utilise portion of the grant funds to undertake a review of the Kalbarri Foreshore Revitalisation Landscape Master Plan;
 7. Request the Shire of Northampton Kalbarri Foreshore Revitalisation Advisory Committee to consider the balance of submissions/comments as part of the process to refine the concepts contained within the Landscape Master Plan;
 8. Request the Acting Chief Executive Officer advise the Mid-West Development Commission of Council's decision and the need to review the Landscape Masterplan accordingly; and
 9. Await a further report on the proposed Financial Assistance Grant.

ATTACHMENTS

1	Attachment No 1 - Kalbarri Foreshore Master Plan	26 Pages
2	Attachment No 2 - Detailed Summary of Submissions Recieved	107 Pages
3	Attachment No 3 - Precinct Concepts and Cost Breakdown of Grant Funding	9 Pages
4	Attachment No 4 - Shire survey and analysis of submissions on Stage 1 Kalbarri Foreshore Revitalisation	10 Pages
5	Attachment No 5 - Preliminary Analysis of Submissions	16 Pages

ATTACHMENT

9.4.1 Delegated Planning Decisions for February 2025

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:	Kaylene Roberts
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	5 March 2025
DECLARATION OF INTEREST:	Nil

BACKGROUND:

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

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

A register of Delegated Development Approvals, detail those decisions made under delegated authority in February 2025.

ATTACHMENT: 9.4.1 (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 overleaf.

COMMENT (Includes Options):

During February 2025 a total of eight (8) applications were determined under delegated authority. **Table 1 (a)** shows the number and value of development applications determined under both delegated authority and by Council for February 2025 compared to February 2024.

Table 1(a): Planning Decisions made in February 2024 and February 2025

	February 2024	February 2025
Delegated Decisions	5 - \$570,059 **1	4 - \$136,421 **1
Council Decisions	5 - \$1,043,999 **1	4** 1 Refusal (\$75,000)
Total	10- \$1,614,058	8 - \$136,421

Table 2 compares the Year-To-Date statistics for delegated authority and Council decisions for 2024-25 compared to the previous Financial Year.

Table 2: Planning Decisions Made Year-To-Date 2024 and 2025

	YTD 2024	YTD 2025
Delegated Decisions	12 - \$1,384,936 **2	13 - \$862,421 **3
Council Decisions	5 - \$1,043,999 **1	**3 1 Refusal
Total	17 - \$2,428,935	16 - \$862,421

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

STATUTORY ENVIRONMENT:

The *Local Government Act 1995* creates and gives powers to Local Governments. The Act empowers the local government to delegate its powers to the CEO and committees, which gives the CEO authorisation to exercise its power on behalf of the local government.

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

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

POLICY / STRATEGIC IMPLICATIONS:

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

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

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

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

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council receive the report on Delegated Development Approvals for February 2025 as detailed in Attachment 9.4.1 (1).

ATTACHMENTS

1 Delegated Planning Decisions February 2025 1 Page

ATTACHMENT**9.4.2 Proposed Outbuilding on a Vacant Lot at Lot 10 Ajana-Kalbarri Road, Kalbarri**

PROPONENT	S Gorman
OWNER	CA Eley
LOCATION / ADDRESS:	Lot 10 Ajana-Kalbarri Road, Kalbarri
ZONE:	Residential R15
BUSINESS AREA:	Planning Services
FILE REFERENCE:	10.6.1.1; A72
LEGISLATION:	<i>Planning and Development Act 2005</i> <i>Local Government Act 1995</i>
AUTHOR:	Kaylene Roberts/Brian Robinson
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	6 March 2025
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Council is asked to consider a development application for the establishment of an 'Outbuilding' at Lot 10 Ajana-Kalbarri Road, Kalbarri. The lot is currently vacant, with road access available from Ajana-Kalbarri Road. Copies of the submitted site and development plans are attached.

ATTACHMENT: 9.4.2 (1)**Location Plan**

The applicant is proposing to construct a 16m by 9.5m (152m²) outbuilding with a wall height of 4m and a ridge height of 5m on a vacant lot. The proposed outbuilding is to be used in conjunction with the dwelling situated on Lot 11, which is owned by the existing landowner.

The applicant has supplied an email stating that the outbuilding is being built on the vacant lot and is to be used for the purpose of storage of vehicles, boat, gardening equipment, tool, bikes and sporting equipment. The landowner has also stated that the boat is 7m long and 4m high and the vehicle does not fit in the garage on the adjoining lot. A copy of the email is attached.

ATTACHMENT: 9.4.2 (2)

The application is referred to Council for determination as Shire officers do not have delegated authority to determine applications or outbuildings on vacant lots within residential zones due to the Scheme' presumption against this form of development.

PUBLIC CONSULTATION UNDERTAKEN:

No public consultation was undertaken due to the proponent owning all other private property abutting the subject lot.

COMMENT (Includes Options):

The provisions of the Shire of Northampton's Local Planning Scheme No. 11 – Kalbarri (the Scheme) include the land within the Residential Zone.

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

Matters to be Considered

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

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

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

Land Use Definition

The proposed shed structure constitutes a domestic outbuilding which is defined by the Residential Design Codes of Western Australia (the R-Codes) as a building whether fixed or moveable, temporary or permanent, placed or erected on that and includes structures appurtenant to dwellings and includes outbuildings.

Outbuildings constructed in Residential zones are required to comply the requirements prescribed by the Scheme and the Policy.

Relevant Scheme Provisions

Part 4.8 of the Scheme outlines “*Additional Site and Development Requirements*” applicable within the Scheme Area. With respect to outbuildings on vacant residential land, clause 4.8.9(a) of the Scheme states “*No outbuilding shall be erected on any land zoned “Residential” or “Rural Residential” where there is no dwelling located on a lot.*”

In accordance with Part 4.10 of the Scheme, Council may approve (conditionally or unconditionally) an application for development approval that does not comply with additional site and development requirement. In accordance with clause 4.10.5, approval may only be granted if Council is satisfied that:

- a) *approval of the proposed development would be appropriate having regard to the matters the local government is to have regard to in considering an application for development approval as set out in clause 67 of the deemed provisions; and*
- b) *the non-compliance with the additional site and development requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.*

Site and Locality Context

Lots 10 and 11 are located on the southern side of the Ajana-Kalbarri Road on the eastern edge of the Kalbarri townsite. The dwelling on Lot 11 is setback more than 40 metres from the Ajana-Kalbarri road pavement. If approved, the outbuilding will be setback more than 66 metres.

Vacant residential lots, also owned by the owner of Lots 10 & 11 are located to the south and west of the site. Land to the east and north forms portion of the Nanda Drive extension to Ajana-Kalbarri Road. The vacant lot to the west of the existing home separates the properties from the BP Roadhouse and Kalbarri Hardware.

Potential Impact on Amenity

If approved, the proposed outbuilding will be located toward the rear of the property. Sufficient room will exist to establish a dwelling at the front of Lot 10 in the future.

Given the location of Lot 10, being well setback from the Ajana-Kalbarri Road and separation from residential properties under separate ownership, approval to an outbuilding on the property as proposed will not have an adverse effect streetscape, or on the occupiers and inhabitants of the locality.

Outbuilding Policy Assessment

The Policy outlines the Deemed-to-Comply provisions of the Residential zone replacing section 5.4.3 of the R-Codes due to the construction of outbuildings

in the Shire of Northampton being generally greater in terms of floor area and height than those considered appropriate in the metropolitan area.

Within the Residential Zone, R10 and above – 120m² in area, or 20% in aggregate of the site area, whichever is the lesser, with a maximum wall height of 3.0m and a total maximum height of 4.5m measured from the natural ground level. In this case as the proposed outbuilding will have a floor area of 152m², a wall height of 4.0m, and a maximum overall height of 5.0m the outbuilding does not meet the policy provisions.

The maximum floor area is compliant being 19% of the aggregate of the site area while the wall height is 25% over the 3.0m requirement and the overall height is 10% over the 4.5m. These are considered to be minor variations and were not required to be advertised as the applicant owns the properties surrounding the subject lot.

Regulation of Future Use

As reflected within Attachment: 9.4.2 (2), the landowner is proposing to utilise the proposed outbuilding for domestic purposes associated with their existing dwelling on abutting Lot 11. It is recommended that an appropriate condition be imposed to require that use is restricted to that proposed.

The above said, it must be noted that as Lots 10 and 11 are separate titles, there is potential for the two land parcels to be sold separately. In order to ensure that future owners of Lot 11 are aware that unless otherwise approved the outbuilding may only be used for domestic purposes associated with the dwelling on Lot 10, it is recommended that a Deed of Agreement be entered into resulting in a memorial on title (at the applicants' cost).

Conclusion

Approval to the application requires Council to vary the requirements of clause 4.8.9(a), which stipulates that outbuildings shall not be constructed on Residential Zoned property not containing a dwelling. Variation of the requirement would be consistent with the provisions of Part 4.10 relating to variation of the Additional Site and Development Requirements on the grounds that the outbuilding is associated with the existing dwelling and any approval by Council can be conditioned to limit its use to non-habitable and non-commercial purposes with a notification to be placed on the title.

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

Local Planning Policy LPS11 – *Outbuildings* as discussed above.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

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

SUSTAINABILITY:

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

Economic: Nil.

Social: Nil.

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

That Council:

1. Exercise the discretion available under clause 4.10.2 and grant conditional approval to the proposed outbuilding on Lot 10 Ajana-Kalbarri Road in accordance with point 2 below, despite the application not complying with clause 4.8.9(a) on the following grounds:
 - a) Whilst Lots 10 and 11 Ajana-Kalbarri Road are separate titles, the land is currently fenced as a single property; and
 - b) Non-compliance with clause 4.8.9(a) will not result in a detrimental impact on the amenity given the setback from Ajana-Kalbarri Road and separation for adjacent properties.
2. In accordance with Local Planning Scheme No. 11 – Kalbarri grant planning approval for an outbuilding on a vacant lot at Lot 10 Ajana-Kalbarri Road, Kalbarri in accordance with plans and specifications at ATTACHMENT: 9.4.2 (1), subject to the following conditions:
 - a) The development hereby approved is to be carried out generally in accordance with the plans and specifications submitted with the application and these shall not be altered and/or modified without the prior knowledge and written consent of the Shire of Northampton;

Reference	Document Title	Date
1.	Site Plan	29 October 2024
2.	Floor Plan	29 October 2024
3.	Elevations	29 October 2024

- b) The approved shed/outbuilding shall only be used for domestic purposes associated with Lot 11 Ajana-Kalbarri Road such as storage, garaging of vehicles or other approved purposes, excluding human habitation, temporary accommodation or camping;
 - c) Prior to use of the outbuilding hereby approved, the landowner shall enter into a legal agreement (at their cost) with the Shire of Northampton to ensure the placement of a notification on the title

of Lot 10 Ajana-Kalbarri Road to ensure future owners are aware of the requirement to comply with condition No 2 above;

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

Advice Notes:

- i) This development approval is NOT a building permit. A building permit must be formally applied for and obtained from Building Services BEFORE the commencement of any site and/or development works. (Land clearing to facilitate development and BAL report is permitted).
- ii) If the development/use the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval aft the date of determination, the approval will lapse and be of no further effect.
- iii) Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
- iv) As an alternative to condition No (c) above, the landowner is advised that a memorial on title will not be required if lots 10 & 11 are amalgamated onto a single title, or in the event that a dwelling was constructed on Lot 10.
- v) The applicant is advised that compliance with any and all governmental legislation and regulations, including but not limited to *Health (Miscellaneous Provisions) Act 1911*, the National Construction Code of Australia and the relevant *Aboriginal Cultural Heritage Act*, is required at all times.
- vi) If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of determination.

ATTACHMENTS

- | | | |
|----------|---|---------|
| 1 | Attachment No. 1 - Location and Development Plans | 4 Pages |
| 2 | Attachment No. 2 - Supporting Information | 2 Pages |

ATTACHMENT**9.4.3 Proposed Drilling and Temporary Accommodation Camps - Vacant Crown Land and 5065 (4138) Balla-Whellarra Road, Binnu**

PROPONENT OWNER	Warrego Energy EP512 Pty Ltd Outback Carbon Pty Ltd; and State of Western Australia
LOCATION / ADDRESS:	Lot 5065 (4138) Balla-Whellarra Road, Binnu; and Portion of Unallocated Crown Land, Binnu
ZONE:	Rural
BUSINESS AREA:	Planning Services
FILE REFERENCE:	10.9.1
LEGISLATION:	<i>Planning and Development Act 2005</i> <i>Local Government Act 1995</i>
AUTHOR:	Brian Robinson
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	10 March 2025
DECLARATION OF INTEREST:	Nil

BACKGROUND:

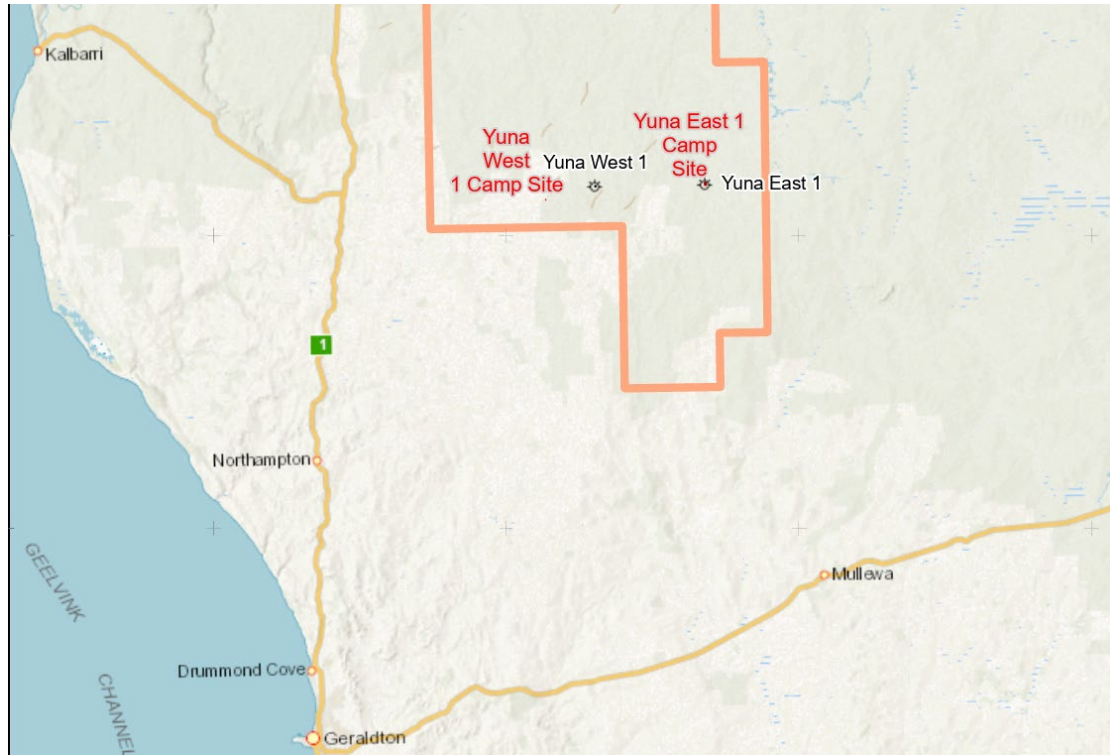
The applicant is proposing to drill one stratigraphic well (Yuna East 1) and one exploration well with a stratigraphic component (Yuna West 1) under Exploration Permit 512. The Yuna West 1 (YW1) well program is to consist of:

1. A mini temporary workers accommodation camp and associated officers at the drill site; and
2. A main temporary accommodation site for between 55 and 60 workers to support the drill site.

The proposed developments are located approximately 98km north/north-east of Northampton and 116 km from Kalbarri. A location plan is shown overleaf.

The well site, which has been approved by the Department of Energy, Mines, Industry Regulation and Safety (DEMIRS) and mini temporary works camp are proposed to be established on approximately 2.56ha of unallocated Crown Land. The main camp will however be located on approximately 1ha of freehold land being Lot 5065.

Details provided by the applicant indicate that both the mini and main camps will be on-site for a period of up to 3 months, before demobilising and being relocated to their next site. A further application will be made for Council approval should the exploration well yield positive results.

Location Plan

This agenda item has been prepared in relation to applications for planning approval to both the Mini and Main Temporary Workers Accommodation Camps. Council is requested to determine the applications as objections have been received in response to consultation processed associated with the main temporary accommodation camp.

The Main Camp is proposed to consist of:

- 24 transportable accommodation buildings, providing 48 self-contained accommodation units;
- 2 transportable buildings providing a recreation room and gym for the workers;
- 3 joined transportable units providing a kitchen/dining facility;
- A transportable laundry building and store;
- A transportable containing an office, store and additional ablutions;
- A transportable containing utilities and generator;
- A water tank system; and
- A self-contained effluent disposal system, being an Anaerobic Treatment Unit.

The Main Camp is proposed to be established as the primary accommodation camp. If approved, it will be located on the eastern side of Balla-Whelarra Road approximately 2km south of the intersection with Wickens Road. A more detailed location plan and site plan are shown attached.

ATTACHMENT: 9.4.3 (1)

Details submitted with the application indicate that the mini-camp will consist of a total 8 transportable units, being;

- 3 transportable providing 2 self-contained accommodation units each (i.e. 6 accommodation units) for use by staff associated with operation of the drill rig that are association with operation of the drill rig (required on-site 24hr/day),
- A transportable dining/training room,
- A transportable to be used for storage, rig gear and toilets; and
- 3 transportables being used for a mud lab and offices to administer the activities.

The well site and Mini-camp are proposed to be located approximately 8-10km north-east of the Main Camp. It is proposed to be established via an existing track, being an extension of Wickens Road. The accommodation on the well site is proposed to be used for employees associated with the operation of the rig once established.

PUBLIC CONSULTATION UNDERTAKEN:

Details of the proposed main camp were provided to adjacent landowners, providing an opportunity to comment over a 21 day period in accordance with Local Planning Policy – Public Consultation. In response a total of 3 submissions were received, one supportive and two expressing concern and raising objections to the proposal.

Copies of the submissions are shown attached, whilst their content is discussed in the comment section below.

ATTACHMENT: 9.4.3 (2)

COMMENT (Includes Options):

To assist Council in determining the applications as submitted, the following comments and advice are offered:

Matters to be Considered

In determining an application for Development Approval, clause 67 (2) of the *Planning and Development (Local Planning Scheme) Regulations 2015 – Deemed to Apply provisions* requires that Council have regard to various matters including:

- a) The aims and provisions of the Scheme (including and planning codes that are read into the Scheme);
- b) The requirements of orderly and property planning;
- c) Any Local Planning Policy adopted within the Scheme area;
- d) The compatibility of the development with its setting, including:
 - i) the desired future character of its setting;
 - ii) 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; and
 - iii) The amenity of the locality including the character of the locality.
- e) The amenity of the locality including the following:

- i) Environmental impacts of the development;
- ii) The character of the locality;
- iii) Social impacts of the development;
- f) The suitability of the land for the development, taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bushfire, soil erosion, land degradation or any other risk;
- g) The amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety; and
- h) Any submissions received on the application.

Zoning

The provisions of the Shire's Local Planning Scheme No 10 (the Scheme) include both Lot 5065 and the Unallocated Crown land within the Rural Zone.

Land Use Definition & Permissibility

Temporary accommodation camps fall within the land use classification of "Workforce Accommodation", which the Scheme defines as follows:

Workforce Accommodation: means premises, which may include modular or relocatable buildings used:

- (a) Primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and
- (b) For any associated catering, sporting and recreation facilities for the occupant and authorised visitors.

Workforce Accommodation is an "A" use within the Rural Zone. That is a use which is not permitted unless approved at the discretion of the local authority following public consultation.

Public Consultation

As detailed above, three submissions have been received. These submissions are summarised as follows:

1. Mr C Thompson – owner of 1044 Dartmore Road and 836 Wickers Road Not impressed with a camp site arriving on our boundary and object to the proposal for the following reasons:
 - Increased traffic during peak traffic movement times April-June (seeding) and October-December (Harvest) when moving oversize equipment.
 - Transporting accommodation during these periods.
 - What road will be used as Binu East Road will not handle extra traffic or oversized loads.
 - Staff movements. We will have extra vehicles driving around during "off times". Is our security guaranteed.
 - Noise and Light pollution. Camp and Well site is within 4.5km of our houses.
 - Short notice of application until works commence.

B & P Burns

- Whilst not opposed to proposal, are considered that both Shire and local ratepayers could be left with even more deteriorated roads than we have now given the winter of 2024 saw both gravel and sealed roads fall below acceptable standards.
- There seems little communication between companies and local communities with regard to road use in general. Given the movement of both infrastructure and personnel on our already deteriorated roads at one of our busiest times, this may be a concern for all parties. Imagine a 24 bar meeting a transportable building on our narrower roads.
- We need clear information of dates and times when large infrastructure movements are to occur so common sense decision making can occur.
- We don't need extra work created for our local communities. It should not be to the detriment of residents.

2. A Bettison – Director of Splintex Pty Ltd

- Object to proposal a direct neighbour and owner of Lot 4228 Binnu East Road:
- The detrimental impact the proposal will have on our roads, especially Balla-Whelarra Road and Binnu East Road.
- Roads leading to and from the camp are gravel and already resulted in vehicles being bogged.
- The additional road damage caused by traffic from the camo will further restrict agricultural activities and pose a safety hazard to drivers.
- In particular Binnu Rd East contains blind corners and sandy sections.
- This object is based on road degradation and safety not being address by Warrego, especially as the road user agreement is not in place.
- Strongly request road up-grades being made a requirement before any development.

The comments raised are addressed below.

Proposed Well Site

In determining the application, it must be acknowledged that the actual establishment of the well has been approved by the State of Western Australia and no approval is required from the Shire given that and the fact the proposal is located on Unallocated Crown land. Council is therefore effectively requested to approve the accommodation arrangements.

In the event that the applications for temporary accommodation are not approved, this will not prevent the well from being established and could result in additional traffic volumes with all workers arriving and leaving the site daily using as of right vehicles.

Road Access and Condition

It is proposed that the operation will utilise the existing public roads to access both the Main and Mini-Camps, and a portion of the unmaintained 'rabbit proof fence' and an access road which is pending approval from the Department of Planning, Lands and Heritage.

Initially it was proposed that Bella-Whellara Road and Ajana East Road/Wickens Roads would be utilised under a "Road Use and Maintenance Agreement" with the Shire of Northampton. As reflected within the submissions received, several objections and concerns have been raised in respect of the proposed access and its suitability for use, both in terms of the initial transportation of the drill rig and transportable accommodation units and the ongoing operation.

The Executive Manager of Works and Technical Services supports the concerns expressed within the submissions received and has advised that Ajana East Road and Wickens Road are completely unsuitable.

As a result, and to ensure a safe road network, the applicants have now revised the proposed traffic routes and will utilise Balla-Whallara Road and Binu East Road only. The use of these roads is supported by the Executive Manager of Works and Services.

In terms of the timing of vehicle movements, the applicants have advised that the project is anticipated to commence at the end of June. These dates will ensure the potential for traffic conflict during seeding and harvesting periods will be avoided.

Impact on Amenity

Due to its proximity to other private property in the area, the installation, operation and demobilisation of the main camp has the greatest potential to impact on the amenity of the adjacent properties. That said the Main Camp location is approximately 2km away from the nearest dwelling not on the same property as the proposal.

Given the limited period for which approval is being sought, the potential for impact is minimised. Impacts can be further minimised through:

- a) Maintenance of the local road network;
- b) Appropriate management of the accommodation and its occupants; and
- c) On-site lighting being designed to minimise any light spillage.

Appropriate conditions of approval are recommended in order to minimise the impact of the proposal during its anticipated operational period of 3 months.

Local Planning Policy

The Shire's Local Planning Policy – Temporary Accommodation Camps was adopted in 2014 to guide both applicants and the Shire in the design and assessment process. An assessment of the proposal has identified that subject

to road access arrangements being finalised, the proposal complies with the Policy Requirements.

Conclusion

The applicants have an approval from the State of Western Australia for the installation of an exploration well and seek the Shire's approval to the temporary accommodation at both the well site and the main site at which accommodation will be provided for construction crew associated with the well construction and commissioning.

Given that the accommodation sites will only be in place for a period of approximately 3 months, the primary issues relate to the suitability and use of the local road network. In this regard the applicants are proposing to undertake a prior condition report and enter into a road user agreement with the Shire to ensure maintenance of the road network.

To allow for the construction and demobilisation periods, it is recommended that approval be granted for a period of six months subject to appropriate conditions.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005.

POLICY / STRATEGIC IMPLICATIONS:

As outlined within Comment Section above.

ORGANISATIONAL RISK MANAGEMENT:

Risk rating is considered Minor provided that appropriate road access is established and maintained.

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 requirement s 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:

The application fee has been paid for each of the two applications in accordance with the Schedule of Fees and Charges adopted as part of the 2024/25 annual budget.

SUSTAINABILITY:

Environmental: The applicant will be installing appropriate self-contained effluent disposal systems. Whilst the main camp will be located on cleared land, the mini-camp will require some clearing. This clearing has been approved by the State.

Economic: Operation of the temporary accommodation will result in some economic benefit for the local community, with some use of accommodation in Northampton expected to occur prior, during and after the activity.

Social: No detrimental impacts are anticipated given the short nature of the use hereby approved.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

A. In accordance with Local Planning Scheme No 10 - Northampton grant approval to the proposed Temporary Accommodation Camp at Lot 5065 (4138) Balla-Whelarra Road, Binu subject to compliance with the following conditions:

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

Reference	Document Title	Dated
1	Application Form	12 December 2024
2	Revised Location Plan	19 December 2024
2	Mobile Gas Rig Village Design	19 December 2023
3	Supporting correspondence and attached information relating to the 'main camp'	15 November 2024

- Unless otherwise approved, this approval shall be valid for a period of six (6) months from the date of the approval.**
- Prior to commencement of the use hereby approved:**

- i) A Road Condition Report shall be prepared by a suitably qualified consultant, to the satisfaction of the Shire of Northampton to:-
 - assess the current condition and suitability of the local road network to safely cater for all traffic movements associated with the activity; and
 - identify any upgrades and maintenance requirements to ensure that the road network is maintained in the same or better condition, catering for the safe movement of vehicles.
 - ii) A road user agreement shall be entered into with the Shire of Northampton on the basis of the findings from the Road Condition Report referred to in Condition 3(i) above.
4. Any change of use of any part of the building or land (not the subject of this consent/approval) requires further application and development approval for that use/addition;
 5. The use hereby approved shall be managed so as not to detrimentally impact on the amenity of the private properties to the west through noise, light or other means to the satisfaction of the Shire of Northampton.
 6. Unless otherwise approved, all stormwater and drainage runoff is to be retained on the subject property to the satisfaction of the Shire of Northampton;
 7. Arrangements are to be made to provide an adequate water supply of potable water. Potable water is defined as water in which levels of physical, chemical and microbiological constituents does not exceed the guideline values set out in the National Health and Medical Research Council and Australian Water Resources Council publication “Guidelines for Drinking Water quality in Australia 1987”, which has been approved by the local government subject to any conditions which may be laid down by the Commissioner for Health.
 8. On expiration of the temporary accommodation use, all temporary structures, waste disposal facilities, road, parking areas and drainage facilities are permanently removed from the site. The site is to be left in a neat and tidy condition to the satisfaction of the Shire of Northampton.

Advice Notes:

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

compliance with the requirements of the Building Code of Australia.

- iii) Further to condition 6 above, the potable water supply shall be of a capacity to provide a minimum of 80 litres per person per day and all tanks and vessels used for the storage of drinking water shall be so constructed and covered as to prevent water stored therein from becoming polluted or contaminated.
- iv) All ablution facilities shall be connected to an appropriate effluent disposal system in accordance with the requirements of the Department of Environment and Conservation and Health Department of Western Australia.

B. In accordance with Local Planning Scheme No 10 – Northampton grant approval to the proposed Temporary Accommodation Camp (Mini-Camp) on Unallocated Crown Land subject to compliance with the following conditions:

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

Reference	Document Title	Dated
1	Application Form	12 December 2024
2	Mobile Gas Rig Village Design	19 December 2023
3	Supporting correspondence and attached information relating to the 'mini camp'	15 November 2024

- 2. Unless otherwise approved, this approval shall be valid for a period of six (6) months from the date of the approval.
- 3. Prior to commencement of the use hereby approved:
 - i) A Road Condition Report shall be prepared by a suitably qualified consultant, to the satisfaction of the Shire of Northampton to:-
 - assess the current condition and suitability of the local road network to safely cater for all traffic movements associated with the activity; and
 - identify any upgrades and maintenance requirements to ensure that the road network is maintained in the same or better condition, catering for the safe movement of vehicles.
 - ii) A road user agreement shall be entered into with the Shire of Northampton on the basis of the findings from the Road Condition Report referred to in Condition 3(i) above.
- 4. Any conditions to or change of use of any part of the building or land (not the subject of this consent/approval) requires

further application and development approval for that use/addition;

5. Unless otherwise approved, all stormwater and drainage runoff is to be retained on the subject property to the satisfaction of the Shire of Northampton;
6. Arrangements are to be made to provide an adequate water supply of potable water. Potable water is defined as water in which levels of physical, chemical and microbiological constituents does not exceed the guideline values set out in the National Health and Medical Research Council and Australian Water Resources Council publication "Guidelines for Drinking Water quality in Australia 1987", which has been approved by the local government subject to any conditions which may be laid down by the Commissioner for Health.
7. On expiration of the temporary accommodation use, all temporary structures, waste disposal facilities, road, parking areas and drainage facilities are permanently removed from the site. The site is to be left in a neat and tidy condition to the satisfaction of the Shire of Northampton.

Advice Notes:

- v) This development approval is NOT a building permit. A building permit must be formally applied for and obtained from Building Services BEFORE the commencement of any site and/or development works. (Land clearing to facilitate development and BAL report is permitted).
 - vi) A private Building Surveyor will need to be appointed by the landowner to certify the structural integrity of the building and compliance with the requirements of the Building Code of Australia.
 - vii) Further to condition 6 above, the potable water supply shall be of a capacity to provide a minimum of 80 litres per person per day and all tanks and vessels used for the storage of drinking water shall be so constructed and covered as to prevent water stored therein from becoming polluted or contaminated.
 - viii) All ablution facilities shall be connected to an appropriate effluent disposal system in accordance with the requirements of the Department of Environment and Conservation and Health Department of Western Australia.
- C. The Chief Executive Officer be authorised to enter into the road user agreement, prepared to their satisfaction, based on the findings of the Traffic Impact Assessment required under conditions A3 and B3 above.

ATTACHMENTS

- | | | |
|---|--|---------|
| 1 | Attachment No 1 - Location and Site Plan for Main Camp | 1 Page |
| 2 | Attachment No 2 - Copy of Submissions Received | 4 Pages |

ATTACHMENT APPENDIX

9.4.4 Proposed Revised Plans for Modular Home Installation - Lot 2 (No 2) Darwinia Drive, Kalbarri

PROPONENT	KA Marsh
OWNER	KA Marsh
LOCATION / ADDRESS:	Lot 2 (No 2) Darwinia Drive, Kalbarri
ZONE:	Residential (R20)
BUSINESS AREA:	Planning Services
FILE REFERENCE:	10.6.1.1 & A3969
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Brian Robinson
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	10 March 2025
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The subject land is a 526m² residential lot located within the Eco Flora Estate on the corner of Darwinia Drive and Clematis Crescent as shown below.

Location Plan



On 19 December 2024, Council resolved to grant retrospective Development Approval to a single bedroom modular home on the subject land. Council resolved (Resolution 12/24-135) to grant conditional approval and impose a modified penalty under the Planning and Development Act.

Condition 5 of Council's resolution required the applicant to lodging plans detailing the following improvements within 21 days:

- i) The location of a proposed driveway from Darwinia Drive having a minimum width of 3 metres together with a minimum of 1 parking bay in accordance with the Residential Design Codes of Western Australia; and
- ii) Location of a tree to be placed in the setback to Darwinia Drive in accordance with clause C2.2 of the Residential Design Codes of Western Australia.

Rather than revise the designs to address the above two requirements, the applicant is now seeking approval to an alternative location and orientation of the modular dwelling. A copy of the revised site plan is shown attached.

ATTACHMENT: 9.4.4 (1)

A copy of the modular's floor plan, as previously presented to Council in December is shown attached together with photographs of the modular in its currently approved location.

APPENDIX: 9.4.4 (A)

Council is requested to determine the application given that the proposal represents a variation to the plans previously approved by resolution of Council in December 2024.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

To assist Council in determining these matters, the following comments and advice are offered:

Zoning

The provisions of the Shire's Local Planning Scheme No 11 – Kalbarri (the Scheme), include the subject land within the Residential Zone, with an applicable density of R20.

Land Use Classification

As the only accommodation on the site, the proposal is classified as a dwelling in accordance with the following land use definition under the Scheme:

***“Dwelling** – a building or portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or not more than six persons who do not comprise a single dwelling.”*

Land Use Permissibility

A dwelling is a “P” use within the Residential Zone. That is a use which is permitted if it complies with any relevant development standards or requirements of the Scheme.

In accordance with clause 61(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* - Deemed to Apply provisions, the erection or alterations or additions to single house on a lot is exempt from the need to obtain prior Development Approval provided that the works are not located in a heritage listed place and the development complies with the deemed to comply provisions of the Residential Design Codes of WA (R-Codes).

As the previous application did not comply with all deemed to comply requirements prior approval was required. Although the revised design now meets the majority of the deemed to comply provisions, the development is now orientated toward the secondary street.

Matters to be Considered

In determining an application for development approval, clause 67 of the Deemed to Apply provisions require that various matters are taken into account in determining the proposal. These matters include, but are not limited to:

- The aims and objectives of the local planning scheme, including any planning codes that are read into the scheme;
- Any approved State Planning policy;
- The compatibility of the development with its setting, including:
 - (i) The compatibility of the development with the desired future character of its setting; and
 - (ii) 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.
- The amenity of the locality including the character of the locality.

Residential Design Codes

The R-Codes are incorporated into the Scheme but also adopted by the State as State Planning Policy No 7.3. The objectives of Part B (single dwelling provisions) of the R-Codes include ensuring that *“residential development meets community expectations regarding appearance, use and density.”*

An assessment of the revised proposal against the R-Codes is provided within the balance of this agenda item.

Setbacks

In accordance with the R-Codes, the following setbacks apply to development located within an R20 density code area.

- Primary Street – 6m;
- Secondary Street - 1.5m; and
- Side/Rear – 1.5m for walls with major openings having a wall height of less than 3.5m height.

The revised plans comply with all setback requirements.

Streetscape/Street Surveillance

The objective of Section 5.2 of the R-Codes is *“To contribute towards the character of streetscapes including their views and vistas and provides security for occupants and passers-by, a landscape to ensure adequate shade, privacy and open space for occupants, and an attractive setting for the collection of buildings.”*

Consistent with this objective, the deemed-to-comply provisions of Clause 5.2.3 (Street Surveillance) require that street elevations of the dwelling address the street with clearly definable entry points visible and accessible from the street. The R-Codes define the street as the public road providing the principal frontage to the dwelling.

The revised orientation of the modular dwelling will result in the only door to the dwelling facing Clematis Street. Furthermore the revised plans now depict a 6m wide driveway tapping down to 4.5m adjacent to the dwelling. Further comment on the driveway is provided below.

It should however be noted that with Clematis Street being a secondary street as defined by the R-Codes.

Landscaping

In order to meet the Deemed-to-Comply R-Code provisions, a minimum of 1 tree is required within the front setback. Furthermore, not more than 50% of a street setback may consist of impervious surfaces.

The revised plans show a proposed tree located off Clematis Street, rather than Darwinia Drive as required by condition No 5 of the current approval. No landscaping is shown within the primary setback.

Should Council resolve to approve the application, it is recommended that a condition be imposed to require the planting of a second tree adjacent to the primary street being Darwinia Drive.

Vehicular Access

Access must be provided to a minimum of a single carparking bay on-site. The Deemed-to-Comply provisions under Part 5.3.5 of the R-Codes require that driveways are adequately paved and drained, right angles to the street and no closer than 6m to a street corner.

Condition No 5 of the current approval requires the design of a driveway from Darwinia Drive. Alternatively, as reflected on the revised plans shown at Attachment: 9.4.4 (1), the applicant is proposing the construction of a 9m long driveway off Clematis Street, being the secondary street.

The proposed driveway is being shown as 6m wide at the street, tapering down to 4.5m abutting the dwelling. Should approval be granted, it is recommended

that a condition be imposed to ensure that the driveway is setback a minimum of 0.3m from the property boundary.

It is also recommended that construction of the driveway be required within 90 days of approval.

Stormwater Management

The building is designed and constructed without downpipes with the roof blending into the side walls of the home. No details have been provided regarding proposed stormwater management as part of the application. Should approval be granted it is recommended that the Shire's standard condition relating to stormwater management is imposed.

External Fixtures

Part 5.4.4 of the R-Codes requires that external fixtures to a building meet the Deemed-to-Comply requirements if they are not visible from the street. Currently there is an air conditioning unit facing Clematis Crescent and conditions imposed by Council at the December 2024 meeting required screening of this unit.

The revised design results in the air conditioning unit being located behind the dwelling when viewed from Clematis Street. The angle of the dwelling placement also means that the air conditioning unit will not be visible from Darwinia Drive.

As a result, the extent of fencing required under condition 4 of the current approval is no longer required in order to meet the R-Code requirements.

Amenity

The amenity associated with any development and its contribution toward the streetscape results not from only the appearance and orientation of the dwelling, but also associated development such as fencing, landscaping, driveways and internal pedestrian paths.

The landowner has indicated that they are currently in the process of designing the primary home for the property. Once completed, the modular building subject of this application would need to be approved for a change of use to Ancillary Accommodation.

In the meantime, the development has now been redesigned with the modular home facing the secondary street Clematis Street. This is considered to be a significantly improved outcome for the amenity of the property and street. However, there is still a need to ensure that bin storage and clothes drying areas are secure and screened from view in accordance with clause 2.1 of the R-Codes.

Private Open Space

The need for fencing associated with the current approved design, ensured that the resultant development would also meet the R-Codes requirement for a

minimum outdoor living area would be met. In accordance with the Table B of the R-Codes a minimum outdoor living area of 30m² is required.

As prescribed by clause 5.3.1 of the R-Codes, deemed to comply development must provide an outdoor living area that is behind the street setback area, directly accessible from the primary living space and has a minimum dimension of 4m.

Should the development be approved, it is recommended that a condition be imposed to require the establishment of an outdoor living area in accordance with the Residential Design Codes of Western Australia.

Conclusion

Council's decision to grant retrospective approval was subject to several conditions to ensure compliance with the requirements of the R-Codes with respect to screening and streetscape that were based on the location and orientation of the Dwelling.

As an alternative, the landowner has now submitted revised plans, proposing to relocate and re-orientate the development toward Clematis Street, being the secondary street. As the redesign is considered to be a better outcome, conditional approval is recommended.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

Risk rating is considered Minor on the basis that the development as proposed does not address the primary street will have a visual impact on the presentation to Darwinia Drive until the primary home has been developed.

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: Approval to the revised plans will result in the development having less of a visual impact on the adjacent Clematis Street streetscape.

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

That Council in accordance with Local Planning Scheme No 11 grant approval to the revised plans for the modular dwelling at Lot 2 (No 2) Darwinia Drive Kalbarri in accordance with the plans and specifications at Attachment: 9.4.4 (1), subject to compliance with the following conditions:

- 1. This approval supersedes the conditional approval granted by Council through Resolution 12/24-135 as passed at the Ordinary Meeting held on 19 December 2024;**
- 2. The development hereby approved is to be carried out generally in accordance with the plans and specifications submitted with the application and these shall not be altered and/or modified without the prior knowledge and written consent of the Shire of Northampton;**

Reference	Document Title	Date
1	Site Plan	6 February 2024
2	Floor Plan	8 November 2024
3	Elevations	8 November 2024

- 3. Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and development approval for that use/addition;**

4. Unless otherwise approved, all stormwater and drainage runoff is to be retained on the subject property to the satisfaction of the Shire of Northampton;
5. The driveway shown on the site plan detailed in condition No 2 above shall be setback a minimum of 0.3m from the boundary and be constructed within 90 days of the date of this approval;
6. The applicant shall within 21 days lodge plans detailing the following additional development to the satisfaction of the Shire of Northampton:
 - a) The creation of private open space having an area of not less than 30m², a minimum dimension of 4 metres and being accessible to the primary living area of the dwelling in accordance with clause 5.3.1 of the Residential Design Codes of Western Australia; and
 - b) The placement of a second, additional tree within the primary street setback of Darwinia Drive.
7. The tree shown on the site plan hereby approved, together with the additional tree referred to in condition 6 above shall be planted within 90 days of the date of this approval and from then on maintained to the satisfaction of the Shire of Northampton.
8. Fencing associated with the creation of the private open space referred to in condition 6(a) shall be established within 90 days of the building being relocated to the newly approved condition.

Advice Notes:

- (i) This development approval is NOT a building permit. A building permit must be formally applied for and obtained from Building Services.
- (ii) A private Building Surveyor will need to be appointed by the landowner to certify the structural integrity of the building and compliance with the requirements of the Building Code of Australia.
- (iii) If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of determination.

ATTACHMENTS

- 1 Attachment No 1 - Revised Site Plan 1 Page

APPENDICES

- A Appendix A - Copy of previously lodged Floor Plan, Elevations and Photographs of Existing Modular 3 Pages

ATTACHMENT**9.4.5 Proposed Dwelling with Setback Variations on Lot 13 (No. 72) Forrest Street, Northampton**

PROPONENT	MJ Graham
OWNER	MJ & JM Graham
LOCATION / ADDRESS:	Lot 13 (No. 72) Forrest Street, Northampton
ZONE:	Rural
BUSINESS AREA:	Planning Services
FILE REFERENCE:	10.8.1.1; A2757
LEGISLATION:	<i>Planning and Development Act 2005</i> <i>Local Government Act 1995</i>
AUTHOR:	Kaylene Roberts
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	11 March 2025
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Council is asked to consider a development application for the establishment of a Dwelling on a vacant lot at Lot 134 (No. 72) Forrest Street, Northampton. The dwelling will consist of three bedrooms, 1 x bathroom, laundry, open plan living, dining and kitchen area and will have Colorbond® sheeting to the walls and roof. Site and Development plans are attached.

ATTACHMENT: 9.4.5 (1)**Location Plan**

The land having an area of 2,666m² is currently vacant with road access available from Forrest Street. The subject property was part of a larger lot that was previously subdivided into three (3) lots.

The applicant is proposing to place a new modular dwelling on the subject land and are seeking to vary the front and rear setbacks. The application is referred to Council for determination as Shire officers do not have the delegation to determine dwellings on vacant lots within rural zones due to the variations requested.

The landowner also submitted plans for an outbuilding and this has been assessed against the Rural zoning and has been approved under delegated authority.

PUBLIC CONSULTATION UNDERTAKEN:

No public consultation was undertaken due to the minor variations requested.

COMMENT (Includes Options):

The provisions of the Scheme include the subject land within the Rural zone. The purpose of this zone is to provide for the maintenance or enhancement of specific local rural character, enhancement of the environmental qualities of the landscape, vegetation and to provide for a range of non-rural land uses.

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

Land Use Definition

Under the zoning table, a single house is a “P” use within the Scheme which means that it is permitted within the Rural zone. Within the R-Codes a single house is defined as a dwelling standing wholly on its own title.

Matters to be Considered

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

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

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

Zone Setbacks

The development requirements prescribed within the Scheme for the Rural zone are as follows:

<i>Minimum front/street setback</i>	<i>20 metres</i>
<i>Minimum side setback</i>	<i>10 metres</i>
<i>Minimum rear setback</i>	<i>20 metres</i>

The proposed dwelling is to be setback 8 metres from the left side, 8m from the front/street, 18.5m from the right side and the rear setback is 50m. The front and left side setbacks are considered to be a variation to the Scheme.

Suitability of Current Zone

As outlined within Part 16 of the Scheme the broad objectives of the Rural Zone are based around the protection of broad acre rural activities. Put simply the subject land having an area of 2,666m² is not of suitable size to be used for or considered to be Rural land. Furthermore use of the land for purposes permitted under this zoning could lead to land use conflict with adjacent homes.

To the west of Forrest Street, larger lots of 1.3ha are zoned Residential, with a density of R5 (2,000m²/dwelling). The subject lot, together with lots 11 and 12 to the south have areas consistent with this Residential Zone and density. Generally speaking, the Scheme provisions relating to the residential zone restrict uses and development standards to those that are compatible with a residential amenity.

It is recommended that the zoning of these properties is modified to Residential (R5) under future town planning schemes in order to apply appropriate development standards and land use restrictions.

Residential (R5) Standards

If the subject land was in fact zoned Residential (R5), development would be required to be setback as follows in accordance with the Residential Design Codes of Western Australia (R-Codes):

<i>Average Front/street setback</i>	<i>12 metres</i>
<i>Minimum side setback</i>	<i>6 metres</i>
<i>Average rear setback</i>	<i>6 metres</i>

The application as submitted complies with the above side and rear setback standards. Furthermore the proposed setback of 8 metres would comply with clause C2.1 of the R-Codes which permits the front setback to be reduced by up to 50%, provided the average setback is maintained.

Conclusion

As the property is currently zoned Rural the application has been assessed against the requirements for this zone. A relaxation of the front and side setbacks as proposed are supported given that these setbacks will be

consistent with the future zoning of the land to be Residential (R5). The application can therefore be conditionally approved.

When the current Scheme is updated and a new Scheme has been undertaken, Shire staff will look into the current zonings of properties and will be looking at amending the zonings on certain properties.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005 and the Shire of Northampton Local Planning Scheme No. 10 – Northampton.

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

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

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council in accordance with Local Planning Scheme No. 10 – Northampton grant planning approval for a Dwelling on a Vacant Lot at Lot 13 (No. 72) Forrest Street, Northampton in accordance with plans and specifications at ATTACHMENT: 9.4.5 (1), subject to the following conditions:

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

Reference	Document Title	Date
1.	3d Image	15 January 2025
2.	Site Plan	15 January 2025
3.	Floor Plan	15 January 2025
4.	Elevations	15 January 2025

- 2 Any additions to or change of use or any part of the building or land (not the subject of this consent/approval) requires further application and development approval for that use/addition;

- 3 Any soils disturbed or deposited on site shall be stabilised to the approval of the Shire of Northampton;
- 4 All stormwater and drainage runoff is to be retained on the subject property and disposed of to the specifications and approval of the Shire of Northampton;
- 5 Installation of crossing places and verge gradients shall be to the standards and specifications of the Shire of Northampton;
- 6 Bin storage and clothes drying areas shall be provide and appropriately screened so that they are not visible from the view from the street/s to the approval of the local government;
- 7 The proposed development shall be clad or coloured to complement either the surroundings in which it is located or adjoining developments to the satisfaction of the Shire of Northampton but the use of reflective materials and colours is not permitted;
- 8 Prior to occupation of the development, a vehicle crossover between the subject land and Forrest Street is to be located, designed, constructed, sealed and drained to the specification and satisfaction of the Shire of Northampton.

Advice Notes

- a This development approval is NOT a building permit. A building permit must be formally applied for and obtained from Building Services BEFORE the commencement of any site and/or development works.
- b If the development/use the subject of this approval is not substantially commenced with a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.
- c Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
- d The applicant is advised that compliance with any and all governmental legislation and regulations, including but not limited to *Health (Miscellaneous Provisions) Act, 1911*, the National Construction Code of Australia and the relevant *Aboriginal Cultural Heritage Act*, is required at all times.
- e If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of determination.

ATTACHMENTS

- 1 Attachment No. 1 - Amended Plans 4 Pages

ATTACHMENT**9.4.6 Request for Review of Planning Conditions - Single Dwelling and Retaining Walls (R-Code Variation) on Lot 264 (No. 5) Stemodia Street, Kalbarri**

PROPONENT	SP Lundy
OWNER	SP Lundy & JJ Curtis
LOCATION / ADDRESS:	Lot 264 (No. 5) Stemodia Street, Kalbarri
ZONE:	Residential R20
BUSINESS AREA:	Planning Services
FILE REFERENCE:	10.6.1.1; A4141
LEGISLATION:	<i>Planning and Development Act 2005</i> <i>Local Government Act 1995</i>
AUTHOR:	Kaylene Roberts
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	11 March 2025
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Council is requested to consider revising three (3) conditions of approval relating to vegetation, screening and obscure window requirements on the subject land, being a 559m² lot located within the Eco Flora Estate as shown on the location plan below. The land currently contains a dwelling.

Location Plan

In October 2022, conditional approval was granted for the construction of a dwelling and retaining walls with an R-Code Variation. A copy of the request is attached.

ATTACHMENT: 9.4.6 (1)

In accordance with the Shire of Northampton Local Planning Scheme No. 10, the application was approved subject to the following conditions:

- (12) *Prior to occupation or use of the development, the area on the rear boundary indicated as 'established mature vegetative screening' on the attached approved plan(s) dated 25 October 2022 is to be landscaped effectively and maintained thereafter to the approval of the local government.*

The applicant has stated that they are establishing vegetation at the rear, however this will take some time to grown, possibly six months or more. Would like to stay at the property before this time, plus the vegetation won't really add much screening until it is about 1.8m in height.

The previously approved drawings show a cone of vision on the plan at the rear and it is a requirement of Clause C1.1 (ii) of the R-Codes that permanent screening to restrict views to adjoining landowners be undertaken. On the plans a row of trees within the cone of vision is shown which mitigate overlooking issues. The applicant's response that vegetation will take 6 months or more to grow is not appropriate, as planting could have been undertaken during the construction of the home and/or mature trees can be purchased to instantly address privacy concerns.

- (13) *The applicant/owner shall install and maintain visual screening to a height of 1.6m upon the eastern side and rear sides of the alfresco areas as marked in "RED" on the attached approved plan(s) dated 25 October 2022 so as to address the requirements of Clause 5.4.1 of the Residential Design Codes (2021).*

They don't believe any screening around the alfresco is necessary given the extra height of the retaining wall and fence now sitting at a total of at least 3m from approved height. Also, a 1.6m high screen probably wouldn't be high enough to block the top of the fence with that extra height. It may stop us seeing the top of the rear neighbours roof if we were sitting down under the patio but that's about it.

As per the Shire comments above, clause C1.1 (ii) of the R-Codes states that the development be provided with permanent screening to restrict view within the cone of vision from any major opening or outdoor active habitable space. The screening can be undertaken by the use/planting of mature trees.

- (16) *The applicant/owner shall install a fixed obscure window on the western elevation of the living room, as marked in "RED" on the approved plans dated 25 October 2022, so as to comply with Clause 5.4.1 of the Residential Design Codes in order to maintain visual privacy for adjoining landowners.*

Don't believe an obscure window is necessary here as we have extended our eastern retaining wall and erected a 1.8m fence further along so that there is only really a view of the fence from this particular window. Also, roller blinds are

being installed on every window in the house so this and other rear doors/windows are likely to be closed most of the time.

It should be noted that above comment should relate to the western side as per the conditions of approval and not the eastern side.

Conclusion

The Shire do not support the applicants request to change Conditions 12 and 13 of the approval but can support the non-use of an obscure window along the western side due to the retaining wall being extended and the erection of a 1.8m fence further along and the use of roller blinds through out the dwelling.

PUBLIC CONSULTATION UNDERTAKEN:

Prior to determining the application under delegated authority, the proposal was referred to the adjacent landowners for comment over a 21 day period. During this time there were two submissions received.

COMMENT (Includes Options):

The provisions of Local Planning Scheme No. 10 (the Scheme) include the subject land within the Residential Zone, with an applicable density of R20 as per the Residential Design Codes of Western Australia.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005 and the *Shire of Northampton Local Planning Scheme No. 10 - Northampton*

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

Risk rating is considered moderate due to the privacy to the adjoining landowners..

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:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Overlooking from an adjacent property can severely impact on privacy and the ability for an occupant to utilise their home. It is recommended that requirements outlined with the R-Codes in relation to privacy are adhered to.

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

That Council:

1. Is not prepared to vary requirements of conditions #12 and #13 due to the cone of vision that the applicant's architect has shown on the plans and the requirement for permanent screening to restrict views is part of the Deemed to Comply provisions of the R-Codes.
2. Remove Condition #16 of the Development Approval due to the applicant extending and constructing a wall and fence further along the property boundary, therefore the need for an obscure window is no longer required.
3. The Applicant is advised the Shire of Northampton will not reconsider Conditions #12 and #13 unless a formal review of the cone of vision requirements of the Deemed to Comply provisions of the R-Codes is undertaken and demonstrated to have been met.

ATTACHMENTS

- | | |
|---|-----------|
| 1 Attachment No. 1 - Request for Reconsideration of Planning Conditions | 1
Page |
|---|-----------|

Figure 2. Proposed Location of Lot 505 (No. 7) Chick Street, Kalbarri – Storage of van



If approved the applicants are intending to operate on a daily basis during the summer months and on weekends during the winter months serving ice creams and light refreshments. The applicants also intend to operate when local markets are occurring.

Storage of the food van is currently located in a shed on the previous owner's property. The applicants own property at Lot 159 (No. 32) Centrolepis Circuit, Kalbarri and this property is currently vacant.

PUBLIC CONSULTATION UNDERTAKEN:

No public consultation was required to be undertaken as the proposal is consistent with the Mobile Food Vehicles Policy.

COMMENT (Includes Options):

It is considered that the proposed development complies with the requirements of the *Local Planning Scheme No. 11* and the Local Planning Policy *Mobile Food Vehicles*.

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

Matters to be Considered

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

- i) *Provide guidance on the requirements for the operation of mobile food vehicles within the Shire of Northampton;*

- ii) *Allow mobile food vehicles to operate in locations which support the activation of underutilised public spaces;*
- iii) *Ensure mobile food vehicles operate in a way which complements existing food businesses within townsites;*
- iv) *Ensure mobile food vehicles are of a temporary nature;*
- v) *Ensure mobile food vehicles do not unreasonably compromise the amenity of the surrounding residential area; and*
- vi) *Ensure mobile food vehicle operators practice safe food handling in accordance with the Food Act 2008.*

Location

Whilst the application is consistent with the Policy, it does not strictly meet provisions associated with 'approved locations within the Policy'. Clause 3.4.2 of the Policy provides opportunity for applicants to nominate an alternative location.

Approval is recommended for the location at Chinaman's Beach, but the location at Sally's Tree is not supported and this is due to the location's close proximity to other retail premises/businesses that supply the same products.

Signage

The applicant has not stated if signage will be used to advertise the food vehicle, therefore a condition shall be placed on any approval granted advising that if signage is proposed a further application will be required to be submitted.

Parking of Mobile Food Vehicle

Outside of trading hours, the food van is to be stored at Lot 505 (No. 7) Chick Street, Kalbarri and is parked in the outbuilding on the subject property. Once the applicants have built on their property at Centrolepis Circuit, the van will be permanently parked there.

It is recommended that a condition be imposed to ensure that the parking of the vehicle is wholly contained within private property and not stored on the verge as appears to be indicated in the submitted application.

Conclusion

Given the application's compliance with the requirements of the Scheme and Policy, it is recommended that Council approve the application with the exception of the location at Sally's Tree. Furthermore, all future permit renewals managed will be on an annual basis and be for the period 1 July to 30 June each year.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005, Planning and Development (Local Planning Schemes) Regulations 2015 and the Shire of Northampton Local Planning Scheme No. 11 – Kalbarri.

POLICY / STRATEGIC IMPLICATIONS:

Shire of Northampton Local Planning Policy – *Mobile Food Vehicles*.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

The applicant has paid a fee of \$250 for a three-month period in accordance with the Shire of Northampton's 2024/2025 Schedule of Fees and Charges.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: ABSOLUTE MAJORITY**OFFICER RECOMMENDATION:**

That Council:

- A. Grant development approval for the applicant to operate the 'Jakes Soft Serve' Mobile Food Vehicle at Chinaman's Beach, subject to the following conditions:
 1. Prior to the commencement of the use hereby approved, the following documents need to be prepared and submitted for the approval of the Shire of Northampton including:
 - Site plan;
 - Floor plan of the vehicle;
 - Detail of operating times (including hours and days/ summer and winter).
 2. Any additions to, or change to the approved use (not the subject of this consent/approval) requires further application and planning approval for that use/addition;
 3. The Development Approval and Mobile Food Vehicle Permit is valid until 30 June 2025, after which further renewal of the approval by the local government is required annually. It is the responsibility of the operator to apply in good time before expiration, and the local government will not automatically re-issue approvals;
 4. That Council determines the application renewal fee in accordance with the Shire of Northampton's *Schedule of Fees and Charges*;
 5. The Mobile Food Vehicle Permit issued shall be displayed on the dash or another prominent visible location of the approved vehicle at all operating times;
 6. The approval is for one (1) Mobile Food Vehicle only and this approval is issued only to J & C Simpson and is NOT transferrable to any other person or to any other land parcel, without further application and approval of the Shire of

Northampton. Should there be any change in respect of which this development approval is issued this approval shall no longer be valid;

7. The Mobile Food Vehicle and associated services shall at no time interfere or obstruct the operations and activities of Reserve 25307 or any approved users of the Reserve and shall at no time cause obstruction to the access or traffic flow of the car parking area to the satisfaction of the local government;
8. Should substantiated ongoing complaints be received in relation to Condition No. 7 the Shire of Northampton reserves the right to review and/or revoke this Development Approval;
9. The applicant shall obtain Public Liability Insurance coverage to a minimum of \$20 million, and forward a copy of this certificate to the Shire of Northampton to comply with the provisions of the Shire of Northampton's Local Planning Policy – *Mobile Food Vehicles*;
10. Unless otherwise approved, the Mobile Food Vehicle is ONLY to be operated upon Reserve 25307 at Chinaman's Beach on Grey Street.
11. The land use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibrations, waste product or otherwise;
12. The applicant is required to provide adequate rubbish disposal facilities, remove all rubbish associated with the operation and maintain a clean and sanitary conditions at all times;
13. The Mobile Food Vehicle is required to be removed from the area at the close of business each day. The Mobile Food Vehicle is not to be stored within the approved operating area;
14. The parking and storage of the commercial vehicle (mobile food vehicle) upon Lot 505 (No. 7) Chick Place, Kalbarri is to be contained wholly on the subject property and the street verge areas are to be kept free of such vehicles; and
15. The Mobile Food Vehicle is permitted to be stored at Lot 505 (No. 7) Chick Place, Kalbarri subject to the vehicle not causing injury to or prejudicially affecting the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise vibration, waste product or otherwise.

Advice Notes:

- a) The refusal of location at Sally's Tree does not prevent the Mobile Food Van to attend markets or other approved events.
- b) Where an approval has lapsed, no further development/land sue shall be carried out without the further approval of the local government having first been sought and obtained.

- c) **The applicant is advised that compliance with any and all governmental legislation and regulations, including but not limited to the Health Act and Regulations, the Food Act and Regulations and the Environmental Protection (Noise) Regulations, is required at all times.**
 - d) **If an applicant is aggrieved by this determination there is a right review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of determination.**
- B. Authorise the Chief Executive Officer to approve the plans submitted in accordance with condition 1 as outlined in Point A above.**

ATTACHMENT**9.5.1 Building Approval Report for February 2025**

PROPONENT	Shire of Northampton
OWNER	N/A
LOCATION / ADDRESS:	Whole of Shire
ZONE:	Northampton and Kalbarri
BUSINESS AREA:	Building
FILE REFERENCE:	N/A
LEGISLATION:	Local Government Act 1995 Building Act 2011 Building Registrations 2012
AUTHOR:	Michaela Simpson
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	4 March 2025
DECLARATION OF INTEREST:	Nil

BACKGROUND:

This report had been produced to assist Council understand the Building and Demolition Permits approved and issued for the period of 01 February 2025 to 28 February 2025.

ATTACHMENT: 9.5.1 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

During February 2025, eight (8) building and demolition applications were determined under delegated authority.

STATUTORY ENVIRONMENT:

Nil.

POLICY / STRATEGIC IMPLICATIONS:

Nil

ORGANISATIONAL RISK MANAGEMENT:

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

FINANCIAL IMPLICATIONS:

The required building fees have been paid for all Building and Demolition applications processed under delegated authority.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council receive the Building Approvals Report February 2025 in accordance with Attachment: 9.5.1 (1).

ATTACHMENTS

1 Building Approvals Report February 2025 1 Page

ATTACHMENT APPENDIX

9.7.1 Proposed Adoption of Amended Draft Parking Local Laws for Advertising Purposes

PROPONENT	Shire of Northampton
OWNER	All
LOCATION / ADDRESS:	Whole of Shire
ZONE:	All
BUSINESS AREA:	Community, Development & Regulation
FILE REFERENCE:	4.2.3
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Brian Robinson
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	5 March 2025
DECLARATION OF INTEREST:	Nil

BACKGROUND:

On 20 June 2024, Council resolved to give notice of the Shire's intent to make the local law and proceed to advertise the draft for public comment over a period of not less than 6 weeks. A copy of the Draft Parking Local Law 2024 is shown Appended.

APPENDIX: 9.7.1 (A)

Prior to commencing the advertising process, it was identified that the Draft Local Law required further modification to:

- a) Address several typing and formatting errors;
- b) Correct some cross referencing within the document; and
- c) Modify Part 6 – Enforcement to reflect the latest form and content of comparable Parking Local Laws that were gazetted in 2024 following amendments as directed by the Joint Standing Committee on Legislation.

Council is now requested to consider the adoption of the draft Parking Local Law 2025 for the purposes of advertising in accordance with the requirements of the *Local Government Act 1995*. A copy of the updated Draft Local Law is shown attached.

ATTACHMENT: 9.7.1 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The provisions of the *Local Government Act 1995* (the Act) enable Western Australian Local Government to make local laws considered necessary for the good governance of their districts. The procedure for making a local law, which is prescribed by section 3.12 of the Act.

The procedure for preparation, processing and finalising a local law under Section 3.12 of the Act, is summarised as follows:

Step	Status
Drafting of a Local Law;	Completed
Council resolving to make a local law and the presiding member to give notice of the purpose and effect of the local law;	The purpose of this agenda item.
Providing Statewide public notice summarising and calling for submissions over a minimum of six weeks;	To be completed.
Providing a copy of the proposed local law to the Department of Local Government for submission to the relevant Minister;	To be completed.
Council resolving by absolute majority to make the local law taking into account any submissions received;	To be completed.
Providing Statewide notice that the Local Law has come into effect;	To be completed.
Providing an explanatory memorandum to the Joint Standing Committee on Delegated Legislation for assessment.	To be completed.

In accordance with Section 3.14 of the Act, local laws come into effect 14 days after the Gazettal Notice. It should be noted however that following gazettal, the local laws are still subject to review by the Joint Standing Committee on Delegated Legislation. The Joint Standing Committee can require modifications to the local laws following their gazettal or disallow the local laws where considered necessary.

The updates undertaken to the draft Local Law as endorsed by Council in June 2024 will reduce the potential for the Joint Standing Committee on Delegated Legislation to warrant further changes to, and/or readvertising of the document.

STATUTORY ENVIRONMENT:

As detailed in section 3.12 of the Act, Draft Local Laws must be adopted by Absolute Majority and must contain a clear statement/notice of purpose and effect of local. In this regard, the proposed purpose and effect of the Draft Shire of Northampton Parking Local Law 2024, the purpose and effect of the Local Laws are as follows:

Purpose – to provide for the management and regulation of parking throughout the Shire of Northampton.

Effect – to require a person parking a vehicle within the district is to comply with the provisions of this local law and any restrictions within areas specifically signed or marked.

POLICY / STRATEGIC IMPLICATIONS:

The adoption of new Parking Local Laws will ensure that Shire Rangers have adequate statutory authority to ensure the regulation of Vehicle Parking within the district.

ORGANISATIONAL RISK MANAGEMENT:

The Risk rating is considered Moderate given existing signage relating to parking is not currently enforceable.

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:

Costs associated with finalising the Draft Local Law will be wholly contained within the Shires approved budget for the 2024/25 financial year.

SUSTAINABILITY:

Environmental: Nil.

Economic: The introduction of Local Laws will permit Council to introduce formal time limits on parking within identified areas. The Local Laws will also enable Shire Rangers to enforce existing timed parking signage such as adjacent to the Northampton Post Office where signs were erected to discourage longer periods of parking and ensure opportunities to access to the business premise are maximised.

Social: The regulation of parking within the district ensures that the parking of vehicles does not detrimentally impact on the amenity or safety of the community.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council

- 1. Pursuant to section 3.12(3) and (3a) of the *Local Government Act 1995* give statewide and local notice that it intends to make the Shire of Northampton Parking Local Laws 2024, as shown at Attachment: 9.7.1 (1) with the following purpose and effect:
 Purpose – to provide for the management and regulation of parking throughout the Shire of Northampton.
 Effect – to require a person parking a vehicle within the district is to comply with the provisions of this local law and any restrictions within areas specifically signed or marked.**
- 2. Advertise the Draft Local Laws as referred to in point 1 above for a period of not less than 6 weeks, with advertisements to appear in the Western Australian Newspaper and local newspapers circulating within the district;**
- 3. In accordance with the *Local Government Act 1995* section 3.12(3) advise the Minister for Local Government of the proposed local laws; and**
- 4. Await a further agenda item on the draft Local Laws following the completion of the advertising period identified in point 2 above.**

ATTACHMENTS

- 1 Attachment No 1 - Copy of Updated Draft Parking Local Law 18 Pages**

APPENDICES

- A Appendix A - Copy of Draft Parking Local Law 2024 21 Pages**

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

PROPONENT	Executive Manager of Works and Technical Services
OWNER	N/A
LOCATION / ADDRESS:	Whole of Shire
ZONE:	All
BUSINESS AREA:	Works and Technical Services
FILE REFERENCE:	N/A
LEGISLATION:	N/A
AUTHOR:	Tina Souroup
APPROVING OFFICER:	Neil Broadhurst
DATE OF REPORT:	6 March 2025
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 Frosty Gully, Blue Wells, Bowes Spring, Horry, Mongeragarry, Ogilvie West, Chilimony, Balla Whellarra, Baline, Yallabathara, and Swamp Road/s.
- Gravel Patching - Unsealed Roads Gravel Sheeting / Verge works carried out on, Erriary West, Ogilvie West, Rob, Box, 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 – Contract dozer in Shire undertaking gravel pushup/stockpile works.
- Kalbarri Road verge mowing commenced.

Other Items

- Installation of barrier rails on the corner of Hampton Road (Main Roads) and Mary Street due to 2 incidents of pedestrians falling, Main Roads contractor completed work within the day identified with Blackspot audit.

Other Items (Budget)

- Kalbarri Road widening – Main Roads WA full funding (Blackspot funding) to the 10 kilometres of widening immediately to the east of Kalbarri as far as the Skywalk lookout turnoff. Practical completion has been granted. Works still have defects that require contractor rectification, defects are subject to legal action.
- Kalbarri – Tropical Cyclone Seroja rebuild works being Red Bluff, Jacques Point, Blue Holes and Chinamans Beach works plus Anchorage Lane temporary overflow workers accommodation works continuing with the delivery of the transportable ablution blocks for Anchorage Lane workers accommodation scheduled for 11-12 March.
- Binu East Road 2 floodway replacements' have commenced.
- Horrocks water storage tanks have been installed and work is complete.
- Port Gregory water storage tanks have been installed and work is complete.
- Port Gregory carpark construction-renovations have been commenced.

Plant Items

- Disposal of various plant and items via Expression of Interest. (2 utilities' and 4 trailers' plus sundry items.)
- Disposal of Hitachi loader through Smith Broughton Auctioneers. Next available Government auction is 29 April to 6 May 2025.

Staff Items

Vacant positions to be advertised.

- 1 x Water Custodian (Port Gregory).
- Kalbarri Plant Operator / Labourer re-advertised and closing 14th March 2025.

A copy of the Executive Manager of Works and Technical Services – Works Crew Budget – Program and Progress Report, March 2025 is attached.

ATTACHMENT: 9.8.1 (1)

STATUTORY ENVIRONMENT:

Nil.

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

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

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

FINANCIAL IMPLICATIONS:

Works in accordance with maintenance and construction budget.

SUSTAINABILITY:

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

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

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

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council receives the Executive Manager of Works and Technical Services Information Items – Maintenance/Construction – Works Program report for March 2025. In accordance with ATTACHMENT 9.8.1 (1).

ATTACHMENTS

1 Works Program March 2025 7 Pages

10. LATE REPORTS:

11. QUESTIONS FROM MEMBERS:

11.1 Response to questions from members taken on notice.

11.2 Questions from members.

12. MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING:

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

14. APPLICATIONS FOR LEAVE OF ABSENCE:

15. CLOSURE:

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