



# MINUTES

## COUNCIL MEETING

20 FEBRUARY 2025

## TABLE OF CONTENTS

1.	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS: .	4
2.	ANNOUNCEMENTS BY THE PRESIDENT:.....	4
3.	ATTENDANCE:.....	4
4.	DECLARATIONS OF INTEREST:.....	5
5.	PUBLIC QUESTION TIME: .....	5
6.	PRESENTATIONS:.....	11
7.	CONFIRMATION OF MINUTES: .....	13
8.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN: ....	13
<b>02/25-02</b>	8.1 ...Request for a Strategic Review of Port Gregory Water Supply to Determine Priorities .....	13
9.	OFFICERS' REPORTS:.....	15
<b>02/25-03</b>	9.4.3 ..... Proposed Land Tenure - Murchison House Station .....	17
<b>02/25-04</b>	9.1.1 .....2023/24 Compliance Audit Return.....	23
<b>02/25-05</b>	9.1.2 .....Report Back on Delegation from Council to Chief Executive Officer 20 December 2024 to 3 February 2025 .....	27
<b>02/25-06</b>	9.1.3 ..Chief Executive Officer Activity Report October 2024 to December 2024.....	30
<b>02/25-07</b>	9.1.4 Appointment of Acting Chief Executive Officer During Chief Executive Officer Annual Leave .....	33
<b>02/25-08</b>	9.1.5 . Unconfirmed Minutes of the 2023/24 Annual Electors Meeting.....	36
<b>02/25-09</b>	9.2.1 ... Monthly Financial Statements for the Period Ending 31 December 2024 .....	39
<b>02/25-10</b>	9.2.2 ... Monthly Financial Statements for the Period Ending 31 January 2025.....	43
<b>02/25-11</b>	9.2.3 . Proposed Accounts for Endorsement on 20 February 2025 .....	46
<b>02/25-12</b>	9.2.4 ..... Proposed Review of Council Policy 3.1 Property Leasing.....	49
<b>02/25-13</b>	9.2.5 .. Proposed Review of Council Policy 1.14 Information Technology Use Policy and Proposed New Policies 2.12 Cyber Security Governance and 2.13 Social Media Use and Guidelines. ....	53
<b>02/25-14</b>	9.2.6 ..... Proposed Review of Council Policies - 1.9 Risk Management Policy, 1.10 Legislative Compliance Policy and 1.5 Internal Control Policy. ....	57
<b>02/25-15</b>	9.3.1 .....Quarterly Activity Report for Manager Community, Development and Regulation October to December 2024 .....	62
<b>02/25-16</b>	9.3.2 ..... Request for Permission to Camp - Lot 69 (No 145) Hampton Road, Northampton.....	65
<b>02/25-17</b>	9.3.3 ... Endorsement of Consolidated Disabled Access and Inclusion Plan 2019-2024 .....	73

<b>02/25-18</b>	9.3.4 ..... Proposed Renewal of Commercial Recreational Tourism License Agreement - Canoe Safari Tours (Kalbarri Boat Hire).....	78
<b>02/25-19</b>	9.4.1 Retrospective Application for a Change of Use from a 'Dwelling' to 'Holiday House' at Lot 686 (Unit 1/19) Waikiri Parade, Kalbarri.....	87
<b>02/25-20</b>	9.4.2 Retrospective Application for a Change of Use from a 'Dwelling' to 'Holiday House' at Lot 127 (No. 21) Lawrencina Loop, Kalbarri.....	96
<b>02/25-21</b>	9.4.4 Delegated Planning Decisions for December 2024 and January 2025.....	105
	9.4.5 Proposed Drilling and Temporary Accommodation Camps - Vacant Crown Land and Lot 5005 (3810) Balla-Whelarra Road, Binu.....	109
<b>02/25-22</b>	9.4.6 Proposed Dwelling Using Shipping Containers - Lot 85 (No 45) Darwinia Drive, Kalbarri.....	120
<b>02/25-23</b>	9.5.1 ..... Building Approvals Report December 2024 and January 2025.....	129
<b>02/25-24</b>	9.6.1 ..... Kalbarri Open Air Music Festival 4 & 5 April 2025 - Request to Amend Finish Time .....	132
	9.6.1 Kalbarri Open Air Music Festival 4 & 5 April 2025 - Request to Amend Finish Time .....	132
<b>02/25-25</b>	9.8.1 Information Items - Maintenance/Construction - Works Program.....	138
<b>02/25-26</b>	9.9.1 ..... Proposed Road Infrastructure and Plant Advisory Committee .....	142
10.	LATE REPORTS:.....	146
11.	QUESTIONS FROM MEMBERS:.....	146
12.	MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING .....	146
13.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING: .....	146
14.	APPLICATIONS FOR LEAVE OF ABSENCE: .....	146
15.	CLOSURE:.....	146

## SHIRE OF NORTHAMPTON

Minutes of the Ordinary Meeting of Council held in the Allen Centre, Kalbarri, Thursday, 20 February 2025.

### 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS:

The Shire President declared the meeting open at 2.00pm.

### 2. ANNOUNCEMENTS BY THE PRESIDENT:

#### Acknowledgement of Country

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

### 3. ATTENDANCE:

#### **PRESENT:**

##### **Councillors**

Cr Liz Sudlow (Shire President)  
Cr Richard Burges  
Cr Trevor Gibb  
Cr Tim Hay  
Cr Des Pike  
Cr Karl Suckling  
Cr Roslyn Suckling

##### **Staff**

Mr Andrew Campbell (Chief Executive Officer)  
Mr Brian Robinson (Executive Manager of Community, Development and Regulation)  
Mr Neil Broadhurst (Executive Manager of Works and Technical Services)  
Mrs Michelle Allen (Manager Corporate Services)  
Mrs Kaylene Roberts (Planning Officer)  
Ms Sonya Hasleby (Executive Support Officer)

##### **Gallery**

Alan Walker, Steve Cable, John Woodcott, Kevin Ralph, Neil Harvey, Sharon Potter, Stan Johnson, Henrik Strand, Sue Ellen Strand, M Murrie, Jody Douglas, A Van Virrsen, Cheryl Eley, Frank Rystenber, Kath Littler, Jaime Wedgewood, Alan Jepp, Diana Jepp, Charlotte Carter, Ben Huisman, Monica Muellner, Brendon McGovern, Maree Beveridge, Peter Fowler, Tracy Perkins, Donelle Andrews, Nik Bramwell, Amy Sears, Lyn Sears,

Greg Donaldson, Cully Emmins, Marg Davies, Loni Visser, Mark Pennington, Heather Pennington, Rowena Fullston, Pete Nelsen, Heather McLachlan, Annette Matthews, Marc Toomey, Rebekah Toomey, John Craike, Hobbit, Neil Blackburn, Jenny Poett, Greg Poett, Tracy Grosvenor, Kathleen Miatt, Deborah Coulthard, Terry Ash, Hailey Ralph, Tony Stringer, Ellen Nightingale, Nev Miller, Belinda Carruth, Clayton Drage, Gerald Whitby, John Drage, Kerry Mathews, Shonna Berg, Ron Mills, Phillipa Saunders, Yvonne Whitehead, Gary Turner, Paul Lemon, Walter Bos, Col Doyle, Sue Robinson, Nick Porter, P Peckis, Geoffrey Stephens, Emily Abbott, Paul Downes, Ken Dibble, Emily Blackburn, Steven Eley, Ingrid Cable, Ann Russell, Steve Matthews, Abbey McNeil, Thomas Moir, Pete Speed, Elly Speed.

3.1 Apologies: Nil.

3.2 Leave Of Absence:

Cr Rob Horstman has an approved Leave of Absence granted at the Ordinary Meeting of Council held on 19<sup>th</sup> December 2024.

#### 4. DECLARATIONS OF INTEREST:

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

Councillor Tim Hay declared a Financial Interest in the Item 8.1 – Port Gregory Water Supply as he is the owner of the Port Gregory Caravan Park and owns residential property in the townsite.

Councillor Richard Burges declared an Impartiality Interest in relation to Item 9.4.6 – Proposed Dwelling Using Shipping Containers – Lot 85 (No 45) Darwinia Drive, Kalbarri as he is friends with the applicant.

#### 5. PUBLIC QUESTION TIME:

5.1 Response to public questions taken on notice: Nil.

5.2 Public Question Time

**Raina Robinson** – Would the Chair accept a copy of a survey sent to all Kalbarri post box holders regarding the Murchison Green Hydrogen (MGH) Project? The results identified 94% of the community were against the industrial project. Sophia Moermond, MLA, conducted the survey and tabled the outcome in parliament on behalf of the Kalbarri community. MGH was also provided with a copy.

**Cr Liz Sudlow** – Yes. (Copy of survey to be attached to minutes.)

**Shandi Baldwin** – The results of the survey conducted by Sophia Moermond MLA was taken to parliament and gave residents of Kalbarri the opportunity to voice their opinions on the proposed MGH project.

This resulted in 94% of the residents saying no to the project. Will you take this result into consideration when voting on the leasehold decision today? Will you stand with the people you represent?

**Cr Liz Sudlow** – Of course. I am here as an elected representative of this community along with the rest of the Councillors and we take all things into consideration including the views of the community.

**Shandi Baldwin** – What will you tell the residents of Kalbarri when they ask why they can't have access to this area for recreation purposes anymore?

**Cr Liz Sudlow** – Let's just take one step at a time. We are not at that time yet but I want to make the point that Agenda Item 9.4.3 is tabled because we are being asked to respond to a letter received from the Department of Lands and Heritage (DPLH). We are responding to that letter and in terms of the decision making we don't actually get to make that decision.

**Deborah Coulthard** – The only access needed by MGH to the sea cliffs and shoreline is in the area of their proposed port. Why is the Shire considering supporting the current boundary of proposed Lease (1) which effectively gives MGH exclusive right of use of the entire coast between the river and the Shark Bay World Heritage Area for up to 60 years.

**Brian Robinson** – We have been requested by DPLH to respond and were given an extremely short time frame with expectation that Council would respond before Christmas. At that time the next scheduled Council meeting was not until today, 20 February 2025. The agenda item has been prepared to the best of Shire Officers ability ensuring things are not assumed in terms of the types of approvals that might be granted by the Department. The last thing we want is for it to be used as justification for a Development Approval when a Development Application for the project has not been lodged yet. In relation to the Town Planning Scheme Amendment, which is yet to be adopted for advertising, we certainly have some concerns. Council has discussed an alternative recommendation to further address the accessibility concern and I believe you will see a Councillor move an alternative recommendation.

**Deborah Coulthard** – MGH currently has no tenure over the area covered by proposed Lease (4) and has not indicated that this area is needed for the proposed ammonia export project so MGH is not entitled to build anything on that land. Why is the Shire considering support of Lease (4) which will give MGH a 60 year lease over that area to quarantine the land for development associated with the project. Is it beneficial to the residents of the Shire for the entire buffer zone between the heavy industrial project and Kalbarri to be owned by the foreign multi national project proponent?

**Cr Liz Sudlow** – I believe Mr Robinson's previous response answers the question? Do you have anything else to add Brian?

**Brian Robinson** – I will add that in regards to the lease area was that the area is being excluded from any development and tenure does not provide ownership. It would remain a lease and be up to the State Government whether they grant that lease or not. There will no doubt be comments from other organisations other than ourselves and to reiterate it is an opportunity to say at least that is out.

**Heather McLachlan-McGliddon** – I would like to know about the environmental impact that is going to occur as I am aware it will be up to the high tide line. We have got fisheries between here and Shark Bay, the dugongs and everything is in trouble at the moment due to the overheating. There is abalone up the coast, fisheries, snapper you name it and that whole coastline relies on that environmental impact being kept clean. That coastline is pristine and there is people who have been going up there over the years and you are talking about the high tide line. How can you load a ship with 4-5 metre swells in winds of 45 knots in the middle of the ocean when the environment is like that?

**Cr Liz Sudlow** – Just to be clear that this is not us that has presented this information.

**Brian Robinson** – In accordance with the Environmental Protection Act it is actually the Environmental Protection Authority (EPA) who has to process and assess the environmental impact and this is a formal process. The EPA is a State Government body, whereas we are a small local government body and not large enough to employ an Environmental Officer. We do not have that capacity or expertise within our organisation but MGH will have to go through legislative requirements in terms of assessing environmental impact. I believe that there has been a preliminary assessment which identified the need for a Public Environmental Review (PER) which means there will be a need to advertise those environmental findings and seek comments from members of the public and organisations like ours when that information is publicly advertised.

**Heather McLachlan-McGliddon** – So there will be no independent review? It would be done by the actual government?

**Brian Robinson** – My understanding is that it would be done by the EPA, a State Government body. Legislation is applied to all people equally whether they are government or private organisations and compliance with the Act does not allow for an independent body. Unless the Government is involved there is no opportunity for an independent body to undertake that assessment. It will be done by the EPA.

**Phillipa Saunders** – If Crown Lease (1) for wind and solar generation, tourism and grazing is granted and if the Hydrogen project does not proceed is it possible that under the lease it could be possible to approve a tourism development such as a resort, a casino or similar?

**Andrew Campbell** – My understanding is the lease is very specific to MGH and is not transferable and only applies to MGH. The question you raise in relation to tourism is something different in that we are not privy to or aware of the terms of the lease. They are held in confidence between the State Government and the Proponent. The information we

have received is exactly what is available for the public to view in the Attachments provided with this month's agenda. We have only been asked to consult on matters within the letter from DPLH and we will provide our submission back to the State Government. What the State Government actually does with that is something I do not have a lot of confidence in.

**Phillipa Saunders** – Does the Council propose to object to the proponent requesting the lease be down to the water line effectively blocking locals access to traditional fishing and camping areas? I acknowledge that you have kind of answered this question with some of the earlier questions.

**Cr Liz Sudlow** – Yes, there is an alternate recommendation that will be presented.

**Wendy Lamb** - Somewhere in the agenda it says about the 'potential to improve our water'. We have beautiful water and we don't need anything done to it. Does that mean that MGH have the ability to tap into our water and possibly contaminate it?

**Andrew Campbell** – That information comes from a statement within the letter from DPLH. We have no detail as to where they got that information from or what that implies.

**Brian Robinson** – A reference is also made in the letter in terms of power and again we do not know or have information in relation to these matters whatsoever. This is the first time I have seen DPLH incorporate that type of information into a request or a comment on a proposed lease.

**Wendy Lamb** - Is there plans for a direct road across the river at Betty's Pool for them to access for camping?

**Andrew Campbell** – The only direct access at the moment is controlled by Murchison House Station and that is a piece of freehold land. At Betty's Pool (which is further up) you might be able to cross but the actual crossing point that most people use is freehold land controlled by Murchison House Station and that does not form part of the proposed lease.

**Steve Cable** – At the first Council meeting I attended (since MGH became involved) access for the company across the river was brought up and we were assured that would not happen and that access had to be from the North West Coastal Highway. I have heard a lot of rumours that they are going to try and come across the river and if they do that, Kalbarri as a townsite is done. The amenity of this town does not fit into mining and I know because I've spent my whole life up north.

Do you support the fact that they are going to try and come across the river or are you going to try and block it within your powers?

**Andrew Campbell** – As stated previously, the access at the moment is controlled by Murchison House Station as part of their land lease agreement. If you have a look at the map the road access for the project extends to North West Coastal Highway.



**Sue Robinson** – With this proposal I am wondering if the firm have done any studies on the impact to the humans with the ammonia residue that is supposed to be getting blown around?

**Andrew Campbell** – That could form part of the EPA scrutiny and any emission from that site would form part of that scrutiny and they would be required to undergo a PER process. Once they go through that process they will release a very significant document that will have results and everybody will have a chance to view and make comments against that. We are only speculating if that has actually been done or not. My advice is to wait until that document comes out and if you are concerned about it or what is in there you can make a submission to that environmental review process. Again, the State Government undertakes that process not the Shire of Northampton.

**Brian Robinson** – As part of the preliminary assessment that was done by the EPA, they have specified a requirement for a Social Impact Assessment, which has to look at all social impacts. I am very confident that they will have to address that aspect whether they have or not we have not been advised.

**Sue Robinson** – I am concerned and want to know if there are other places world-wide where they have done this and would those results be included.

**Brian Robinson** – I am sure that there probably are but I am not an environmental expert nor have I undertaken research in that area.

**Andrew Campbell** – Generally what happens when there is a Public Environmental Review, a team of scientists not only look at the proposal they also benchmark against other things that have effectively gone wrong in the world. They will take that into consideration in their determination and will look at some previous history that will form part of their final decision making. The EPA is supposed to be independent of the State Government and therefore not be influenced by politics. We need to trust in the system that they will get that right. I have been involved with other PER processes and can confirm that those processes have a very, very high level of scrutiny. Often the Environmental Protection Authority will seek instruction from peak organisations such as the CSIRO in relation to that sort of thing.

**Greg McCallum-Rowe** – Will the Shire support the people who want an easement and want to keep the area around the lease available as public space so that the Hydrogen Plant has a boundary and you can circulate around that boundary without being cut off from this side of the river or along the coastline? Will the Council support the people on that idea?

**Andrew Campbell** – I can't speak for the Council in relation to a future decision that they may have to make regarding a complex Scheme Amendment relating to this project. However, 'recreation' in that particular area is identified in the current Strategic Community Plan with a project being the development of a designated road between Kalbarri and Shark Bay. That gives you an indication that Council supports recreation activities north along the coastline from Kalbarri. The decision would probably have to be made if Council was called upon to make a decision in relation to the complex Scheme Amendment.

**Greg McCallum-Rowe** – My question is based on the expectation that the plant will go ahead. When they make ammonia they will need to have air monitoring, it will be about the quality of the air. Would the Council consider purchasing their own independent air monitoring system so we know if any changes arise between the plant and the town on a day to day basis? I have asked this question to the Hydrogen plant people and they confirmed they will be doing air monitoring however those results would not be made available to the public and they would probably do a report on a yearly basis. I asked them if they would create a website so that results could be viewed live however they were not interested.

**Andrew Campbell** – If the project was to get that far, the requirements for air monitoring will be set by the EPA. MGH will be under licence with obligation to do what their licence specifies. If concern about health within communities arose, the first trigger would be going through the EPA or the Department of Water and Environmental Regulation (DWER) who are the carriers of the EPA's decisions and are required to obtain the necessary data to justify that claim. For Shire of Northampton to undertake that level of monitoring would be quite an expensive exercise and require high end equipment that requires calibrating etc. The answer is not a no, but it could be that the obligation is on the company to comply with their licence.

**Mark Pennington** – Is the Council responsible for the upkeep of the park in Capital Hill?

**Neil Broadhurst** – Yes that was a subdivision that is the Shire's responsibility now and is one of our park and garden areas.

**Mark Pennington** – That park was green grass originally and is now a sandpit. It is just barren with dead weeds.

**Neil Broadhurst** – There has been a few environmental issues up there but it not a forgotten area but has had issues with animal control, wind and sand erosion and been a problem area.

**Mark Pennington** – You had a road sweeper in town recently? Why doesn't the sweeper get to the subdivisions up the hill?

**Neil Broadhurst** – We do not own the street sweeper that we had up here a few weeks ago. It was contracted to primarily deal with Glass Street and Kaiber Streets as part of the Aggregate Reseal Program within our budget. We do try to get them here however this activity is restricted by our budget. If you consider a particular street requires sand or material removal you are welcome to lodge a request with the Shire. We do try to contract the street sweeper prior to Easter and Christmas holiday periods with this activity focussing on the main street as that is utilised the most. If we can fit in other streets at that time then we look to those that are assessed as being highly utilised streets or been highlighted as requiring sweeping.

**Brad Norman** – Who is responsible for the monitoring the dust that blows off the Garnet mines south of town?

**Andrew Campbell** – Both of the garnet mines operate under licence from the organisation DMIRS (Department of Mining, Industry, Regulation and Safety), they are the organisation responsible for ensuring that dust levels meet that criteria and are monitored properly and comply with license requirements. The Shire has extensively made complaints about the dust situation to DMIRS and you should do the same. The more complaints received the more chance action is taken as the dust levels experienced are unacceptable.

## 6. PRESENTATIONS:

6.1 Petitions: Nil.

6.2 Presentations: Nil.

6.3 Deputations: Nil.

6.4 Councillor reports

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

- 12/01/2025 – Meeting with Cr Richard Burges in relation to Foreshore Redevelopment Proposed Works.
- 14/01/2025 – Phone meeting with Lara Dalton re potential small infrastructure funding opportunities.
- 22/01/2025 – Attended Kalbarri Visitors' Centre Committee Meeting, via Teams.
- 23/01/2025 – Along with the CEO met with Stephen Mongoo and Jacko Whitby, Nanda elders at the Northampton Chambers.
- 26/01/2025 – Attended and gave a presentation at Australia Day Breakfast function at Northampton RSL hall.
- 30/01/2025 – Along with other Councillors and staff, met with Minister for Regional Development, Don Punch, and MCDG CEO, Nils Hay at Kalbarri.
- 06/02/2025 – Attended Annual Electors' Meeting at Horrocks Community Centre.
- 07/02/2025 – Attended workshop with Becky Clark to prepare for Strategic Community Plan meetings at Northampton Chambers.
- 11/02/2025 – Attended PAG (Project Advisory Group) meeting of Regional Drought Resilience Plan (Shires of NR, CV and CGG plus other stakeholders) via Teams.
- 12/02/2025 – Attended Strategic Community Plan Workshops: Horrocks in the morning and Kalbarri in the afternoon.
- 17/02/2025 – Attended a welcome function hosted by Mayor Clune, CGG to meet the Governor General of Australia, Her Excellency Sam Mostyn at the Multi-Purpose Centre, Geraldton.

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

- 30/01/2025 – Along with other Councillors and staff, met with Minister for Regional Development, Don Punch, and MCDG CEO, Nils Hay at Kalbarri.

- 07/02/2025 – Attended workshop with Becky Clark to prepare for Strategic Community Plan meetings at Northampton Chambers.

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

- 30/01/2025 – Kalbarri Development Association meeting.
- 07/02/2025 – Attended workshop with Becky Clark to prepare for Strategic Community Plan meetings at Northampton Chambers.
- 12/02/2025 – Attended Strategic Community Plan Workshop held at the Allen Centre, Kalbarri.

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

- 05/02/2025 - Northampton Community Centre committee meeting
- 07/02/2025 – Attended workshop with Becky Clark to prepare for Strategic Community Plan meetings at Northampton Chambers.
- 13/02/2025 – Attended Strategic Community Plan Workshops: Port Gregory in the morning and Northampton in the afternoon.
- 15/02/2025 – Northampton Community Centre Strategic Planning meeting.
- 17/02/2025 - Volunteer Bush Fire Brigade Strategic Planning meeting.

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

- 30/01/2025 – Along with other Councillors and staff, met with Minister for Regional Development, Don Punch, and MCDC CEO, Nils Hay at Kalbarri.
- 06/02/2025 – Attended Annual Electors' Meeting at Horrocks Community Centre.
- 07/02/2025 – Attended workshop with Becky Clark to prepare for Strategic Community Plan meetings at Northampton Chambers.
- 12/02/2025 – Attended Strategic Community Plan Workshop held at Horrocks Community Centre.
- 13/02/2025 – Attended Strategic Community Plan Workshops: Port Gregory in the morning and Northampton in the afternoon.

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

- 02/01/2025 – Meeting with Kalbarri Board Riders Group.
- 12/01/2025 – Met with Cr Liz Sudlow regarding Kalbarri Foreshore Redevelopment Proposed Works.
- 17/01/2025 – Met with CEO, Mr Andrew Campbell regarding Kalbarri Foreshore Redevelopment Proposed Works.
- 30/01/2025 – Along with other Councillors and staff, met with Minister for Regional Development, Don Punch, and MCDC CEO, Nils Hay at Kalbarri.
- 30/01/2025 – Kalbarri Development Association meeting.
- 07/02/2025 – Attended workshop with Becky Clark to prepare for Strategic Community Plan meetings at Northampton Chambers.
- 12/02/2025 – Attended Strategic Community Plan Workshop held at Allen Centre, Kalbarri.
- 13/02/2025 – Attended Strategic Community Plan Workshop held at Community Hall, Port Gregory.

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

- 06/02/2025 – Attended Annual Electors' Meeting at Horrocks Community Centre.
- 06/02/2025 – Met with Port Gregory community in lieu of the Strategic Community Plan Workshop to be held on 13/02/2025.
- 07/02/2025 – Attended workshop with Becky Clark to prepare for Strategic Community Plan meetings at Northampton Chambers via Teams.

6.5 Conference reports: Nil.

## 7. CONFIRMATION OF MINUTES:

**MOVED: Suckling, R      SECONDED: Gibb, T**

**02/25-01**

**That the Minutes of the Ordinary Meeting of the Council held on 19 December 2024 be confirmed.**

**MOTION CARRIED 7/0**

**FOR**

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

**AGAINST**

## 8. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:

Councillor Hay declared a Financial Interest in Item 8.1 and left the Chambers at 14:36 pm.

### 8.1 Request for a Strategic Review of Port Gregory Water Supply to Determine Priorities

At the Council meeting 19 December 2024, the following Notice of Motion was moved by Councillor Karl Suckling

**“That the Port Gregory water supply issues are identified through a strategic review of that water supply to determine priorities.”**

#### Chief Executive Officer Comment

There is no doubt there has been issues associated with the continuous supply of sufficient non-potable water to the Port Gregory town site and BASF over

many years. Issues have likely manifested through infrastructure failure, water consumption, and system capacity to supply water demand.

The cost of water provision is offset by a Special Area Rate payable by water users based on their individual Port Gregory property Gross Rental Valuations (GRV). Currently there are 55 properties utilising the water service paying a Special Area Rate of 0.038680 cents in the GRV dollar equating to \$29,000 in payments in 2024/25. In addition to this BASF pay a set charge of \$1,000 for non-potable water consumption. It is important that Council are aware that when applying a Special Area Rate, the revenue received must not exceed the expenditure of the organisation used to provide the water supply. The current 2024/25 budgeted operational expense (minus capital, abnormal and depreciation expense) is listed at \$29,281 however with breakdowns and issues experienced this year, this expense amount is likely to be considerably higher.

It also appears BASF have been recently criticised for their water consumption by the Port Gregory community, enough in fact for their Manager to reach out to the CEO expressing concern about what has been recently said. In an email received by the CEO on 7 January 2025, in 2024 BASF claim to have only used a total of 17,800L of metered reticulated water provided by the Shire of Northampton (Shire) for their kitchen and ablutions, and for this they pay \$1,000 per annum. Their other process water is provided by a treated soak onsite.

The Shire has been attempting to improve the Port Gregory water system in the last few years and has set aside funds for this purpose. It is considered that a documented strategic improvement approach to the Port Gregory Water Supply would be beneficial. To produce this strategic approach, it is considered that a detailed understanding of the water system and how it is used would need to be undertaken prior to any recommendations being made. GHD has already been engaged to evaluate and provide recommendations to the Shire for the water supply infrastructure between the town tanks and end users as part of the 2024/25 budget.

The CEO has technical competence in this area that could be utilised to produce a report that would guide a future Port Gregory Water Supply improvement program by consolidating the consultancy advice of GHD and making further assessment on infrastructure between the town tank and bore field. The CEO's knowledge and experience comes from both Environmental Health Officer qualification plus also having many years of previous management and operational oversight responsibility for a much larger, but similar, potable water supply provided by the Shire of Manjimup to the Windy Harbour settlement in the southwest of Western Australia. The issue for the CEO in doing this work is that it will significantly increase immediate work demand in what is an already demanding role with established key performance priorities that must be met. The other option available to Council would be to engage a consultant to do this work, however the cost of this has yet to be explored in any detail and most likely would need to be factored into the 2025/26 budget.

**VOTING REQUIREMENTS****SIMPLE MAJORITY****CR K. SUCKLING RECOMMENDATION:**

That the Port Gregory water supply issues are identified through a strategic review of that water supply to determine priorities.

**COUNCIL RESOLUTION**

**MOVED:** Suckling, K      **SECONDED:** Burges, R  
02/25-02

That the Port Gregory water supply issues are identified through a strategic review of that water supply to determine priorities.

**MOTION CARRIED 6/0**

**FOR**

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

**AGAINST**

Councillor Hay returned to the Chambers at 14:37 pm.

**9. OFFICERS' REPORTS:**

9.1.1	2023/24 Compliance Audit Return
9.1.2	Report Back on Delegation from Council to Chief Executive Officer 20 December 2024 to 3 February 2025
9.1.3	Chief Executive Officer Activity Report October 2024 to December 2024
9.1.4	Appointment of Acting Chief Executive Officer During Chief Executive Officer Annual Leave
9.1.5	Unconfirmed Minutes of the 2023/24 Annual Electors Meeting
9.2.1	Monthly Financial Statements for the Period Ending 31 December 2024
9.2.2	Monthly Financial Statements for the Period Ending 31 January 2025
9.2.3	Proposed Accounts for Endorsement on 20 February 2025
9.2.4	Proposed Review of Council Policy 3.1 Property Leasing
9.2.5	Proposed Review of Council Policy 1.14 Information Technology Use Policy and Proposed New Policies 2.12 Cyber Security Governance and 2.13 Social Media Use and Guidelines.

9.2.6	Proposed Review of Council Policies - 1.9 Risk Management Policy, 1.10 Legislative Compliance Policy and 1.5 Internal Control Policy.
9.3.1	Quarterly Activity Report for Manager Community, Development and Regulation October to December 2024
9.3.2	Request for Permission to Camp - Lot 69 (No 145) Hampton Road, Northampton
9.3.3	Endorsement of Consolidated Disabled Access and Inclusion Plan 2019-2024
9.3.4	Proposed Renewal of Commercial Recreational Tourism License Agreement - Canoe Safari Tours (Kalbarri Boat Hire)
9.4.1	Retrospective Application for a Change of Use from a 'Dwelling' to 'Holiday House' at Lot 686 (Unit 1/19) Waikiri Parade, Kalbarri
9.4.2	Retrospective Application for a Change of Use from a 'Dwelling' to 'Holiday House' at Lot 127 (No. 21) Lawrencia Loop, Kalbarri
9.4.3	Proposed Land Tenure - Murchison House Station
9.4.4	Delegated Planning Decisions for December 2024 and January 2025
9.4.5	Proposed Drilling and Temporary Accommodation Camps - Vacant Crown Land and Lot 5005 (3810) Balla-Whelarra Road, Binu
9.4.6	Proposed Dwelling Using Shipping Containers - Lot 85 (No 45) Darwinia Drive, Kalbarri
9.5.1	Building Approvals Report December 2024 and January 2025
9.6.1	Kalbarri Open Air Music Festival 4 & 5 April 2025 - Request to Amend Finish Time
9.8.1	Information Items - Maintenance/Construction - Works Program
9.9.1	Proposed Road Infrastructure and Plant Advisory Committee



**ATTACHMENT****9.4.3 Proposed Land Tenure - Murchison House Station**

<b>PROPONENT</b>	Department of Planning, Lands and Heritage Murchison Green Hydrogen as subsidiary of Copenhagen Infrastructure Partners (CIP)
<b>OWNER</b>	Crown Land (Pastoral Lease)
<b>LOCATION / ADDRESS:</b>	Part Lot 944, Part Lot 1544, and Part Unallocated Crown Land (ID3846146)
<b>ZONE:</b>	Rural
<b>BUSINESS AREA:</b>	Community, Development & Regulation
<b>FILE REFERENCE:</b>	10.9.9
<b>LEGISLATION:</b>	<i>Land Administration Act 1997</i> <i>Planning and Development Act 2005</i>
<b>AUTHOR:</b>	Brian Robinson
<b>APPROVING OFFICER:</b>	Brian Robinson
<b>DATE OF REPORT:</b>	23 January 2025
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

Council is requested to consider correspondence from the Department of Planning, Lands and Heritage (DPLH) in relation to the current tenure of the Murchison House Station Pastoral Lease. By way of summary, DPLH proposes the grant of an "Option to Lease" to Murchison Green Hydrogen (MGH) to facilitate its large-scale renewable and hydrogen project over Crown Land, namely the Murchison House Station Pastoral Lease.

MGH currently holds licenses under the *Land Administration Act 1997* (LAA) for investigation and feasibility studies and the State is currently negotiating the grant of an option which will "*create an equitable interest in the land, providing a secure pathway to long term tenure*" (bankable document) subject to MHR meeting a number of conditions.

Subject to compliance with the conditions, the option guarantees the grant of the following leases for a term of 30 years, with two further terms of 15 years:

1. An 84,626ha lease for "Wind and Solar Generation, Tourism and Grazing, which is to include approximately 523 wind turbines and up to 7,000ha of solar panel arrays;
2. A lease of approximately 300ha for downstream processing facilities including approximately 43ha for Hydrogen electrolysis and 49ha for Ammonia production;
3. A lease of approximately 36ha, including 8ha for Ammonia storage and 14ha for water desalination and treatment and
4. A diversification lease of 41,482ha for "Conservation Activities for Environmental Offsets, Cultural Purposes and Tourism."

Additionally, MHR will be required to work with the relevant Government agencies to facilitate two ancillary tenure grants for the marine port facility and tenure for access to the project.

In order to facilitate the Project, DPLH is seeking the Shire's comments in respect to the following:

1. The project;
2. An option grant under section 88 of the LAA; and
3. Final tenure outcomes:
  - a. Four (4) leases under the LAA, including whether support is given to crown lease 4, being a section 79 lease or a section 92B Diversification Lease.
  - b. Port reserve creation and subsequent vesting under the *Port Authorities Act 1999*;
  - c. Access requirements via a dedicated road or via an easement.

A copy of the correspondence received is shown at Attachment: 9.4.3 (1), whilst copies of the proposed lease areas is shown at Attachment: 9.4.3 (2).

**ATTACHMENT: 9.4.3 (1)**  
**ATTACHMENT: 9.4.3 (2)**

**PUBLIC CONSULTATION UNDERTAKEN:**  
 Nil.

**COMMENT (Includes Options):**

To assist Council in determining its response to DPLH, the following advice and comments are provided to Council.

Zoning

The provisions of the Shire's Local Planning Scheme No 10 (the Scheme) include the subject land within the Rural Zone. The permissibility of each component of the project is identified under the heading Proposal Leases section below.

Time Period for Comment

An email from DPLH received by the Shire on 16 December 2024, outlined that the Shire's response would be appreciated by 24 January 2025, but an extension could be sought. In response the Shire's Chief Executive Officer advised that given the significance of the project, the request for comment was to be considered at the first available Council meeting, being 20 February 2025.

To ensure Council's comments are considered, it is recommended that Council resolve its position at this meeting.

Proposal Leases

1. Proposed Crown Lease 1 being a 84,626ha Lease Area for Wind, Solar, Tourism and Grazing.

As detailed within the Background section of this agenda item, a lease for “Wind and Solar Generation, Tourism and Grazing, which is to include approximately 523 wind turbines and up 7,000ha of solar panel arrays.

Although Wind and Solar Generation are consistent with the land use definition of Renewable Energy Facility, which the Scheme defines as follows:

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

A “renewable energy facility” is an “A” use within the Rural Zone. That is a *“use which is not permitted unless the local government has exercised its discretion by granting development approval after giving special notice in accordance with clause 64 of the deemed provisions.”*

It should be noted that the State Government has identified the project as a project of State Significance by the State Government, the future application for a Development Approval will be determined by the State under the Significant Development Pathway. In accordance with Section 11B of the Planning and Development Act 2005, the application will be assessed by the State Development Assessment Unit and determined by the Western Australian Planning Commission.

It is also noted that within previous documentation supplied to the Shire, a total of 450 wind turbines were being proposed. This number has now increased to 523 turbines. The area of solar array has not changed.

2. Crown Lease Areas 2 & 3 – Leases of 300ha for downstream processing and 36ha for Storage, Utilities and Laydown.

The downstream processing to be undertaken on site is subject to a Scheme Amendment process as the industrial nature of the use is not permitted within the Rural Zone under the current provisions of the Scheme.

It should be noted that the area of lease areas 2 and 3 are substantially smaller than the area to be considered as part of the Scheme Amendment process. Further information on the Scheme Amendment is provided within the balance of this agenda item.

3. Crown Lease 4 – Conservation Activities for Environmental Offsets, Cultural Purposes and Tourism.

This 41,482ha area lease area is based about the northern side of the Murchison River. Although it is not known ultimately what uses may be

proposed for this area, the current zoning permits a wide range of tourist activities to be considered.

This lease area would effectively be excluded from the development footprint of the project.

#### Proposed Lease Conditions

As reflected at Attachment: 9.4.3 (1), are to be granted subject to the proponent meeting a number of Conditions. These conditions including Development, Environment and Planning Approvals under the *Planning and Development Act 2005* along with many other approvals.

Whilst completion of a Scheme Amendment process could be considered as an approval under the Act, there is a statutory process required to be undertaken. There is no guarantee that the Scheme Amendment will be successful at this stage.

#### Scheme Amendment Process

As detailed above, before activities proposed within Crown Leases 2 and 3 can be entertained under the Scheme, the Scheme provisions require amendment.

During 2024, Council was requested to consider initiating and adopting a Scheme Amendment for the purposes of advertising in order to rezone a 3,881ha area of land from "Rural" to "General Industry". This area to be reduced following completion of design works.

On the last occasion (15 August 2024), Council was requested to consider a revised Scheme Amendment Report dated 31 July 2024, a draft Deed of Agreement with the Shire and a legal opinion on the Deed of Agreement supplied by solicitors Civic Legal.

By way of summary, Council resolved (Resolution 08/24) to defer consideration of the amendment pending multiple modifications to the Amendment documentation and the Deed of Agreement. The proponents are yet to provide revised documentation in accordance with the Shire's resolution but have continued to work on the Social Impact Assessment.

As the areas of proposed Crown Leases 2 and 3 are significantly smaller than those contained within the proposed Scheme Amendment, it assumed that the proponents have refined the design and associated development footprint.

Given that the activities associated with Crown Leases 2 and 3 cannot be considered until such time as a Scheme Amendment process is completed, it is considered that the identification of a such as specific area is premature and may be used by the proponent to strengthen reasoning as to why the Scheme should be amended.

#### Effect of Tenure Change

As the land is currently subject of a Crown Lease, the proposed tenure will not impact on the approval processes. However, there is potential for the approval

to Crown Leases 2 and 3 to be seen as justifying or prejudicing the Local Planning Scheme Amendment process.

### Conclusion

Proposed Crown Lease Area 4 will effectively quarantine a 41,482ha area of the land from development associated with the project. It is therefore recommended that Council support the creation of that lease.

In terms of proposed Crown Leases 2 and 3, for the reasons stated above, it is considered premature for these leases to be established given that the resultant uses are currently prohibited on the subject land. It is therefore recommended that Council object to proposed Crown Leases 2 and 3.

Finally with respect to proposed Crown Lease 1, the uses to be facilitate under this lease are uses that can be entertained under the current zoning of the land. As the application for the turbines, solar arrays and workers accommodation will be determined by the State, it is considered that this proposed lease should be supported subject to the proponents obtaining the required approvals after a public consultation process as required by the provisions of Local Planning Scheme No 10.

### **STATUTORY ENVIRONMENT:**

*Land Administration Act 1997 and Planning and Development Act 2005.*

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

To date no public consultation processes have been undertaken in respect of the proposed Scheme Amendment or applications for Development Approval, which will ultimately be determined by the State.

The Shire has been made aware that there is potential for significant opposition to the proposed Wind Turbines and Processing Facility to be identified during advertising of the associated application for Development Approval. Modification of the current tenure as proposed should not be construed as approval to the project.

### **ORGANISATIONAL RISK MANAGEMENT:**

Risk rating is considered Moderate given the potential opposition to the project that exists within the Shire.

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: Modification of the tenure to reflect the proposed processing facility could be construed by members of the public as a form of approval to the project.

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

That Council, with respect to the correspondence shown at Attachment: 9.4.3 (1) and associated maps showing the proposed Crown Lease Areas at Attachment: 9.4.3 (2), request the Chief Executive to advise the Department of Planning, Lands and Heritage that Council:

1. Has no objection to proposed Crown Lease Area 4 as proposed;
2. Objects to proposed Crown Lease Areas 2 and 3 on the following basis:
  - a) The uses reflected within the lease purpose are currently prohibited on the subject land;
  - b) The areas identified for proposed Crown Leases 2 and 3 are not consistent with request to initiate and adopt, for the purposes of advertising, a scheme amendment as considered by Council on 15 August 2024; and
  - c) Approval to the Crown Lease could be seen to be circumventing the Scheme Amendment process, with potential for the lease purpose to be used to justify the Scheme Amendment.

**COUNCIL RESOLUTION:**

**AMENDMENT TO MOTION:**

**MOVED: Sudlow, L      SECONDED: Burges, R**

**02/25-03**

**That Council:**

- 1. Advise the Department of Planning, Lands and Heritage that the Shire of Northampton objects to Crown leases as proposed on the following grounds:**
  - i. The proposed land uses currently have no status given that required Amendments to the Local Planning Scheme are yet to be completed and no application for Development Approval has been sought. The granting of a lease for these specific purposes is therefore premature; and**
  - ii. No provision has been made to ensure ongoing public free and unfettered access to the coast or Murchison River foreshore reserves, which has potential to result in members of the public being denied the opportunity to participate in the wide range of recreational activities that they currently enjoy; and**
- 2. Request the Shire President and Chief Executive Officer be requested to liaise with the relevant Ministers over this matter and the reasoning behind the Council's recommendation.**

**MOTION CARRIED 7/0**

**FOR**

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

**AGAINST**

**ATTACHMENT****9.1.1 2023/24 Compliance Audit Return**

<b>PROPONENT</b>	Shire of Northampton
<b>OWNER</b>	Shire of Northampton
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>ZONE:</b>	All
<b>BUSINESS AREA:</b>	Office of CEO
<b>FILE REFERENCE:</b>	1.1.3
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Andrew Campbell
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	6 January 2025
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

Each year the Chief Executive Officer (CEO) is tasked with providing a Compliance Audit Return (CAR) to the Department of Local Government, Sport and Cultural Industries (DLGSC) as required by a templated questionnaire in an online submission.

The CEO has completed the 2023/24 CAR and is presenting this to Council for endorsement prior to making the DLGSC submission required before 31 March 2025. A copy of the CAR is attached.

**ATTACHMENT: 9.1.1 (1)**

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

Ordinarily the CEO would present the CAR to the Audit and Risk Management Advisory Committee (Committee) for consideration, however given organisational governance processes have improved significantly within the last year, the Committee has recently met twice in December 2024 to discuss a range of matters, and the only finding in the CAR has already been considered by the Committee and endorsed by Council, there appears little point in holding another Committee meeting just to discuss the CAR.

The CAR finding relates to the lateness of submission of the draft financial statements by the Shire of Northampton (Shire). The Shire lost a key senior employee on 31 May 2024 who was responsible for financial control. As a result of this the new employee commenced and identified, in conjunction with consultancy support, deficiencies in the approach to Shire accounts that required correction. An extension to the submission deadline was sought and received from the DLGSC until the 25 October 2024 to enable corrections to be made and the final draft accounts were submitted by the next available working day on 28 October 2024, making it technically one working day overdue. The Shire's auditors identified this matter as a significant finding in their 2023/24



Management Report and consequentially, after the Committee and Council had endorsed the findings, the Shire has already written to the Minister for Local Government to explain the non-compliance finding in accordance with the provisions of the *Local Government Act 1995*.

It is recommended that Council endorse the 2023/24 Compliance Audit Return as presented.

### STATUTORY ENVIRONMENT:

The *Local Government Act 1995* requires every Local Government in Western Australia to submit a Compliance Audit Return annually by 31 March.

### POLICY / STRATEGIC IMPLICATIONS:

Nil.

### ORGANISATIONAL RISK MANAGEMENT:

Risk rating is considered Moderate as good governance is an important compliance matter for Local Government.

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

### FINANCIAL IMPLICATIONS:

Nil.

**SUSTAINABILITY:**

Environmental: Nil.

Economic: Nil.

Social: Nil.

**VOTING REQUIREMENTS:                      SIMPLE MAJORITY**

**OFFICER RECOMMENDATION:**

**That Council endorse the 2023/24 Compliance Audit Return in accordance with ATTACHMENT: 9.1.1 (1).**

**COUNCIL RESOLUTION:**

**MOVED: Hay, T                      SECONDED: Burges, R**

**02/25-04**

**That Council endorse the 2023/24 Compliance Audit Return in accordance with ATTACHMENT: 9.1.1 (1).**

**MOTION CARRIED 7/0**

**FOR**

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

**AGAINST**

### 9.1.2 Report Back on Delegation from Council to Chief Executive Officer 20 December 2024 to 3 February 2025

<b>PROPONENT</b>	Chief Executive Officer
<b>OWNER</b>	Shire of Northampton
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>ZONE:</b>	All
<b>BUSINESS AREA:</b>	Office of CEO
<b>FILE REFERENCE:</b>	4.1.14
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Andrew Campbell
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	8 January 2025
<b>DECLARATION OF INTEREST:</b>	Nil

#### BACKGROUND:

At the Council meeting 21 November 2024, Council resolved the following:

#### COUNCIL RESOLUTION:

**MOVED:** Pike, D

**SECONDED:** Suckling, R

**11/24-01**

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

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

**MOTION CARRIED 8/0**

The purpose of this report is for the Chief Executive Officer to report back to Council on the exercise of delegation during this period.

#### PUBLIC CONSULTATION UNDERTAKEN:

Nil.

**COMMENT (Includes Options):**

During the period 20 December 2024 to 3 February 2024 the Chief Executive Officer made one delegated decision with the consent of the Shire President as outlined by the following:

The proposal relates to temporarily extending a Commercial Recreation Licence (CRT No:2021-001) for Kalbarri Boat Hire/Canoe Tours for a period of three months until 21 March 2025 whilst a Development Application from the proponent can be considered by Council before a new Licence can be considered. The reason for the requirement for a new Development Application is that the Licence expired on 21 December 2024.

Business: **Kalbarri Boat Hire and Canoe Tours**

Owner: **JC and K Deadman**

Location: **R12996, R26591, Lot 12678 and Lot 202 Murchison River Foreshore, Kalbarri**

Purpose: **Temporary Extension of Commercial Recreation Tourism Licence CRT No:2021-001 to enable Development Application consideration by Council.**

Duration: **Three months until 21 March 2025**

**STATUTORY ENVIRONMENT:**

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

**POLICY / STRATEGIC IMPLICATIONS:**

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

**ORGANISATIONAL RISK MANAGEMENT:**

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

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response
Minor (2)	First aid injuries	\$1,001 - \$10,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response
Moderate (3)	Medical type injuries	\$10,001 - \$50,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact, moderate news profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies

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

**FINANCIAL IMPLICATIONS:**

Nil.

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

That Council note the exercise of delegation by the Chief Executive Officer by temporarily extending Commercial Recreation Tourism Licence CRT No:2021-001 until 21 March 2025.

**COUNCIL RESOLUTION:**

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

**02/25-05**

That Council note the exercise of delegation by the Chief Executive Officer by temporarily extending Commercial Recreation Tourism Licence CRT No:2021-001 until 21 March 2025.

**MOTION CARRIED 7/0****FOR**

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

**AGAINST**

**ATTACHMENT****9.1.3 Chief Executive Officer Activity Report October 2024 to December 2024**

<b>PROPONENT</b>	Chief Executive Officer
<b>OWNER</b>	N/A
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>ZONE:</b>	All
<b>BUSINESS AREA:</b>	Office of CEO
<b>FILE REFERENCE:</b>	N/A
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Andrew Campbell
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	9 January 2025
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

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

A copy of the CEO Activity Report October 2024 to December 2024 is attached.

**ATTACHMENT: 9.1.3 (1)****PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

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

**STATUTORY ENVIRONMENT:**

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

**POLICY / STRATEGIC IMPLICATIONS:**

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

**ORGANISATIONAL RISK MANAGEMENT:**

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

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

**FINANCIAL IMPLICATIONS:**

Nil.

**SUSTAINABILITY:**

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

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

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

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

**That Council receive the Chief Executive Officer Activity Report October 2024 to December 2024 in accordance with ATTACHMENT: 9.1.3(1).**

**COUNCIL RESOLUTION:**

**MOVED: Gibb, T**

**SECONDED: Suckling, K**

**02/25-06**

**That Council receive the Chief Executive Officer Activity Report October 2024 to December 2024 in accordance with ATTACHMENT: 9.1.3(1).**

**MOTION CARRIED 7/0**

**FOR**

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

**AGAINST**



**APPENDIX****9.1.4 Appointment of Acting Chief Executive Officer During Chief Executive Officer Annual Leave**

<b>PROPONENT</b>	Chief Executive Officer
<b>OWNER</b>	Shire of Northampton
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>ZONE:</b>	All
<b>BUSINESS AREA:</b>	Office of CEO
<b>FILE REFERENCE:</b>	17.1.6
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Andrew Campbell
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	13 January 2025
<b>DECLARATION OF INTEREST:</b>	The Chief Executive Officer is the subject of this report.

**BACKGROUND:**

The Chief Executive Officer (CEO) has leave scheduled from 7 March 2025 returning 4 April 2025, a period of 21 working days. The CEO's leave has already been approved in advance by the Shire President as per standard practice.

In accordance with *Council Policy 2.2 Appointment of Acting Chief Executive Officer and Senior Employees* (Policy) as the period of leave exceeds 20 working days, Council is required to appoint an Acting Chief Executive Officer (A/CEO). A copy of the Policy is appended.

**APPENDIX: 9.1.4 (A)****PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

In any period of CEO leave of 20 working days or less, the CEO has the delegation to appoint an A/CEO which occurs from time to time. Periods of leave greater than 20 working days require Council to make the appointment of the A/CEO. The reason for this is that arbitrarily, the period of leave exceeding 20 working days is significant and would involve a period of time that includes a Council meeting and other significant engagements requiring detailed oversight and detailed decision making of the CEO. On this basis it is considered that Council should therefore be making the appointment of the A/CEO and that is why the Policy exists.

Given the governance, reporting and compliance focus of an A/CEO, the role would be ordinarily assigned to the Executive Manager Community, Development and Regulation (EMCDR). However, during this occurrence of CEO leave, there is a short crossover with approved EMCDR's annual leave

period (5 working days) where the Executive Manager Works and Technical Services (EMWTS) will be the only Senior Employee available in the organisation. Whilst having only one Senior Employee available does occur quite regularly without issue throughout the year, it is an excellent opportunity for EMWTS for further development of corporate knowledge and skills in the A/CEO role.

### STATUTORY ENVIRONMENT:

Under the *Local Government Act 1995* the Shire of Northampton must constantly employ a CEO including an A/CEO in periods of absence of the CEO.

### POLICY / STRATEGIC IMPLICATIONS:

*Council Policy 2.2 Appointment of Acting Chief Executive Officer and Senior Employees* is the Policy applicable to this matter.

### ORGANISATIONAL RISK MANAGEMENT:

Risk rating is considered Moderate as failure to appoint an A/CEO would have significant consequence across a range of categories.

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:

Annual Leave is factored into existing budgets.

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

That Council appoint the following Senior Employees to the position of Acting Chief Executive Officer between the Chief Executive Officers leave period of 7 March 2025 to 4 April 2025:

1. Mr Neil Broadhurst (Executive Manager Works and Technical Services) from 7 March 2025 to 13 March 2025; and
2. Mr Brian Robinson (Executive Manager Community, Development and Regulation) from 14 March 2025 to 4 April 2025.

**COUNCIL RESOLUTION:****AMENDMENT TO MOTION:**

**MOVED:** Sudlow, L                      **SECONDED:** Gibb, T  
02/25-07

That Council appoint the following Senior Employees to the position of Acting Chief Executive Officer between the Chief Executive Officers leave period of 7 March 2025 to 4 April 2025:

1. Mr Neil Broadhurst (Executive Manager Works and Technical Services) for 7 March 2025; and
2. Mr Brian Robinson (Executive Manager Community, Development and Regulation) from 10 March 2025 to 4 April 2025.

**MOTION CARRIED 7/0****FOR**

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

**AGAINST****CARRIED: 7/0**

**ATTACHMENT****9.1.5 Unconfirmed Minutes of the 2023/24 Annual Electors Meeting**

<b>PROPONENT</b>	Chief Executive Officer
<b>OWNER</b>	Shire of Northampton
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>ZONE:</b>	All
<b>BUSINESS AREA:</b>	Office of CEO
<b>FILE REFERENCE:</b>	1.1.3
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Andrew Campbell
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	6 February 2025
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

At the meeting 19 December 2024 Council resolved:

**OFFICER RECOMMENDATION:**

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

**12/24-01**

**That Council:**

- 1) Adopt the 2024 Annual Report including the 2023/24 Annual Financial Report as tabled;**
- 2) Publish the 2024 Annual Report on the Shire website within 14 days of Council's resolution to accept it;**
- 3) Endorse the scheduling of the 2023/24 Annual Electors Meeting to be held in the Horrocks Community Centre, Glance Street, Horrocks on Thursday 6 February 2025 commencing at 5pm; and**
- 4) Request the Chief Executive Officer give local public notice of the 2023/24 Annual Electors Meeting and the availability of the 2024 Annual Report for the Shire of Northampton.**

**MOTION CARRIED 7/0**

As per the resolution of Council, the 2023/24 Annual Electors meeting was held on 6 February 2025 commencing at 5pm at the Horrocks Community Centre. The purpose of this report is for Council to receive the 2023/24 Annual Electors Meeting minutes and address any matter raised as part of that meeting.

**PUBLIC CONSULTATION UNDERTAKEN:**

The 2023/24 Annual Electors Meeting was advertised in the Geraldton Guardian, Mid West Times, Northampton News, Kalbarri Town Talk and the Shire of Northampton website.

**COMMENT (Includes Options):**

The Minutes of the 2023/24 Annual Electors Meeting are attached.

**ATTACHMENT: 9.1.5 (1)**

Arising from the Annual Electors Meetings the following resolutions were made:

<b>RESOLUTION</b>	<b>ADMINISTRATION COMMENT</b>
<b>The minutes of the 2022/23 Annual Electors Meeting held on 8 February 2024 be confirmed as true and correct record.</b>	Noted and the matter will be dealt with administratively.
<b>That the Annual Report for the year ended 30th June 2024 be received.</b>	Noted and the matter will be dealt with administratively.

In addition to the resolutions of the meeting there were several items that require follow up by the Shire and these will be considered by the administration.

**STATUTORY ENVIRONMENT:**

Sections 5.27, 5.29 and 5.54 of the *Local Government Act 1995*. Section 5.53(2) requires the Annual Report to contain the following:

- (a) Report from the President;
- (b) Report from the CEO;
- (e) Overview of the plan for the future including major initiatives to commence next year;
- (f) Financial Report for the year;
- (g) Prescribed information regarding payment to employees;
- (h) Auditors report for the year;
- (ha) Report required under the Disabilities Services Act;
- (hb) Details regarding complaints made against Councillors during the year;
- and
- (i) Other prescribed information.

**POLICY / STRATEGIC IMPLICATIONS:**

The Annual Report captures progress against the Shire's adopted Corporate Business Plan.

**ORGANISATIONAL RISK MANAGEMENT:**

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

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

### FINANCIAL IMPLICATIONS:

The financial performance for the year ended 30 June 2024 is detailed in the 2023/24 Annual Financial Report. The organisations financial performance has also been the subject of quarterly financial review reports previously presented to and adopted by Council.

### SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

### VOTING REQUIREMENTS:

**SIMPLE MAJORITY**

### OFFICER RECOMMENDATION:

**That Council receive the minutes of the 2023/24 Annual Electors Meeting in accordance with ATTACHMENT: 9.1.5 (1).**

**COUNCIL RESOLUTION:**

**MOVED: Suckling, R      SECONDED: Pike, D**

**02/25-08**

**That Council receive the minutes of the 2023/24 Annual Electors Meeting in accordance with ATTACHMENT: 9.1.5 (1).**

**MOTION CARRIED 7/0**

**FOR**

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

**AGAINST**

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

<b>PROPONENT</b>	Shire of Northampton
<b>OWNER</b>	N/A
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>ZONE:</b>	All
<b>BUSINESS AREA:</b>	Corporate and Financial Services
<b>FILE REFERENCE:</b>	1.1.1
<b>LEGISLATION:</b>	<i>Local Government (Financial Management) Regulation 1996, Local Government Act 1995</i>
<b>AUTHOR:</b>	Leanne Rowe
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	15 January 2025
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

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

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

A copy of the Monthly Financial Report is attached.

**ATTACHMENT: 9.2.1 (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 31 December 2024 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 deficit position of \$972,527 due to timing of YTD budget figures and receiving grants (DFRAWA (\$864,054), Grants Commission (\$40,661), LRCI3 22/23 (\$98,060)), and minor above budget revenue variances; and
- total operating expenditure has a deficit position of \$1,494,968 due to DFRAWA works (\$1,694,184) and minor above budget variances across other expenditure.

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 31 December 2024 in accordance with ATTACHMENT: 9.2.1 (1).**

**COUNCIL RESOLUTION:**

**MOVED: Suckling, R              SECONDED: Hay, T**

**02/25-09**

**That Council receives the Monthly Financial Report for the period ending 31 December 2024 in accordance with ATTACHMENT: 9.2.1 (1).**

**MOTION CARRIED 7/0**

**FOR**

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

**AGAINST**

**ATTACHMENT****9.2.2 Monthly Financial Statements for the Period Ending 31 January 2025**

<b>PROPONENT</b>	Shire of Northampton
<b>OWNER</b>	N/A
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>ZONE:</b>	All
<b>BUSINESS AREA:</b>	Corporate and Financial Services
<b>FILE REFERENCE:</b>	1.1.1
<b>LEGISLATION:</b>	<i>Local Government (Financial Management) Regulation 1996, Local Government Act 1995</i>
<b>AUTHOR:</b>	Leanne Rowe
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	15 January 2025
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

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

The Monthly Statements of Financial Activity for the period ending 31 January 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: 9.2.2 (1)****PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

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

**STATUTORY ENVIRONMENT:**

*Local Government (Financial Management) Regulation 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 31 January 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 \$1,537,390 due to timing in receiving grants, interest revenue and interim rates,
- operating expenditure has a deficit position of \$4,488,064 due to timing in YTD budget figures and DFRAWA works completed by December 2024.

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 31 January 2025 in accordance with ATTACHMENT: 9.2.2(1).**

**COUNCIL RESOLUTION:**

**MOVED: Gibb, T                      SECONDED: Suckling, K**

**02/25-10**

**That Council receives the Monthly Financial Report for the period ending 31 January 2025 in accordance with ATTACHMENT: 9.2.2(1).**

**MOTION CARRIED 7/0**

**FOR**

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

**AGAINST**

**ATTACHMENT****9.2.3 Proposed Accounts for Endorsement on 20 February 2025**

<b>PROPONENT</b>	Shire of Northampton
<b>OWNER</b>	N/A
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>ZONE:</b>	All
<b>BUSINESS AREA:</b>	Corporate and Financial Services
<b>FILE REFERENCE:</b>	1.1.1
<b>LEGISLATION:</b>	<i>Local Government (Financial Management) Regulation 1996, Local Government Act 1995</i>
<b>AUTHOR:</b>	Leanne Rowe
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	15 January 2025
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

A full list of payments is submitted to Council on 20<sup>th</sup> February 2025 for consideration.

A copy of the Payment List is attached.

**ATTACHMENT: 9.2.3 (1)**

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

Council is requested to endorse the payments as presented.

**STATUTORY ENVIRONMENT:**

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

**POLICY / STRATEGIC IMPLICATIONS:**

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

**ORGANISATIONAL RISK MANAGEMENT:**

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

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

#### FINANCIAL IMPLICATIONS:

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

#### SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

#### VOTING REQUIREMENTS: SIMPLE MAJORITY

#### OFFICER RECOMMENDATION:

That Council note Municipal EFT payments numbered EFT27170 to EFT27443 totalling \$8,959,137.87; Municipal Fund Cheques 22536 to 22556 inclusive totalling \$20,775.74, Direct Debit payments numbered GJ0501 to GJ0508, GJ0601 to GJ0610, GJ0718 to GJ0725 inclusive, payroll and superannuation totalling \$1,129,409.18; and itemised fuel card purchases, be declared authorised expenditure in accordance with ATTACHMENT: 9.2.1 (1).

**COUNCIL RESOLUTION:****MOVED: Gibb, T****SECONDED: Suckling, R****02/25-11**

**That Council note Municipal EFT payments numbered EFT27170 to EFT27443 totalling \$8,959,137.87; Municipal Fund Cheques 22536 to 22556 inclusive totalling \$20,775.74, Direct Debit payments numbered GJ0501 to GJ0508, GJ0601 to GJ0610, GJ0718 to GJ0725 inclusive, payroll and superannuation totalling \$1,129,409.18; and itemised fuel card purchases, be declared authorised expenditure in accordance with ATTACHMENT: 9.2.1 (1).**

**MOTION CARRIED 7/0****FOR**

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

**AGAINST**



## ATTACHMENT APPENDIX

### 9.2.4 Proposed Review of Council Policy 3.1 Property Leasing

<b>PROPONENT</b>	Shire of Northampton
<b>OWNER</b>	Shire of Northampton
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>ZONE:</b>	All
<b>BUSINESS AREA:</b>	Office of CEO
<b>FILE REFERENCE:</b>	4.1.15
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Michelle Allen
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	23 January 2025
<b>DECLARATION OF INTEREST:</b>	Nil

#### **BACKGROUND:**

Council is requested to consider review of Council Policy *3.1 Property Leasing* in relation to responsibility for structural pest control.

In July 2024, Council Policy *3.1 Property Leasing* (the Policy) was developed to provide a consistent and transparent guide to setting lease terms and conditions which apply to all Shire of Northampton land and building leases, excluding residential tenancy agreements. The current policy is appended.

#### **APPENDIX: 9.2.4 (1)**

At its 19 December 2024 meeting, Council considered a proposed renewal lease agreement and the terms and conditions to be negotiated according to the current Council Policy *3.1 Property Leasing*. Council identified the need to review the Policy in relation to annual termite inspections outlined in point 3 *Pest Control* of the Schedule

The purpose of this report is to adopt the revised Policy.

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

Nil.

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

The review of the Policy has resulted in a change as recommended by Council, as follows:

<b>Proposed Change</b>	<b>Reason</b>
Termite inspections, annually unless otherwise agreed. Conducted by a	To be itemised in the Schedule as a Shire (Lessor) responsibility.

licensed pest control operator with certification to be provided. Treatment for termites when required.	
3.1 Property Leasing	Reallocated to 2.14 Property Leasing

Generally, industry standards recognise responsibility for pest control (such as termites) rests with the property owner with the exception of standard pests caused by a tenant's habitation or lack of cleanliness.

To keep a building safe and fit for habitation is a combined responsibility of both the Lessor (owner) and Lessee (tenant). Council determined the Lessor (Shire) to be responsible for pest control in relation to the structural integrity of its assets (Shire buildings) and control of termites on an annual basis should be reallocated within the Policy. As a consequence, Council Policy 3.1 *Property Leasing* should be updated to redirect responsibility for annual termite inspections and control in relation to Council properties to the Shire of Northampton.

A copy of the revised Policy 2.14 *Property Leasing* is attached and recommended for Council approval.

#### **ATTACHMENT: 9.2.4 (1)**

#### **STATUTORY ENVIRONMENT:**

Policies are created under the *Local Government Act 1995*.

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

This is a review of an existing policy.

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

Risk rating is considered Minor as there will be no interruption to the provision of pest control by reallocating responsibility to the property owner, being the Shire of Northampton.

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:

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

All Shire building maintenance and capital improvements will be according to the annual budget and forward capital works planning.

### SUSTAINABILITY:

Environmental: Nil.

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

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

### VOTING REQUIREMENTS: SIMPLE MAJORITY

### OFFICER RECOMMENDATION:

That Council adopt revised Corporate Policy 2.14 *Property Leasing* in accordance with ATTACHMENT: 9.2.4 (1).

### COUNCIL RESOLUTION:

MOVED: Hay, T                      SECONDED: Suckling, K

02/25-12

That Council adopt revised Corporate Policy 2.14 *Property Leasing* in accordance with ATTACHMENT: 9.2.4 (1).

**MOTION CARRIED 7/0**

**FOR**

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

**AGAINST**

## ATTACHMENT APPENDIX

### 9.2.5 Proposed Review of Council Policy 1.14 Information Technology Use Policy and Proposed New Policies 2.12 Cyber Security Governance and 2.13 Social Media Use and Guidelines.

<b>PROPONENT</b>	Shire of Northampton
<b>OWNER</b>	Shire of Northampton
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>ZONE:</b>	All
<b>BUSINESS AREA:</b>	Office of CEO
<b>FILE REFERENCE:</b>	4.1.15
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Michelle Allen
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	28 January 2025
<b>DECLARATION OF INTEREST:</b>	Nil

#### **BACKGROUND:**

Council is requested to consider review of Council Policy *1.14 Information and Technology Use Policy*. A copy of the current policy is appended.

#### **APPENDIX: 9.2.5 (A)**

Council policies are reviewed regularly to ensure consistency between the policies, Council decision making and to respond to industry practice, legislative changes and/or community feedback.

The purpose of this report is to present to Council revised and renamed policy 2.11 *Information and Communications Technology (ICT) Acceptable Use* and two new policies to be applied in this area that will ensure stringent measures are in place to protect systems and data and to prevent data loss, leakage and/or theft

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

Nil.

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

The review of the Policy *1.14 Information and Technology Use* has resulted in several changes recommended for Council's consideration.

The current policy was adopted by Council on 17 June 2022 and following review it is recommended that changes be included to reflect broader application and definition in relation to the Information and Communications Technology Systems within the organisation. All policies deal with the use of the Shire of Northampton's information and communication technology resources.

Implementing all three policies will underpin the organisation's ability to keep pace, grow and innovate whilst maintaining increased and affordable access to and protection of data and services. The policies provide detailed guidance for appropriately using Shire computers, networks, mobile devices, internet access, social media, Council information and assets and also relates to personal devices used in a corporate context.

A copy of the proposed revised and renamed policy and new policies are attached, as follows:

- 2.11 Information and Communications Technology (ICT) Acceptable Use (revised policy);

**ATTACHMENT: 9.2.5 (1)**

- 2.12 Cyber Security Governance (new policy): and

**ATTACHMENT: 9.2.5 (2)**

- 2.13 Social Media Use and Guidelines (new policy).

**ATTACHMENT: 9.2.5 (3)**

The purpose of the revised and new policies are as follows:

- Revised Policy **2.11 (ICT) Systems Acceptable Use Policy** - Provides guidelines for the acceptable use of Council Information and Communications Technology assets by Council Members, employees, contractors and volunteers.
- New Policy **2.12 Cyber Security Governance** – Protect the Shire's information and communications technology systems and electronic information from security threats and supports compliance with obligations in relation to information security; and
- New Policy **2.13 Social Media Use and Guidelines** – Specifically deals with social media use and provides guidance to Council Members, employees and contractors who use social media in relation to the Shire, its products or services, its people and other business-related individuals or organisations.

#### **STATUTORY ENVIRONMENT:**

*Local Government Act 1995;*  
*State Records Act 2000 (WA);*  
*Privacy Act 1988 (Cwlth);*  
*Freedom from Information Act 1982 (Cwlth);*  
*Freedom from Information Act 1992 (WA);*  
*Crime Act 1914 (Cwlth);*  
*Criminal Code Act 1995 (Cwlth); and*  
*Australian Crimes Commission Act 2002 (Cwlth).*

Policies are created and guided by the requirements of both State and Commonwealth Legislation. The *Local Government Act 1995* provides the mechanism to guide the creation of Council policies and outlines statutory processes to follow.

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

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

This policy applies to Council Members, Council Employees, ICT providers to Council, Contractors, Volunteers and any other person who is provided access to Council ICT assets.

The proposed Policies outline the accepted and prohibited use of the Shire's ICT resources and allows for an open and transparent outline in relation to the use of the various resources.

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

Risk rating is considered 4 (Major) as the absence of policies could result in increased vulnerability to cyberattacks, data breaches and regulatory non-compliance leading to prospective significant and substantiated reputational damage and failure to comply with statutory requirements.

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: Clearly articulating acceptable use of the organisation's information and communication technology resources will underpin the organisation's ability to keep pace, grow and innovate whilst maintaining increased and affordable access to and protection of data and services.

Social: Acceptable use of ICT resources and services creates a secure, well managed and more efficient workplace.

**VOTING REQUIREMENTS:                      SIMPLE MAJORITY**

**OFFICER RECOMMENDATION:**

That Council adopt the following:

1. The revised and renamed Council Policy 2.11 ICT Systems Acceptable Use Policy as contained in accordance with ATTACHMENT: 9.2.5 (1);
2. New Council Policy 2.12 Cyber Governance Security as contained in accordance with ATTACHMENT: 9.2.5 (2); and
3. New Council Policy 2.13 Social Media Use and Guidelines in accordance with ATTACHMENT: 9.2.5 (3).

**COUNCIL RESOLUTION:**

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

**02/25-13**

That Council adopt the following:

1. The revised and renamed Council Policy 2.11 ICT Systems Acceptable Use Policy as contained in accordance with ATTACHMENT: 9.2.5 (1);
2. New Council Policy 2.12 Cyber Governance Security as contained in accordance with ATTACHMENT: 9.2.5 (2); and
3. New Council Policy 2.13 Social Media Use and Guidelines in accordance with ATTACHMENT: 9.2.5 (3).

**MOTION CARRIED 7/0**

**FOR**

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

**AGAINST**



## ATTACHMENT APPENDIX

### 9.2.6 Proposed Review of Council Policies - 1.9 Risk Management Policy, 1.10 Legislative Compliance Policy and 1.5 Internal Control Policy.

<b>PROPONENT</b>	Shire of Northampton
<b>OWNER</b>	Shire of Northampton
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>ZONE:</b>	All
<b>BUSINESS AREA:</b>	Office of CEO
<b>FILE REFERENCE:</b>	4.1.15
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Michelle Allen
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	10 February 2025
<b>DECLARATION OF INTEREST:</b>	Nil

#### BACKGROUND:

Council is requested to consider review of current Council Policies that deal with risk management as appended:

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

**APPENDIX: 9.2.6 (A)**

**APPENDIX: 9.2.6 (B)**

**APPENDIX: 9.2.6 (C)**

Council policies are reviewed regularly to ensure consistency between the policies, Council decision making and to respond to industry practice, legislative changes and/or community feedback.

The purpose of this review is to correct and update administrative terminology and make changes to these policies where required and as recommended by Moore Australia in their report to the Audit Committee on the appropriateness and effectiveness of the Shire's risk management, internal controls and legislative control systems and procedures.

Proposed changes are indicated in detail in the Comment section.

#### PUBLIC CONSULTATION UNDERTAKEN:

Nil.

**COMMENT (Includes Options):**

Each reviewed policy has significant changes proposed which are summarised below:

Policy 1.9 Risk Management

The current policy was reviewed and adopted by Council on 17 June 2022.

The review of the Policy *1.9 Risk Management Policy* has resulted in changes as follows:

- removal of sections that are operational in nature thereby separating the roles of Council and the CEO;
- including these sections in a separate document being the Shire of Northampton's Risk Management Framework (RMF). The RMF describes the policy, responsibilities, approach and processes for identifying, assessing, managing, reporting and monitoring risks within the Shire and will be presented to Council for their endorsement following adoption of the modified policies; and
- removal of specific detail relating to legislation and other external references to avoid conflict between the policy and legislation or guidance in the instance of a change.

Policy 1.10 Legislative Compliance

The current policy was reviewed and adopted by Council on 17 June 2022.

The review of the policy has resulted in removal of specific detail that is operational in nature. Furthermore, specific detail relating to governance and legislation has been removed to avoid conflict between policy and legislation or guidance and administrative terminology has been updated.

Policy 1.5 Internal Control

The current policy was reviewed and adopted by Council on 20 June 2024.

The review of Policy *1.5 Internal Control* has been broadened so as to more clearly formalise Council's commitment and approach to internal controls based on a documented risk management process.

Implementing all three policies will underpin the organisation's ability to undertake risk management activities within individual departments and communicate high risks throughout the Shire through clearly documented risk management procedures and processes.

A copy of the proposed revised policies is attached, as follows:

- 2.15 Risk Management: **ATTACHMENT: 9.2.6 (1)**
- 2.16 Legislative Compliance: and **ATTACHMENT: 9.2.6 (2)**
- 1.5 Internal Control. **ATTACHMENT: 9.2.6 (3)**

The purpose of the updated policies are as follows:

- **2.15 Risk Management Policy** (previously 1.9 Risk Management) - Outlines the Shire's key commitments to risk management, including its approach to identifying, assessing and managing risk and opportunities associated with Council services, operations and facilities.
- **2.16 Legislative Compliance Policy** (previously 1.10 Legislative Compliance) - Upholds the Shire's legal and regulatory obligations in alignment of its values, objectives and community expectations.
- **1.5 Internal Control Policy** – Serves as a framework for the Shire's commitment to effective internal controls, encompassing financial and non-financial matters, to ensure efficient management and safeguarding of resources.

#### **STATUTORY ENVIRONMENT:**

*Local Government Act 1995;*  
*State Records Act 2000 (WA);*  
*Privacy Act 1988 (Cwlth);*  
*Freedom from Information Act 1982 (Cwlth);*  
*Freedom from Information Act 1992 (WA);*  
*Crime Act 1914 (Cwlth);*  
*Criminal Code Act 1995 (Cwlth); and*  
*Australian Crimes Commission Act 2002 (Cwlth).*

Policies are created and guided by the requirements of both State and Commonwealth Legislation. The *Local Government Act 1995* provides the mechanism to guide the creation of Council policies and outlines statutory processes to follow.

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

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

These policies apply to all risk processes within the Shire and is subject to regular monitoring through the Audit and Risk Committee and Council and applies to all activities undertaken by Council Members, Council Employees, and Workers.

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

Risk rating is considered 4 (Major) as the absence of policies could result in increased vulnerability to cyberattacks, data breaches and regulatory non-compliance leading to prospective significant and substantiated reputational damage and failure to comply with statutory requirements.

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:**

Nil.

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

1. The updated Council Policy 2.15 Risk Management Policy as contained in accordance with ATTACHMENT: 9.2.6 (1);
2. The updated Council Policy 2.16 Legislative Compliance Policy as contained in accordance with ATTACHMENT: 9.2.6 (2); and
3. The updated Council Policy 1.5 Internal Control Policy in accordance with ATTACHMENT: 9.2.6 (3).

**COUNCIL RESOLUTION:**

**MOVED: Suckling, K      SECONDED: Pike, D**

**02/25-14**

**That Council adopt:**

- 1. The updated Council Policy 2.15 Risk Management Policy as contained in accordance with ATTACHMENT: 9.2.6 (1);**
- 2. The updated Council Policy 2.16 Legislative Compliance Policy as contained in accordance with ATTACHMENT: 9.2.6 (2); and**
- 3. The updated Council Policy 1.5 Internal Control Policy in accordance with ATTACHMENT: 9.2.6 (3).**

**MOTION CARRIED 7/0**

**FOR**

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

**AGAINST**

**ATTACHMENT****9.3.1 Quarterly Activity Report for Manager Community, Development and Regulation October to December 2024**

<b>PROPONENT</b>	Executive Manager Community, Development & Regulation
<b>OWNER</b>	N/A
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>ZONE:</b>	N/A
<b>BUSINESS AREA:</b>	Community, Development & Regulation
<b>FILE REFERENCE:</b>	N/A
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Brian Robinson
<b>APPROVING OFFICER:</b>	Brian Robinson
<b>DATE OF REPORT:</b>	3 January 2025
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

This agenda item has been prepared to assist Councillors in their understanding of the activities undertaken by the Executive Manager of Community, Development and Regulation and their business area for the period of 1 October to 31 December 2024.

A copy of the report is shown attached.

**ATTACHMENT: 9.3.1 (1)**

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

The purpose of this agenda item and the attached report is to inform Councillors of the activities of the Executive Manager of Community, Development and Regulation and the employees under their supervision for that period between 1 October and 31 December 2024.

**STATUTORY ENVIRONMENT:**

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

**POLICY / STRATEGIC IMPLICATIONS:**

Nil.

**ORGANISATIONAL RISK MANAGEMENT:**

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

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

#### FINANCIAL IMPLICATIONS:

Expenditure on essential bushfire equipment exceeded budget, but this will be offset through increased application fees and fine revenue.

#### SUSTAINABILITY:

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

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

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

#### VOTING REQUIREMENTS:

**SIMPLE MAJORITY**

#### OFFICER RECOMMENDATION:

**That Council receive the Quarterly Activity Report from the Executive Manager Community, Development and Regulation for the period 1 October 2024 to 31 December 2024 as shown at Attachment: 9.3.1 (1).**

**COUNCIL RESOLUTION:**

**MOVED: Hay, T**

**SECONDED: Gibb, T**

**02/25-15**

**That Council receive the Quarterly Activity Report from the Executive Manager Community, Development and Regulation for the period 1 October 2024 to 31 December 2024 as shown at Attachment: 9.3.1 (1).**

**MOTION CARRIED 7/0**

**FOR**

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

**AGAINST**



**ATTACHMENT****9.3.2 Request for Permission to Camp - Lot 69 (No 145) Hampton Road, Northampton**

<b>PROPONENT</b>	JM Jennings
<b>OWNER</b>	JM Jennings
<b>LOCATION / ADDRESS:</b>	Lot 69 (145) Hampton Road, Northampton
<b>ZONE:</b>	Residential (R5)
<b>BUSINESS AREA:</b>	Community, Development and Regulation
<b>FILE REFERENCE:</b>	A1383
<b>LEGISLATION:</b>	<i>Planning and Development Act 2005</i> <i>Caravan Parks and Camping Grounds Act 1995</i> <i>Camping Parks and Camping Grounds Regulations 1997</i>
<b>AUTHOR:</b>	Brian Robinson
<b>APPROVING OFFICER:</b>	Brian Robinson
<b>DATE OF REPORT:</b>	8 February 2025
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

The subject land is a 2,454m<sup>2</sup> property located on the west side of Hampton Road, approximately 50m north of Gwalla Street in the Northampton townsite. The property contains a sizable outbuilding and a concrete pad, previously developed with a dwelling. The dwelling was however demolished by the previous owner following Cyclone Seroja.

As shown on the location plan below, similar size residential properties are located to the south, west and north of the property, whilst the Ampol Fuel Station is located opposite.

**Location Plan**

Shire Officers have followed up with the current landowner who has been using a self-contained motorhome and portion of the outbuilding to reside on the property. Issues associated with signs located within the road reserve were also raised.

Council is now requested to consider a request from the landowner that they be permitted to continue residing on the property until mid-April. A copy of two emails received relating to the request are shown attached.

#### **ATTACHMENT: 9.3.2 (1)**

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

Nil.

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

The subject land is a residential property located within the Northampton Townsite. To assist Council in determining the applicants request, the following comments are offered.

#### Caravan Park and Camping Grounds Act 1995 (the Act)

The Act defines “camp” as meaning *“any portable shed or hut, tent, tent fly, awning, blind or portable thing used as or capable of being used for habitation and includes a vehicle of a prescribed type of in prescribed circumstances.*

#### Caravan Parks and Camping Grounds Regulations 1997

Clause 8A of the Regulations identifies that for the purposes of Part 2 of the Regulations “**camp** when used as a verb, includes to camp in a vehicle.” Camping does not include the use of any building for habitation purposes.

In accordance with clause 10 of the Regulations, a person may only camp at a site in a licensed caravan park or camping ground, or in accordance with regulation 11, which outlines that a person may camp-

- (a) For “up to 5 nights in any period of 28 consecutive days on land the person owns or has a legal right to occupy”; or
- (b) For more than 5 nights in any period of more than 5 nights with the written approval from the local government under regulation 11A or the Minister under regulation 11B;
- (c) Up to 24 hours consecutive in a caravan on a designated roadside rest area, or in an emergency unless to do so would cause a hazard to other road users or contravene any other written law

Regulation 11A permits a local government to “*grant approval to camp on land the person owns or has a leg right to occupy if the land is in the local government’s district*”. Approval may be granted for a period not exceeding 24 consecutive months.

As the landowner has been camping on the property for a significantly greater period than 5 nights, the activity has been occurring contrary to the Caravan Parks and Camping Grounds Regulations.

#### Other applicable legislation

Notwithstanding provisions of the Caravan Parks and Camping Grounds Act 1995, the right to camp on land outlined by the regulations do not override requirements imposed by other legislation such as Environmental Health legislation, Local Laws and provisions of a Local Planning Scheme made under provisions of the *Planning and Development Act 2005*. In September 2024, Council made a determination under the *Planning and Development Act 2005*, which is detailed below.

Long term occupation of a caravan outside of a caravan park

#### Local Planning Scheme No 10 (the Scheme)

Clause 32(8) of the Scheme outlines that approval may be granted to the *“temporary occupation of a caravan, or other vehicle, or structure on a lot, only if it has approved an application for development of a habitable building on the lot, in accordance with the Building Regulations.”*

In addition to current Scheme provisions in October 2024, Council made a determination under the *Planning and Development Act 2005*, which is detailed below.

Additionally it should be noted that approval to the proposal would be contrary to the requirements of Clause 32(8) of Local Planning Scheme No 10, which stipulates that approval to temporary accommodation should only be granted where approval has been granted for the construction of a dwelling in accordance with building legislation.

#### Previous Shire Officer Advice

Shire Officers advise and Shire records reflect the following facts:

- i) During January/February 2023 the landowner made enquiries about repurposing the outbuilding for use as a dwelling. The landowner was advised that this was not permitted;
- ii) In November 2023, Council officers were advised by telephone by two separate parties that someone was residing in the outbuilding. An inspection of the site confirmed the landowner had commenced residing in the outbuilding;
- iii) The landowner was advised that an application could be made for approval to reside in a motorhome under the Caravan Parks and Camping Grounds Act. At the time the legislation permitted local government to grant an ‘approval to camp’ for a maximum of three months.

Despite not applying for permission the landowner moved the motorhome onto the property in early 2024.

### Camping on Vacant Residential Land

As it's Ordinary meeting held on 17 October 2024, Council considered implications of the Caravan Parks and Camping Grounds Regulations 1997, which were modified by the State of Western Australia on 1 September 2024. Amongst other things, Council Resolved (Resolution 10/24-122) to:

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

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

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

Whilst technically the land is not vacant, as outlined within the September 2024 agenda item the intent in relation to residential zones was to restrict camping to those properties where there was an existing dwelling and the activity would be considered incidental to the primary residential use.

### Applicants Request

As detailed within the applicant's request, they advise that they are able to move in within their son after Easter. They are therefore seeking approval to remain camping on the property until at least mid-April 2025.

- They have further advised that:
- The vehicle is a fully self-contained motorhome with toilet, shower, holding tanks, dining, beds, fridge and kitchen;
- They will start planning the design, approval and construction of home;

- The availability of draftsman and builders is limited.

As the property does not contain a dwelling the use of the property for “Camping - Private” is the predominant use. Given that Council has previously determined that Camping – Private is not consistent with the objectives of the Residential Zone, it is not recommended that an approval be granted.

It is also noted within the applicants email that once they relocate, they “*will be attending the property daily to water and potter in my woman cave (shed). Do some craft and stuff. Also great storage room for now. And stay 5 nights in 28.*”

As detailed above, camping on any residential property that does not contain a dwelling is considered to be inconsistent with the objectives of the Residential Zone and is therefore prohibited. It is recommended that the applicant be advised that camping on the property for any duration will not be permitted under the Shire’s Local Planning Schemes. Such activities may result in a modified penalty being issued.

#### Potential for Legal Action

Given that there is clear evidence that landowner has been camping on the property without the presence of a dwelling, and the fact the camping has been occurring well in excess of 5 days in any 28 day period, the following actions are available to Council:

- a) Take legal action for camping in non-compliance with Regulation 10 of the *Caravan Parks and Camping Grounds Act 1997*, which has a penalty of \$2,000;
- b) Issue a modified penalty of \$200, which can be applied on each day where an offence is identified;
- c) Consider action or the imposition of a modified penalty of \$500 under the Planning and Development Act 2005; or
- d) Take no action.

Given that the landowner appears to be co-operating, has outlined a clear intent to build on the property and in the interim, will cease camping on the property by mid-April, it is considered appropriate for some time to be given to facilitate the relocation. For these reasons Council may wish to consider taking no action for the unauthorised camping, provided that camping activities cease by 30 April 2025.

Should camping not cease, or recommence prior to the construction of a dwelling, further action could be taken for the current non-compliance with the statute of limitations permitting a period of up to 12 months for action to be taken.

#### Conclusion

As formal approval to the applicant’s request would be contrary to the intent of Council Resolution 10/24-122, it is recommended that the applicants request

be refused. It is however recommended that the applicant be given until 30 April to cease the activity.

Further action should be considered in the event that camping continues for any period after 30 April 2025.

### **STATUTORY ENVIRONMENT:**

As per comment section of report.

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

Approval to camping on any residential land not containing a dwelling would be contrary to Council's previous resolution and create an undesirable precedent.

### **ORGANISATIONAL RISK MANAGEMENT:**

Risk rating is considered minor as the recommendation will result in some temporary non-compliance.

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

### **FINANCIAL IMPLICATIONS:**

Should Council resolve to take legal action for the unauthorised camping, the costs would be sourced from the 2024/2025 annual budget.

### **SUSTAINABILITY:**

Environmental: Camping on residential land not containing a dwelling has a greater potential to visually impact on the amenity of an area. In addition without access to an approved water disposal system (which could be available

with a dwelling on-site) it is common practice for persons camping longer term to dispose of their grey water on the ground to avoid emptying grey water tanks which .

Economic: Nil.

Social: Camping on residential land not containing a dwelling should not be seen as an alternative to approved habitable accommodation.

**VOTING REQUIREMENTS:                      SIMPLE MAJORITY**

**OFFICER RECOMMENDATION:**

**That Council:**

1. Refuse the landowners request for approval to continue camping on Lot 69 (145) Hampton Road, Northampton given:
  - a) The landowner has knowing breached the requirements of the Caravan Parks and Camping Grounds Regulations 1997 by camping on the property after being advised by Shire Officers that the activity would not be permitted;
  - b) Approval to the application would be contrary to the intent of Council Resolution 10/24-122 and would create an undesirable precedent for camping on residential land not containing a dwelling; and
  - c) Approval to the application would be contrary to the provisions of clause 32(8) of the Shire's Local Planning Scheme No 10.
2. Advise the landowner that:
  - a) Council is prepared to take no action in respect of the unauthorised camping on Lot 69 (145) Hampton Road, Northampton provided the activity ceases in its entirety on or before 30 April 2025. Should the activity continue beyond that time, legal action will be commenced;
  - b) In addition to the provisions of the Caravan Parks and Camping Grounds Act 1995, use of the land is required to comply with the Local Planning Scheme, Building Act 2005 and other relevant legislation such as the Environmental Health (Miscellaneous Provisions) Act 1911; and
  - c) Any period of camping on the land will be considered to be contrary to the provisions of the Shire's Local Planning Scheme No 10 for which a modified penalty of \$500 may apply for each day camping occurs on the property.

**COUNCIL RESOLUTION:****MOVED: Suckling, K      SECONDED: Suckling, R****02/25-16****That Council:**

- 1. Refuse the landowners request for approval to continue camping on Lot 69 (145) Hampton Road, Northampton given:**
  - a) The landowner has knowing breached the requirements of the Caravan Parks and Camping Grounds Regulations 1997 by camping on the property after being advised by Shire Officers that the activity would not be permitted;**
  - b) Approval to the application would be contrary to the intent of Council Resolution 10/24-122 and would create an undesirable precedent for camping on residential land not containing a dwelling; and**
  - c) Approval to the application would be contrary to the provisions of clause 32(8) of the Shire's Local Planning Scheme No 10.**
- 2. Advise the landowner that:**
  - a) Council is prepared to take no action in respect of the unauthorised camping on Lot 69 (145) Hampton Road, Northampton provided the activity ceases in its entirety on or before 30 April 2025. Should the activity continue beyond that time, legal action will be commenced;**
  - b) In addition to the provisions of the Caravan Parks and Camping Grounds Act 1995, use of the land is required to comply with the Local Planning Scheme, Building Act 2005 and other relevant legislation such as the Environmental Health (Miscellaneous Provisions) Act 1911; and**
  - c) Any period of camping on the land will be considered to be contrary to the provisions of the Shire's Local Planning Scheme No 10 for which a modified penalty of \$500 may apply for each day camping occurs on the property.**

**MOTION CARRIED 7/0****FOR**

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

**AGAINST**



## ATTACHMENT APPENDIX

### 9.3.3 Endorsement of Consolidated Disabled Access and Inclusion Plan 2019-2024

<b>PROPONENT</b>	Shire of Northampton
<b>OWNER</b>	Various
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>ZONE:</b>	N/A
<b>BUSINESS AREA:</b>	Community, Development & Regulation
<b>FILE REFERENCE:</b>	8.1.3
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i> <i>Disability Services Act 1993</i> <i>Disability Discrimination Act 1992</i>
<b>AUTHOR:</b>	Brian Robinson
<b>APPROVING OFFICER:</b>	Brian Robinson
<b>DATE OF REPORT:</b>	16 January 2025
<b>DECLARATION OF INTEREST:</b>	Nil

#### BACKGROUND:

The Shire's Disability Access and Inclusion Plan 2019-2024 (the Plan) was approved by the Government of Western Australia – Department of Communities on 18 December 2019. In accordance with the *Disability Services Act 1993*:

- a) the Plan is required to be available via the Shire's website;
- b) the Plan requires review every 5 years; and
- c) An annual Progress Report is required annually.

Examination of Shire records has identified that copies of the current plan held on Shire records are poorly formatted and contain a number of 'highlighted updates' that have previously been included. The status of these updates and whether they have the support of Council is unknown. A copy of the current plan will be provided to Council under separate cover.

Whilst Shire records reflect that the annual Progress Report have been undertaken, the Plan cannot be located on the Shire website.

Prior to Shire Officers arranging publication of the Plan, Councillors are requested to consider endorsing a Consolidated Disability Access and Inclusion Plan. Further details on the Consolidated Plan are provided in the Comment Section overleaf, whilst a copy of the Consolidated Plan is shown attached.

#### ATTACHMENT: 9.3.3 (1)

Should Council accept the Consolidate Plan, it will remain in place until an updated plan is finalised for the period 2025-2029.

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

The document has been contemporised, with the use of larger, clearer font and along with the following additional updates:

- reformatting of the document;
- introduction of an Acknowledgement to Country;
- the introduction of a content page;
- minor adjustment of some wording whilst retaining the intent of the original wording; and
- Minor Several relevant updates to the Implementation Plan to recognise uses that have changed and buildings that no longer exist as a result of Cyclone Seroja.

Although the Plan is now overdue for review, the completion of a formal review will take time given that it is appropriate for a comprehensive review and public consultation processes to be undertaken. The facilities associated with many Shire properties have changed since adoption of the current Plan and the Kalbarri Foreshore Revitalisation Project provides an opportunity for significant works that improve accessibility and available infrastructure.

Endorsement of the Consolidated Plan for the period of 2019-2024 will ensure that requirements for display of the plan are met whilst a Disability Access and Inclusion Plan is prepared for the period 2025-2029 is being completed. Shire Officers have commenced the preparation of a draft plan.

Advisory Committee

At its Ordinary Meeting held on 15 September 2023, Council adopted the Terms of Reference (ToR) for the Access and Inclusion Advisory Committee. A copy of the adopted ToR is Appended.

**APPENDIX: 9.3.3 (A)**

As outlined within the adopted ToR, the functions of the Advisory Committee include *“Develop and review the Shire of Northampton’s Access and Inclusion Plan”*. Councillors Roslyn Suckling and Trevor Gibb were appointed to the committee along with the Shire’s Building Surveyor – Trevor Brandy. These members were subsequently reappointed at the Special Council Meeting held on 23 October 2023 and the ToR were amended accordingly.

Despite the ToR for the Advisory Committee identifying that meetings will occur every 6 months, the committee is yet to meet.

Proposed Modification of Terms of Reference

Recently the Shire has appointed Community Development Officers in both Northampton and Kalbarri. Given their role in Community Development, it is appropriate for these members of staff to attend the meeting. It is therefore recommended that the Terms of Reference be modified to include the two staff

members as non-voting members. It is also recommended that the Shire's Building Surveyor be replaced as a voting member by the Executive Manager of Community and Regulation. Mr Brandy being retained as a non-voting member.

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

### **ATTACHMENT: 9.3.3 (2)**

It is proposed that a meeting of the Committee be called for early to mid-March, with the committee members being supplied with a draft 2025-2029 Plan before the end of the month to allow time to become familiar with the draft document.

#### Conclusion

The Shire's DAIP 2019-2024 is overdue for review and is not currently displayed on the Shire website, which is required. As the current document is not suitable for display, it is recommended that Council endorse the display of a consolidation document as shown at Attachment: 9.3.3 (1).

It is also recommended that the membership of the Access and Inclusion Committee as stated in the Terms of Reference be amended before a meeting of the Advisory Committee is called to consider a draft 2025-2029 Plan currently being prepared by Shire Officers.

#### **STATUTORY ENVIRONMENT:**

Local Government Act 1995, Disability Services Act 1993 and Disability Discrimination Act 1992.

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

An update to date Access and Inclusion Plan is required to ensure that current conditions are recognised, and continuous improvements are made using funds made available through the annual budget process.

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

Risk rating is considered Major due to non-compliance with applicable legislation and the potential for reputational damage.

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

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

### FINANCIAL IMPLICATIONS:

The Consolidated Disability Access and Inclusion Plan has been prepared by Shire Officers, with costs met through the salary budget.

### SUSTAINABILITY:

Environmental: Nil.

Economic: Costs to provide required facilities identified within the Disability Access and Inclusion Committee are to be considered as part of the annual budget formation process.

Social: As per comment section

### VOTING REQUIREMENTS: SIMPLE MAJORITY

### OFFICER RECOMMENDATION:

### COUNCIL RESOLUTION:

**MOVED: Pike, D**

**SECONDED: Gibb, T**

**02/25-17**

**That Council:**

- 1. Endorse the Consolidated Disabled Access and Inclusion Plan 2019-2024 as shown at Attachment: 9.3.3 (1);**
- 2. Request the Chief Executive Officer to arrange for copies of the Consolidate Plan referred to in point 1 above to be displayed on the Shire website and be forwarded to the Department of Communities;**
- 3. Adopt the revised Terms of Reference for the Shire of Northampton Access and Inclusion Advisory Committee shown at Attachment: 9.3.3 (2);**

4. Request a meeting of the Access and Inclusion Advisory Committee be convened to consider the draft Disability Access and Inclusion Plan 2025-2029 being finalised by Shire Officers.
5. Council awaits a further agenda item on the draft Disability Access and Inclusion Plan 2025-2029 following the document being considered by the Disability Access and Inclusion Committee.

**MOTION CARRIED 7/0**

**FOR**

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

**AGAINST**

## ATTACHMENT APPENDIX

### 9.3.4 Proposed Renewal of Commercial Recreational Tourism License Agreement - Canoe Safari Tours (Kalbarri Boat Hire)

<b>PROPONENT</b>	JC and KM Deadman
<b>OWNER</b>	State of Western Australia/Shire of Northampton
<b>LOCATION / ADDRESS:</b>	Reserves 12996, 25307 and 26591 / Lot 1545 Murchison River Foreshore
<b>ZONE:</b>	Whole of Shire
<b>BUSINESS AREA:</b>	Community, Development and Regulation
<b>FILE REFERENCE:</b>	10.6.7
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Michelle Allen
<b>APPROVING OFFICER:</b>	Brian Robinson
<b>DATE OF REPORT:</b>	10 February 2025
<b>DECLARATION OF INTEREST:</b>	Nil

#### BACKGROUND:

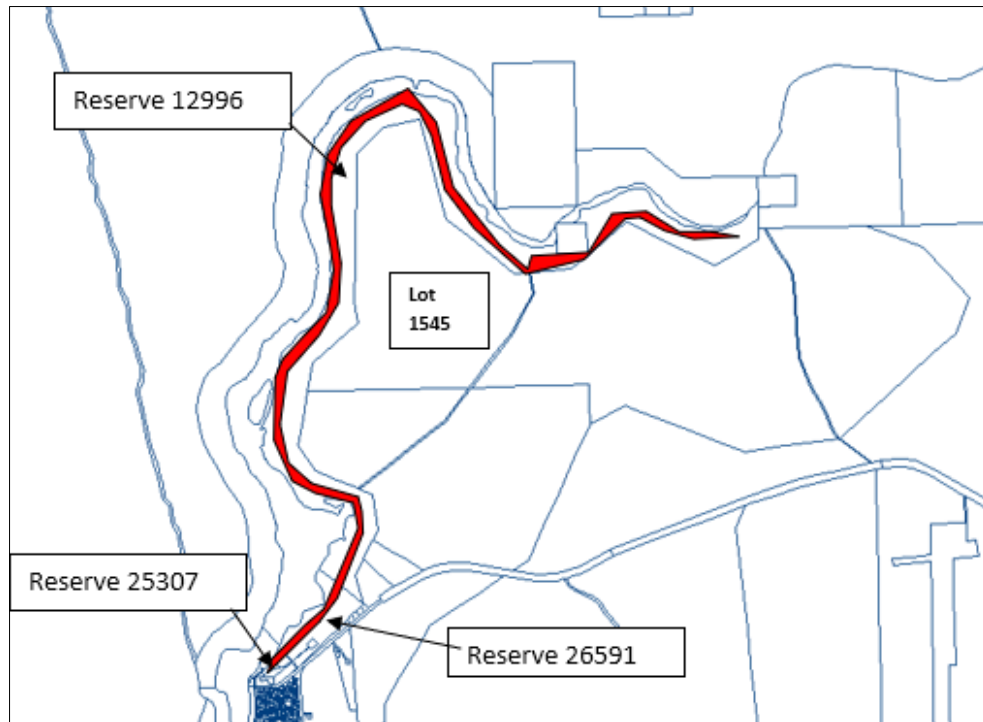
An application has been received seeking renewal of a Commercial Recreational License Agreement for a further three (3) year period in accordance with Council policy. The existing license agreement is for the provision of supervised canoe safari tours traversing the Murchison River utilising three four-wheel drive trucks and two trailers for fourteen (14) canoes and one guide vessel kayak. No changes to the existing use are proposed.

Copies of the application and proposed tour route are attached.

**ATTACHMENT: 9.3.4 (1)**  
**ATTACHMENT: 9.3.4 (2)**

As reflected in Item 9.1.4 of this agenda, a temporary approval was granted by the Chief Executive Officer extending the Commercial Recreation Licence (CRT No:2021-001) for a period of three months until 21 March 2025 to enable this application to be considered by Council.

Council is requested to consider approving the application subject to conditions, including a requirement that the Applicant enters into a License Agreement with the Shire of Northampton, being subject to approval of the Minister of Lands.

**Location Plan****PUBLIC CONSULTATION UNDERTAKEN:**

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

The renewal application was advertised for a 29-day period to eight (8) governmental agencies for consideration. A public advertisement was also placed in the local newspaper, two local community newspapers and on the Shire website with no objections being received during this time.

**COMMENT (Includes Options):**

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) Any approved State Planning Policy;
- 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.

- iii) The amenity of the locality including the character of the locality.

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

#### Land Use Classification

The use is classified as an experiential use relating to Canoe Safari Tours which is a 'Use Not Listed' in the Scheme zoning table. As there is no permissibility assigned to the use, it must be determined whether it is consistent with the objectives of the zone.

#### Zoning

The provisions of the Shire's Local Planning Scheme No. 11 – Kalbarri (the Scheme) include the subject land within the Public Open Space and Special Purpose Reserve areas.

Reserves 12996, 25307 and 26591 are vested with the Shire for the purposes of 'Parkland and Recreation', 'Parkland' and 'Recreation' respectively.

Lot 1545 is held under a pastoral lease to Murchison House Station and is shown in *Local Planning Scheme No. 11 – Kalbarri* as a 'Local Scheme Reserve'.

#### Zone Objectives

As set out in Parts 2 (Reserves) and Part 3 (Zones) of the Scheme the objectives for Public Open Space and Reserves are as follows:

Public Open Space (Part 2)	<ul style="list-style-type: none"> <li>To set aside areas for public open space, particularly those established under the <i>Planning and Development Act 2005</i> s. 152.</li> <li>To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.</li> </ul>
Foreshore (Part 2)	<ul style="list-style-type: none"> <li>To set aside areas for foreshore reserved abutting a body of water or water course, particularly those required pursuant to State Coastal Planning Policy 2.6 - State Coastal Planning Policy and any other Commission policy.</li> <li>To provide for the protection of natural values, a range of active and passive recreational uses, cultural and community activities, activities promoting community education of the environment and/or uses that are compatible with and/or support the amenity of the reservation.</li> </ul>



### Local Planning Policy – Commercial Recreational Tourism Activity

The objectives of the Policy are to:

- 2.1 *To ensure that commercial activities on reserves do not diminish the recreational amenity of residents or visitors who are attracted to the Shire for its natural beauty and environment.*
- 2.2 *To ensure ecologically sustainable use and protection of reserves for the benefit and enjoyment of future generations.*
- 2.3 *To retain reserves (where appropriate) as places for passive and/or active recreation for residents and visitors.*
- 2.4 *To regulate the level and intensity of commercial activities on reserves necessary to ensure that it does not destroy the value and nature of the activity and the resource on which it is based.*
- 2.5 *To enable appropriate (limited) opportunities for commercial tourism operators to provide services and facilities to the public to enhance their visit to the Shire.*
- 2.6 *To provide criteria for assessing and determining the applications.*

A copy of the Policy is appended.

### **APPENDIX: 9.3.4 (A)**

#### Consistency with Zoning

The proposed application was advertised and with no objections being received during that period. The activity is considered to meet the objectives of the zones, as outlined earlier in the report.

#### Previous applications

The applicant's past tour activities have demonstrated a high degree of care for the ecologically sustainable use of the reserves and utilised existing tracks for vehicle access. The tours are considered suitably low-impact and do not detract from the amenity of the sites or reduce the opportunity for others to utilise the Reserve areas. The present operators have been conducting tours in the subject areas since 2018.

#### Public Liability Insurance

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

#### Conclusion

Should Council approve the application to renew the Commercial Recreational Tourism License it is considered conditions should be imposed to manage the potential for detrimental impact on the surrounding area and to meet requirements of the Policy.

### **STATUTORY ENVIRONMENT:**

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

### POLICY / STRATEGIC IMPLICATIONS:

The application has been assessed in accordance with the provisions of Local Planning Policy – *Commercial Recreational Tourism Activity*.

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

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

As outlined in Par 3.2 of the Local Planning Policy, the Policy applies to all ‘recreational’ Crown reserves and immediate ocean/river foreshore and beach areas within the Shire undertaking commercial tourism operations which receive a commercial gain or reward from the use of the reserve a ‘recreational’ reserve.

### ORGANISATIONAL RISK MANAGEMENT:

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

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or ‘no news’ item	Inconsequential or no damage.	Contained, reversible impact managed by on site response
Minor (2)	First aid injuries	\$1,001 - \$10,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non-compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by 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 news profile, third party actions	Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment & building	Uncontained, irreversible impact

**FINANCIAL IMPLICATIONS:**

The applicant has paid the appropriate planning fee in accordance with the 2024/2025 Fees and Charges Schedule.

**SUSTAINABILITY:**

Environmental: With the inclusion of appropriate conditions, the proposal is not expected to generate a negative impact on the area.

Economic: The proposal, if approved by Council, will allow the proponent to continue the tourism business activity on the reserve

Social: With the inclusion of appropriate conditions, the proposal is expected to facilitate ongoing public access and recreational use of the area.

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

That Council in accordance with Local Planning Scheme No. 11 – Kalbarri grant planning approval for the Use Not Listed (Experiential Use - Canoe Safari Tours) over Reserves 12996, 25307 and 26591 and Lot 1545 Murchison River Foreshore, Kalbarri subject to the following conditions:

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

Reference	Document Title	Date
1	Application Information	20 February 2025
2	Proposed Tour Route	20 February 2025

2. Prior to the commencement of the approved use, the applicant is to supply a copy of their Public Liability Insurance to the Shire of Northampton;
3. This Development Approval is subject to:
  - a) Approval of the Minister of Lands in accordance with the provisions of the *Land Administration Act (1997)*; and
  - b) A license agreement being entered into by the Applicant and the Shire in accordance with Council's Policy 9.2 – *Requirements for License Agreements to Use Crown Reserves for Commercial, Recreational and Tourism Activities*.
4. This Development Approval shall remain valid whilst the License Agreement referred to in Condition 3(b) remains current and valid and on the expiration or in the termination of such License Agreement, this approval shall cease to be valid;
5. This approval is issued only to JC and KM Deadman and is NOT transferrable to any other person or to any other land parcel;
6. The Applicant shall conduct the tours using existing pathways, roads and tracks, and shall not negatively impact, degrade or

damage the natural amenity within the approved land locations in any way; and

7. Authorise delegation to the Chief Executive Officer for the preparation and execution of the License Agreement, with any disputes to be referred back to Council for final determination.

**Advice Notes:**

- a) The Applicant is advised that compliance with any and all governmental legislation and regulations, including but not limited to *Health (Miscellaneous Provisions) Act 1911, Environmental Protection Act 1986, Fire and Emergency Services Act 1998 and Aboriginal Cultural Heritage Act 2021*, is required at all times.
- b) The Applicant shall obtain appropriate approvals for commercial vessel safety with the Australian Maritime Safety Authority and/or use approved vessels only to traverse the Murchison River between Reserves 12996, 25307 and 26591;
- c) The Applicant shall comply with Department of Transport's vehicle and vessel licensing requirements;
- d) If the 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) Where an approval has lapsed, no use must be carried out without further approval of the Shire of Northampton having first been sought and obtained.
- f) If the applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2004 Part 14*. An application must be made within 28 days of determination.

**COUNCIL RESOLUTION:**

**MOVED:** Burges, R      **SECONDED:** Gibb, T

**02/25-18**

That Council in accordance with Local Planning Scheme No. 11 – Kalbarri grant planning approval for the Use Not Listed (Experiential Use - Canoe Safari Tours) over Reserves 12996, 25307 and 26591 and Lot 1545 Murchison River Foreshore, Kalbarri subject to the following conditions:

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

Reference	Document Title	Date
1	Application Information	20 February 2025
2	Proposed Tour Route	20 February 2025

2. Prior to the commencement of the approved use, the applicant is to supply a copy of their Public Liability Insurance to the Shire of Northampton;
3. This Development Approval is subject to:
  - a) Approval of the Minister of Lands in accordance with the provisions of the *Land Administration Act (1997)*; and
  - b) A license agreement being entered into by the Applicant and the Shire in accordance with Council's Policy 9.2 – *Requirements for License Agreements to Use Crown Reserves for Commercial, Recreational and Tourism Activities*.
4. This Development Approval shall remain valid whilst the License Agreement referred to in Condition 3(b) remains current and valid and on the expiration or in the termination of such License Agreement, this approval shall cease to be valid;
5. This approval is issued only to JC and KM Deadman and is NOT transferrable to any other person or to any other land parcel;
6. The Applicant shall conduct the tours using existing pathways, roads and tracks, and shall not negatively impact, degrade or damage the natural amenity within the approved land locations in any way; and
7. Authorise delegation to the Chief Executive Officer for the preparation and execution of the License Agreement, with any disputes to be referred back to Council for final determination.

**Advice Notes:**

- a) The Applicant is advised that compliance with any and all governmental legislation and regulations, including but not limited to *Health (Miscellaneous Provisions) Act 1911, Environmental Protection Act 1986, Fire and Emergency Services Act 1998 and Aboriginal Cultural Heritage Act 2021*, is required at all times.
- b) The Applicant shall obtain appropriate approvals for commercial vessel safety with the Australian Maritime Safety Authority and/or use approved vessels only to traverse the Murchison River between Reserves 12996, 25307 and 26591;
- c) The Applicant shall comply with Department of Transport's vehicle and vessel licensing requirements;
- d) If the 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) Where an approval has lapsed, no use must be carried out without further approval of the Shire of Northampton having first been sought and obtained.
- f) If the applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2004 Part 14*. An application must be made within 28 days of determination.

**MOTION CARRIED 7/0**

**FOR**

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

**AGAINST**

## ATTACHMENT

### 9.4.1 Retrospective Application for a Change of Use from a 'Dwelling' to 'Holiday House' at Lot 686 (Unit 1/19) Waikiri Parade, Kalbarri

<b>PROPONENT</b>	Ms LG Nash
<b>OWNER</b>	Mr TN & Ms LG Nash
<b>LOCATION / ADDRESS:</b>	Lot 686 (Unit 1/19) Waikiri Parade, Kalbarri
<b>ZONE:</b>	Residential R17.5
<b>BUSINESS AREA:</b>	Planning Services
<b>FILE REFERENCE:</b>	10.6.1.1; A2726
<b>LEGISLATION:</b>	<i>Planning and Development Act 2005</i> <i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Kaylene Roberts
<b>APPROVING OFFICER:</b>	Brian Robinson
<b>DATE OF REPORT:</b>	15 January 2025
<b>DECLARATION OF INTEREST:</b>	Nil

#### BACKGROUND:

Council is requested to consider an application for a change of use from a 'Dwelling' to a 'Holiday House' at Lot 686 (Unit 1/19) Waikiri Parade, Kalbarri. Copies of the submitted site and management details are attached.

#### ATTACHMENT: 9.4.1 (1)

Location Plan



Strata Unit 1, being the western unit on Lot 686 has a land area of 496m<sup>2</sup> has an independent driveway and a patio to the rear. The application proposes the use of Unit 1 for the purposes of a Holiday House. No new construction is proposed.

The key elements of the proposal are:

- The application is proposing the number of guests to be a maximum of six (6) persons;
- The management of the property will be undertaken by the applicant who lives 5 minutes from the subject property;
- The cleaning of the property will be undertaken by the applicant;
- No signage is proposed for the Holiday House application;
- The implementation of the Emergency Evacuation Response Plan as submitted;
- Parking is available for cars on-site; and
- Bookings for the Holiday House will be via a booking.com platform.

Following receipt of the application, Shire officers identified that that the Holiday House was already operating. Council is requested to determine the application as Shire officers do not have delegated authority to approve retrospective applications.

**PUBLIC CONSULTATION UNDERTAKEN:**

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

The application was advertised for a 21 day period to ten (10) adjacent landowners with no submissions or objections being received during this time.

**COMMENT (Includes Options):**

To assist Council, the following comments are offered:

Zoning

The provisions of the Local Planning Scheme No. 11 – Kalbarri (the Scheme) include the subject land within the Residential Zone.

Land Use Classification

The zoning table from the Scheme identifies various forms of Holiday Accommodation may be considered within the Residential Zone within Kalbarri. The proposal as submitted is consistent with the definition of a Holiday House, which is as follows:

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

Land Use Permissibility

A Holiday House is an “A” use in the Residential Zone. That is a use which is not permitted unless the local government has exercised its discretion by granting development approval after giving special notice in accordance with clause 64 of the Deemed to Comply provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.



### 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 not limited to:

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

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

### Consistency with Zoning

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

### Day to Day Management

The applicant/owner is a resident of Kalbarri and lives within 5 minutes of the property and will be available 24 hours a day to deal with any issues that may arise.

### Public Liability Insurance

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

### Guest Register

The applicant is required to maintain a guest register of all guests, and this is to be made available to an authorised officer from the Shire of Northampton on request. A relevant condition has been included within the officer recommendation.

### Fire and Emergency Management Plan

The subject property has been identified as being in a designated bushfire prone area and a Fire and Emergency Management Plan has been submitted.

It is recommended that a condition be imposed on any approval to require that the plan is kept on display in a common area within the Holiday House for access during an emergency.

### Health (Miscellaneous Provisions) Act, 1911

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

### Retrospective Nature of Works

As stated above, the application before Council is retrospective in nature, with the applicant already operating the Holiday House without the necessary planning approval in place.

Notwithstanding the above, approval may be granted for development already commenced or carried out. Applications for retrospective approval are subject to fees equivalent to the normally required fee, plus way of penalty, twice that fee.

It should be noted that the granting of retrospective approval does not prohibit legal action being undertaken for contravention of the Scheme.

### Legal Action Potential

Where development occurs without the prior consent of the local authority, an offence has been committed under Clause 218 of the *Planning and Development Act 2005*. Where an offence has occurred, the following options are available to Council.

- a) Take no action;
- b) Issue a modified penalty of \$500; or
- c) Commence legal action for a breach, seeking a more substantial penalty.

In this instance, it is considered that the offence is not significant enough to warrant the commencement of legal action. However, as the applicant/owner commenced the operation of the Holiday House without the prior development approval in place, it is recommended that a modified penalty of \$500 is issued.

### Conclusion

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

In terms of future planning, Council may wish to consider the preparation of a Tourism Accommodation/Housing Strategy to guide the preparation of policy and introduction of scheme provisions to limit short stay accommodation numbers or locations.

### **STATUTORY ENVIRONMENT:**

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

**POLICY / STRATEGIC IMPLICATIONS:**

A consistent approach is required in respect of enforcement of the requirements of the Local Planning Scheme given the blatant nature of the offence, it is recommended that a modified penalty be issued.

**ORGANISATIONAL RISK MANAGEMENT:**

Nil.

**FINANCIAL IMPLICATIONS:**

The applicant has paid the appropriate planning fee in accordance with the 2024/2025 Fees and Charges Schedule.

**SUSTAINABILITY:**

Environmental: Nil.

Economic: The proposal if approved by Council will allow the proponent to increase business activity on the property and potentially increase the economic return of the property.

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

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

**That Council:**

**A. In accordance with Local Planning Scheme No. 11 – Kalbarri grant planning approval for a Holiday House on Lot 686 (Unit 1/19) Waikiri Parade, Kalbarri in accordance with the plans and specifications at Attachment 9.4.1 (1), subject to 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	Date
1	Application Information	18 November 2024
2	Property Management Plan	18 November 2024
3	Code of Conduct	18 November 2024
4	Floor Plan	18 November 2024
5	Fire & Emergency Response Plan	18 November 2024
6	House Rules	18 November 2024

- 2. The applicant is to supply a copy of their Public Liability Insurance to the Shire of Northampton within 30 days of the date of the approval being issued;**

3. 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;
4. The development approval is granted for a period expiring 30 June 2026 only after which the use shall cease unless an application to renew this use submitted prior to the expiration of the period seeking approval for the Holiday House to be continued for a further period of 12 months has been submitted and approved by the Shire of Northampton;
5. The Holiday House is not to be occupied by a person for more than three (3) months within any twelve (12) month period. In this regard, the Property Manager is to maintain a register of guests and the duration of their occupation to the satisfaction of the Shire of Northampton;
6. The Holiday House hereby approved is limited to a maximum of six (6) persons who are known to each other in the premises at any one time to the satisfaction of the Shire of Northampton;
7. The use hereby approved shall be managed so as not to detrimentally impact on the amenity or use of adjacent properties;
8. The Fire and Emergency Management Plan, incorporating the contact details of the Property Manager, is to be displayed within the Holiday House at all times; and
9. All parking for guests is to be provided for on-site for the users of the Holiday House.

**Advice Notes:**

- a) The approved development must comply with all relevant provisions of the *Health (Miscellaneous Provisions) Act, 1911 and the Building Act 2016*.
- b) The development the subject of this development approval is required to comply with the Shire of Northampton's Health Local Law.
- c) Please note that the use of the building in a manner proposed requires the installation of additional smoke alarms and emergency lighting for a Class 1b building as detailed in the Building Code of Australia, Part 3.7.2, Smoke Alarms.
- 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 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.
- B. Request the Chief Executive Officer to issue a modified penalty of \$500 for breach of Local Planning Scheme No. 11 with respect to the commencement of the Holiday House being the subject of Point A above, without the required prior development approval being obtained.

**COUNCIL RESOLUTION:**

**MOVED:** Burges, R      **SECONDED:** Pike, D

**02/25-19**

**That Council:**

- A. In accordance with Local Planning Scheme No. 11 – Kalbarri grant planning approval for a Holiday House on Lot 686 (Unit 1/19) Waikiri Parade, Kalbarri in accordance with the plans and specifications at Attachment 9.4.1 (1), subject to 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	Date
1	Application Information	18 November 2024
2	Property Management Plan	18 November 2024
3	Code of Conduct	18 November 2024
4	Floor Plan	18 November 2024
5	Fire & Emergency Response Plan	18 November 2024
6	House Rules	18 November 2024

2. The applicant is to supply a copy of their Public Liability Insurance to the Shire of Northampton within 30 days of the date of the approval being issued;
3. 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;
4. The development approval is granted for a period expiring 30 June 2026 only after which the use shall cease unless an application to renew this use submitted prior to the expiration of the period seeking approval for the Holiday House to be

continued for a further period of 12 months has been submitted and approved by the Shire of Northampton;

5. The Holiday House is not to be occupied by a person for more than three (3) months within any twelve (12) month period. In this regard, the Property Manager is to maintain a register of guests and the duration of their occupation to the satisfaction of the Shire of Northampton;
6. The Holiday House hereby approved is limited to a maximum of six (6) persons who are known to each other in the premises at any one time to the satisfaction of the Shire of Northampton;
7. The use hereby approved shall be managed so as not to detrimentally impact on the amenity or use of adjacent properties;
8. The Fire and Emergency Management Plan, incorporating the contact details of the Property Manager, is to be displayed within the Holiday House at all times; and
9. All parking for guests is to be provided for on-site for the users of the Holiday House.

**Advice Notes:**

- a) The approved development must comply with all relevant provisions of the *Health (Miscellaneous Provisions) Act, 1911* and the *Building Act 2016*.
- b) The development the subject of this development approval is required to comply with the Shire of Northampton's Health Local Law.
- c) Please note that the use of the building in a manner proposed requires the installation of additional smoke alarms and emergency lighting for a Class 1b building as detailed in the Building Code of Australia, Part 3.7.2, Smoke Alarms.
- 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 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.

- B. Request the Chief Executive Officer to issue a modified penalty of \$500 for breach of Local Planning Scheme No. 11 with respect to the commencement of the Holiday House being the subject of Point A above, without the required prior development approval being obtained.**

**MOTION CARRIED 7/0**

**FOR**

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

**AGAINST**

## ATTACHMENT

### 9.4.2 Retrospective Application for a Change of Use from a 'Dwelling' to 'Holiday House' at Lot 127 (No. 21) Lawrencia Loop, Kalbarri

<b>PROPONENT</b>	Ms LG Nash
<b>OWNER</b>	Mr TN & Ms LG Nash
<b>LOCATION / ADDRESS:</b>	Lot 127 (No. 21) Lawrencia Loop, Kalbarri
<b>ZONE:</b>	Residential R12.5
<b>BUSINESS AREA:</b>	Planning Services
<b>FILE REFERENCE:</b>	10.6.1.1; A4049
<b>LEGISLATION:</b>	<i>Planning and Development Act 2005</i> <i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Kaylene Roberts
<b>APPROVING OFFICER:</b>	Brian Robinson
<b>DATE OF REPORT:</b>	16 January 2025
<b>DECLARATION OF INTEREST:</b>	Nil

#### BACKGROUND:

Council is requested to consider an application for a change of use from a 'Dwelling' to a 'Holiday House'; at Lot 127 (No. 21) Lawrencia Loop, Kalbarri. Copies of the submitted site plan and management details are attached.

#### ATTACHMENT: 9.4.2 (1)

##### Location Plan



Lot 127 (No. 21) has an area of 961m<sup>2</sup> and contains a dwelling, patio and driveway. The application proposes the use of the existing dwelling for the purposes of a Holiday House. No new construction is proposed.



Key elements of the proposal are:

- The application is proposing the number of guests to be a maximum of six (6) persons;
- The management of the property will be undertaken by the applicant who lives within Kalbarri;
- The cleaning of the property will be undertaken by the applicant;
- No signage is proposed for the Holiday House application (already existing);
- The implementation of the Emergency Evacuation Response Plan as submitted;
- Parking is available for cars on-site; and
- Bookings for the Holiday House will be via a booking.com platform.

Following lodgement of the application, Shire officers identified that the Holiday House was already being advertised and operating. Council is requested to determine the application as Shire officers do not have delegated authority to approve retrospective applications.

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

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

The application was advertised for a 21 day period to eight (8) adjacent landowners with no submissions or objections being received during the advertising period.

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

To assist Council, the following comments are offered:

##### Zoning

The provisions of the Local Planning Scheme No. 11 – Kalbarri (the Scheme) include the subject land within the Residential Zone.

##### Land Use Classification

The zoning table from the Scheme identifies various forms of Holiday Accommodation may be considered within the Residential Zone within Kalbarri. The proposal as submitted is consistent with the definition of a Holiday House, which is as follows:

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

##### Land Use Permissibility

A Holiday House is an “A” use in the Residential Zone. That is a use which is not permitted unless the local government has exercised its discretion by

granting development approval after giving special notice in accordance with clause 64 of the Deemed to Comply provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

#### 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 not limited to:

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

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

#### Consistency with Zoning

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

#### Day to Day Management

The applicant/owner is a resident of Kalbarri and lives within 5 minutes of the subject property and will be available 24 hours a day to deal with any issues that may arise.

#### Public Liability Insurance

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

#### Guest Register

The applicant is required to maintain a guest register of all guests, and this is to be made available to an authorised officer from the Shire of Northampton on request. A relevant condition has been included within the officer recommendation.

#### Fire and Emergency Management Plan

The subject property has been identified as being in a designated bushfire prone area and a Fire and Emergency Management Plan has been submitted.

It is recommended that a condition be imposed on any approval to require that the plan is kept on display in a common area within the Holiday House for access during an emergency.

#### Health (Miscellaneous Provisions) Act, 1911

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

#### Retrospective Nature of Works

As stated above, the application before Council is retrospective in nature, with the applicant already operating the Holiday House without the necessary planning approval in place.

Notwithstanding the above, approval may be granted for development already commenced or carried out. Applications for retrospective approval are subject to fees equivalent to the normally required fee, plus way of penalty, twice that fee.

It should be noted that the granting of retrospective approval does not prohibit legal action being undertaken for contravention of the Scheme.

#### Legal Action Potential

Where development occurs without the prior consent of the local authority, an offence has been committed under Clause 218 of the *Planning and Development Act 2005*. Where an offence has occurred, the following options available to Council.

- a) Take no action;
- b) Issue a modified penalty of \$500; or
- c) Commence legal action for a breach, seeking a more substantial penalty.

In this instance, it is considered that the offence is not significant enough to warrant the commencement of legal action. However, as the applicant/owner commenced the operation of the Holiday House without the prior development approval in place, it is recommended that a modified penalty of \$500 is issued.

#### Conclusion

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

In terms of future planning, Council may wish to give consideration to the preparation of a Tourism Accommodation/Housing Strategy in order to guide the preparation of policy and introduction of scheme provisions to limit short stay accommodation numbers or locations.

**STATUTORY ENVIRONMENT:**

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

**POLICY / STRATEGIC IMPLICATIONS:**

A consistent approach is required in respect of enforcement of the requirements of the Local Planning Scheme given the blatant nature of the offence, it is recommended that a modified penalty be issued.

**ORGANISATIONAL RISK MANAGEMENT:**

Nil.

**FINANCIAL IMPLICATIONS:**

The applicant has paid the appropriate planning fee in accordance with the 2024/2025 Fees and Charges Schedule.

**SUSTAINABILITY:**

Environmental: Nil.

Economic: The proposal if approved by council will allow the proponent to increase business activity on the property and potentially increase the economic return of the property.

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

**VOTING REQUIREMENTS:**

**SIMPLE MAJORITY**

**OFFICER RECOMMENDATION:**

**That Council:**

**A In accordance with Local Planning Scheme No. 11 – Kalbarri grant planning approval for a Holiday House at Lot 127 (No. 21) Lawrenceia Loop, Kalbarri in accordance with the plans and specifications at Attachment: 9.4.2 (1), subject to 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	Date
1	Application Information	18 November 2024
2	Property Management Plan	18 November 2024
3	Code of Conduct	18 November 2024
4	Floor Plan	18 November 2024
5	Fire & Emergency Response Plan	18 November 2024
6	House Rules	18 November 2024

2. Prior to the commencement of the approved use, the applicant is to supply a copy of their Public Liability Insurance to the Shire of Northampton within 2 months of the date of the approval being issued;
3. 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;
4. The development approval is granted for a period expiring 30 June 2026 only after which the use shall cease unless an application to renew this use submitted prior to the expiration of the period seeking approval for the Holiday House to be continued for a further period of 12 months has been submitted and approved by the Shire of Northampton;
5. The Holiday House is not to be occupied by a person for more than three (3) months within any twelve (12) month period. In this regard, the Property Manager is to maintain a register of guests and the duration of their occupation to the satisfaction of the Shire of Northampton;
6. The Holiday House hereby approved is limited to a maximum of six (6) person who are known to each other in the premises at any one time to the satisfaction of the Shire of Northampton;
7. The use hereby approved shall be managed so as to not detrimentally impact on the amenity or use the adjacent properties.
8. The Fire and Emergency Management Plan, incorporating the contact details of the Property Manager, is to be displayed within the Holiday House at all times; and
9. All parking for guests is to be provided for on-site for the users of the Holiday House.

**Advice Notes:**

- a) The approved development must comply with all relevant provisions of the *Health (Miscellaneous Provisions) Act, 1911* and the *Building Act 2016*.
- b) The development the subject of this development approval is required to comply with the Shire of Northampton's Health Local Law.
- c) Please note that the use of the building in a manner proposed requires the installation of additional smoke alarms and emergency lighting for a Class 1b building as detailed in the Building Code of Australia, Part 3.7.2, Smoke Alarms.
- 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 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.
- B. Request the Chief Executive Officer to issue a modified penalty of \$500 for breach of Local Planning Scheme No. 11 with respect to the commencement of the Holiday House being the subject of Point A above, without the required prior development approval being obtained.

#### **COUNCIL RESOLUTION:**

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

**02/25-20**

**That Council:**

- A In accordance with Local Planning Scheme No. 11 – Kalbarri grant planning approval for a Holiday House at Lot 127 (No. 21) Lawrencia Loop, Kalbarri in accordance with the plans and specifications at Attachment: 9.4.2 (1), subject to 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	Date
1	Application Information	18 November 2024
2	Property Management Plan	18 November 2024
3	Code of Conduct	18 November 2024
4	Floor Plan	18 November 2024
5	Fire & Emergency Response Plan	18 November 2024
6	House Rules	18 November 2024

2. Prior to the commencement of the approved use, the applicant is to supply a copy of their Public Liability Insurance to the Shire of Northampton within 2 months of the date of the approval being issued;

3. 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;
4. The development approval is granted for a period expiring 30 June 2026 only after which the use shall cease unless an application to renew this use submitted prior to the expiration of the period seeking approval for the Holiday House to be continued for a further period of 12 months has been submitted and approved by the Shire of Northampton;
5. The Holiday House is not to be occupied by a person for more than three (3) months within any twelve (12) month period. In this regard, the Property Manager is to maintain a register of guests and the duration of their occupation to the satisfaction of the Shire of Northampton;
6. The Holiday House hereby approved is limited to a maximum of six (6) person who are known to each other in the premises at any one time to the satisfaction of the Shire of Northampton;
7. The use hereby approved shall be managed so as to not detrimentally impact on the amenity or use the adjacent properties.
8. The Fire and Emergency Management Plan, incorporating the contact details of the Property Manager, is to be displayed within the Holiday House at all times; and
9. All parking for guests is to be provided for on-site for the users of the Holiday House.

**Advice Notes:**

- a) The approved development must comply with all relevant provisions of the *Health (Miscellaneous Provisions) Act, 1911* and the *Building Act 2016*.
- b) The development the subject of this development approval is required to comply with the Shire of Northampton's Health Local Law.
- c) Please note that the use of the building in a manner proposed requires the installation of additional smoke alarms and emergency lighting for a Class 1b building as detailed in the Building Code of Australia, Part 3.7.2, Smoke Alarms.
- 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

**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.
- B. Request the Chief Executive Officer to issue a modified penalty of \$500 for breach of Local Planning Scheme No. 11 with respect to the commencement of the Holiday House being the subject of Point A above, without the required prior development approval being obtained.

**MOTION CARRIED 7/0**

**FOR**

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

**AGAINST**



**ATTACHMENT****9.4.4 Delegated Planning Decisions for December 2024 and January 2025**

<b>PROPONENT</b>	Shire of Northampton
<b>OWNER</b>	Various
<b>LOCATION / ADDRESS:</b>	Various
<b>ZONE:</b>	Various
<b>BUSINESS AREA:</b>	Planning Services
<b>FILE REFERENCE:</b>	10.4.1
<b>LEGISLATION:</b>	<i>Planning and Development Act 2005</i> <i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Kaylene Roberts
<b>APPROVING OFFICER:</b>	Brian Robinson
<b>DATE OF REPORT:</b>	24 January 2025
<b>DECLARATION OF INTEREST:</b>	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 December 2024 and January 2025.

**ATTACHMENT: 9.4.4 (1)**

**ATTACHMENT: 9.4.4 (2)**

**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 December 2024 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 December 2024 compared to December 2023.

**Table 1(a): Planning Decisions made in December 2023 and December 2024**

	December 2023	December 2024
<b>Delegated Decisions</b>	6 - \$1,217,074 **1	6 - \$807,866.36 **2
<b>Council Decisions</b>	0 0	2
<b>Total</b>	<b>6- \$1,217,074</b>	<b>8 - \$807,866.36</b>

During January 2025, nine (9) development applications were determined under delegated authority. **Table 1(b)** shows the number and value of development applications determined under both delegated authority and by Council for January 2025 compared to January 2024:

**Table 1(b): Planning Decisions made in January 2024 and January 2025**

	January 2024	January 2025
<b>Delegated Decisions</b>	6 - \$553,540 **0	7 - \$726,500 **2
<b>Council Decisions</b>	0 0	0**
<b>Total</b>	<b>6- \$553,540</b>	<b>9 - \$726,500</b>

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

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

	YTD 2023	YTD 2024
<b>Delegated Decisions</b>	63 - \$8,542,438 **26	82 - \$6,028,815.36 **29
<b>Council Decisions</b>	15 - \$2,924,125 **7	30 - \$5,196,517 **2
<b>Total</b>	<b>78 - \$11,466,563</b>	<b>112 - \$11,225,332.36</b>

*\*\* 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 License and Temporary and Exemption Approval Applications.*

There were also three (3) subdivisions referred to the Shire for comment in the period October 2024 to December 2024. Two applications related to the creation of two (2) lots and one application for four (4) lots. A third application sought approval to an amalgamation. Further information is provided attached.

### **ATTACHMENT: 9.4.4 (3)**

#### **STATUTORY ENVIRONMENT:**

The *Local Government Act 1995* creates and gives powers to Local governments. The Act then empowers the local government to delegate its powers to the CEO and committees, 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 December 2024 and January 2025 as detailed in Attachment 9.4.4 (1) and Attachment 9.4.4 (2).**

**COUNCIL RESOLUTION:**

**MOVED: Suckling, R      SECONDED: Gibb, T**

**02/25-21**

**That Council receive the report on Delegated Development Approvals for December 2024 and January 2025 as detailed in Attachment 9.4.4 (1) and Attachment 9.4.4 (2).**

**MOTION CARRIED 7/0**

**FOR**

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

**AGAINST**

This item has been withdrawn by the applicant as there will be a modified proposal and the timeframe has slightly changed.

#### ATTACHMENT

#### 9.4.5 Proposed Drilling and Temporary Accommodation Camps - Vacant Crown Land and Lot 5005 (3810) Balla-Whelarra Road, Binnu

<b>PROPONENT OWNER</b>	Warrego Energy EP512 Pty Ltd Outback Carbon Pty Ltd; and State of Western Australia.
<b>LOCATION / ADDRESS:</b>	<i>Lot 5005 (3810) Balla-Whelarra Road, Binnu and Portion of Unallocated Crown Land, Binnu</i>
<b>ZONE:</b>	Rural
<b>BUSINESS AREA:</b>	Planning Services
<b>FILE REFERENCE:</b>	A2259 & 10.9.1
<b>LEGISLATION:</b>	<i>Planning and Development Act 2005 Local Government Act 1995</i>
<b>AUTHOR:</b>	Brian Robinson
<b>APPROVING OFFICER:</b>	Brian Robinson
<b>DATE OF REPORT:</b>	8 February 2025
<b>DECLARATION OF INTEREST:</b>	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.

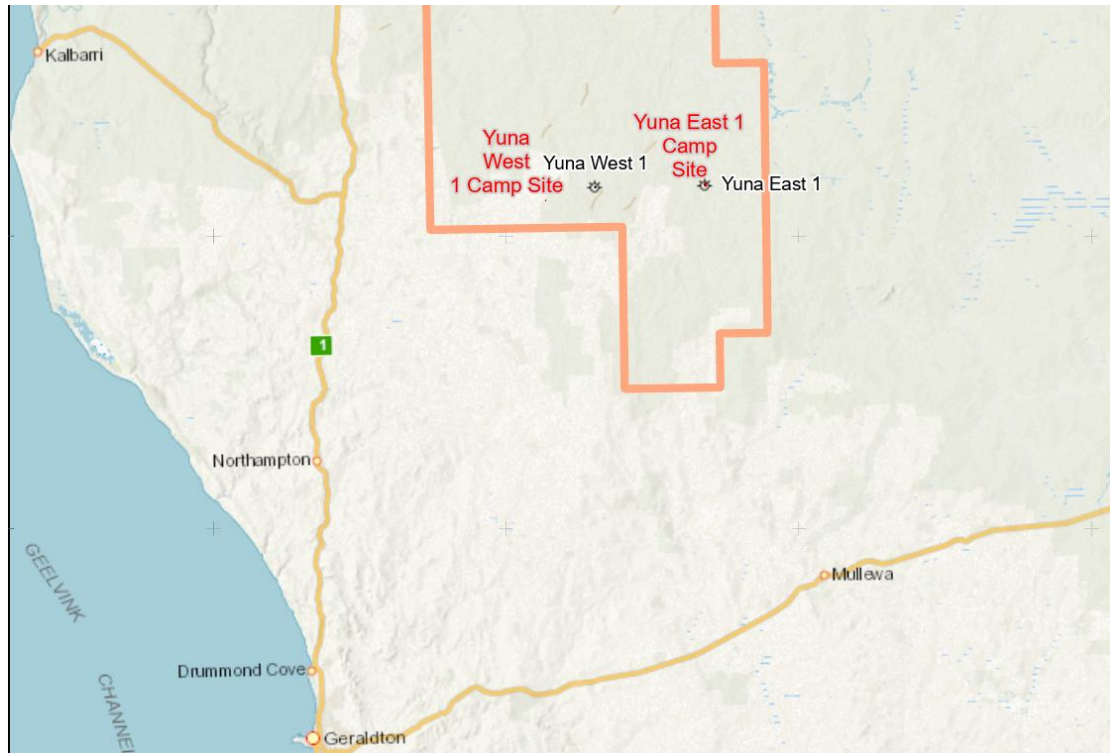
The proposed developments are located approximately 98km north/north-east of Northampton and 116 km from Kalbarri. A location plan is shown overleaf.

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 5005.

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.

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.

### Location Plan



The Main Camp is proposed to consist of:

- 24 transportable accommodation buildings, providing 48 self-contained accommodation units;
- Two transportable buildings providing a recreation room and gym for the workers;
- Three 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 in the southeast corner of the subject property, which is approximately 1.8km east of Balla-Whellarra Road. It is proposed on the south side of an access track associated with the Rabbit Proof Fence, which is effectively an extension of Wickens Road.

Details submitted with the application indicate that the mini-camp will consist of:

- A total 8 transportable units;

- Three transportable providing 6 self-contained 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
- Three 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 east of the Main Camp. It is proposed to be established via an existing track. 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: 9.4.5 (1)**

Given its location, being removed from private property, a consultation process was not undertaken in respect of the main camp.

**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 it's 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 heigh 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 5005 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.



## 2. 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.

## 3. A Bettison – Director of Splintex Pty Ltd

- Object to proposal on following grounds as property I occupy immediately west is a direct neighbour and 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 camp 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 addressed 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 including Bella-Whellara Road and Ajana East Road/Wickens Roads under a “Road Use and Maintenance Agreement” with the Shire of Northampton. This will also include a portion of the unmaintained ‘rabbit proof fence’ and an access road which is pending approval from the Department of Planning, Lands and Heritage.

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.

Usually where roads are to be used in such circumstances a “Road Use and Maintenance Agreement” is entered into, requiring the road to be maintained and returned to its original state following completion of the activities. In this case, even though the proposed use is to occur over a limited timeframe, the Executive Manager of Works and Technical Services supports the concerns expressed within the submissions received and has advised that Ajana East Road is completely unsuitable. Alternative routes will therefore be required.

As a result, and to ensure a safe road network, it is recommended that:

- a) The applicants be required to provide a Traffic Impact Assessment prepared by a qualified consultant, with that assessment of the proposed transport route to detail the upgrading works that will be required to ensure the safe movement of vehicles associated with the activity; and
- b) For the timing of vehicle movements to contemplate any potential conflict with oversized farming equipment being used on the transport route for crop preparation and/or harvesting depending on the timing.

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

- a) completion of any required road upgrades; and
- b) appropriate management of the accommodation and its occupants.

### 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. 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 the Comment Section.

### **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 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 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:****ABSOLUTE 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 5005 (3810) Balla-Whelarra Road, Binu 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:**

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

- 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 Traffic Impact Assessment shall be prepared by a suitably qualified consultant, to the satisfaction of the Shire of Northampton, assessing the current condition and suitability of the local road network to safely cater for all traffic movements associated with the activity and any upgrades that are required to the road network to ensure 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 Traffic Impact Assessment 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:**

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

- 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:**
  - iii) A Traffic Impact Assessment shall be prepared by a suitably qualified consultant, to the satisfaction of the Shire of Northampton, assessing the current condition and suitability of the local road network to safely cater for all traffic movements associated with the activity and any upgrades that are required to the road network to ensure the safe movement of vehicles.**
  - iv) A road user agreement shall be entered into with the Shire of Northampton on the basis of the findings from the Traffic Impact Assessment 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.

Cr Richard Burges declared an Impartiality Interest in Item 9.4.6 – Proposed Dwelling Using Shipping containers – Lot 85 (No 45) Darwinia Drive, Kalbarri.

## ATTACHMENT

### 9.4.6 Proposed Dwelling Using Shipping Containers - Lot 85 (No 45) Darwinia Drive, Kalbarri

<b>PROPONENT</b>	M E Whyte
<b>OWNER</b>	ME & ST Whyte
<b>LOCATION / ADDRESS:</b>	Lot 85 (No 45) Darwinia Drive, Kalbarri
<b>ZONE:</b>	Residential R20
<b>BUSINESS AREA:</b>	Planning Services
<b>FILE REFERENCE:</b>	A4212
<b>LEGISLATION:</b>	<i>Planning and Development Act 2005</i>
<b>AUTHOR:</b>	Brian Robinson
<b>APPROVING OFFICER:</b>	Brian Robinson
<b>DATE OF REPORT:</b>	8 February 2025
<b>DECLARATION OF INTEREST:</b>	Nil

#### BACKGROUND:

The subject land is a vacant residential lot with a land area of 602m<sup>2</sup>, located on the northern side of Darwinia Drive, Kalbarri. As shown on the location plan below, the property is located within the Eco Flora residential estate, similar sized residential properties are located to the sides of the property. Whilst the lot to the south is developed with a single dwelling, land to the north is vacant. A local park is located opposite with Rural land to the rear.

#### Location Plan





Approval is being sought to the construction of a single storey, one bedroom dwelling, utilising 3 shipping containers and a prefabricated arranged in a “U” shape. Plans submitted with the application show that:

- One shipping container, which is proposed to be setback between 3 and 5 metres from the read boundary will be used for a bedroom;
- A prefabricated module including a shower, toilet and laundry will be located on the southern end of the bedroom container.
- At right angles to this, a second shipping container will be used for a kitchen/diner;
- A third shipping container will be at right angles to the kitchen container, completing a “U” shape. This contained is proposed for boat storage;
- A pergola’s are proposed in the centre of the 6m wide central courtyard, extending out from the bedroom container.
- A pitched roof being installed over the kitchen container with a second pergola is proposed to be installed on the southern side of that container;
- The shipping containers will be clad in colourbond®, with Corten steel pergolas.

Whilst the submitted site plan indicates an intent to construct a retaining wall on the rear boundary, no details have been provided. Copies of the submitted plans are shown attached.

#### **ATTACHMENT: 9.4.6 (1)**

Council is requested to determine the application given that the application proposes the use of repurposed materials, and the design is not consistent with the “Deemed to Comply” provisions of the Residential Design Codes.

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

In accordance with Council’s Local Planning Policy – Consultation for Planning Proposals, the application was referred to the abutting landowners for comment consistent with consultation level B.

In response, two submissions were received. One submission indicates that the landowners to the south are indifferent to the proposal. The owner of the vacant land to the north advises that they have no objection to the proposal and request the applicants’ details as they too wish to construct home using shipping containers.

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

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 mattes including:

- a) The aims and provisions of the Scheme (including and planning codes that are read into the Scheme);
- b) Any approved State Planning Policy;
- 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.
- iii) The amenity of the locality including the character of the locality.

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

### Zoning

The provisions of the Shire's Local Planning Scheme No 11 (the Scheme) include the subject land within the Residential Zone, with an applicable density of R20 in accordance with the Residential Design Codes of Western Australia (R-Codes).

### Zone Objectives

As set out in Part 3 of the Scheme, the broad objectives of the Residential Zone are as follows:

- To provide for a range of housing and choice of residential densities to meet the needs of the community;
- To facilitate and encourage high quality design, built form and streetscaped throughout residential areas.
- To provide for a range of non-residential uses, which are compatible with and complementary to residential development.

For reasons detailed within the balance of the agenda item, it is considered that the current design is not consistent with these objectives.

### Repurposed Dwelling Provisions

Clause 4.8.20 of the Scheme outlines that the local government may permit the erection or placement of a repurposed dwelling providing it is satisfied the building:

- (i) *Is in a satisfactory condition;*
- (ii) *Will not detrimentally affect the amenity of the area having regard to the zoning of the land and the use proposed for the building;*
- (iii) *Is permanent affixed to the ground; and*
- (iv) *The facades, colours and materials and design features of the building area appropriate to that prevailing or proposed in the vicinity.*

Further guidance on the amenity considerations and requirements to ensure an acceptable level of appearance and amenity are provided within Local Planning Policy – Repurposed and Second-Hand Dwellings. The provisions of the policy are detailed overleaf.

### R-Codes

In accordance with clause 25 of the Scheme, the R-Codes Residential Design Codes of Western Australia are to be read as part of the Scheme. The

application as submitted has been assessed against the requirements of the R-Codes, with the following being identified:

- The application as submitted complies with the street setback requirements applicable to a density of R20, being an average setback of 6m;
- The application also complies with setbacks from the side and rear boundaries;
- The application does not meet the deemed to apply provisions relating to street surveillance (clause 5.2.3) given the dwelling does not address the street and there is no clear definable entry to the dwelling visible from the street.
- Given the above, it is considered the current design does not positively contribute to the character of the streetscape, being a primary objective under Part 5.2 of the R-Codes.

Further commentary on the appearance of the proposed dwelling is provided overleaf.

#### Local Planning Policy – Repurposed & Second-hand Dwelling

The objectives of the Policy are to:

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

Consistent with the above objectives, the Policy outlines that conditions may be imposed to ensure the building presentation is of an acceptable standard to enhance the streetscape appearance. Such conditions may include (but are not limited to) the following:

- a) The need for additional setbacks over and above the prescribed minimum requirements and the need for screening via landscaping and/or boundary fencing;
- b) A bond/bank guarantee being equivalent to 20% of the estimated value of the approved works, to ensure the building presentation is of an acceptable standard, with a minimum amount of \$5,000. In this case the applicants have identified the development as having a cost of approximately \$75,000, which would require a bond of \$15,000;
- d) Upgrading, alterations or additional design features that will enhance the elevations and architectural detail of the proposed development (i.e. roof pitch, eaves, colours/materials and external treatments);
- e) The roof and/or walls being clad of non-reflective materials and be consistent or complimentary in colour with the surrounding natural landscape features or desired streetscape; and

- f) Require landscaping and constructed vehicle access to be established within a specified timeframe.

The development is proposed with additional setbacks and walls are proposed to be covered in a colourbond® material. The additional setback would allow for landscaping to assist in screening the development.

In addition to the above conditions, Development Guidelines are set out in clause 5.2 of the Policy. These Guidelines include, but are not limited to:

- i) To ensure that the repurposed dwelling does not detract from an existing (or reasonably desired) streetscape, the development is required to provide veranda's, awnings, balconies, porches or other architecture relief on the elevations that are viewed from the street;
- ii) Roof design can utilise gable, hipped or skillion design. Flat roofs are only permitted where the design of the building has been extensively enhanced by other external treatments and is an integral part of the modern profile of the dwelling; and
- iii) In order to not detract from an existing (or reasonably desired) streetscape, the proposed development is required to lodge and implement a landscape plan. No details have been provided with respect to proposed landscaping at this point.

Whilst the applicant has proposed two pergolas, the only architectural feature proposed on the street side of the proposed boat storage section, is a highlight window. No roof is proposed on the shipping container. It is noted that the container to be used for the kitchen is proposed to have a low gable roof, and a window is proposed on the end of the container that will face the street. However these improvements are not considered extensive.

Given that extensive enhancements are not proposed on the street elevation of the development, it is considered that approval to the application as submitted would be contrary to requirements of point 2 above.

#### Existing Streetscape

Development in the vicinity of the subject is limited with many vacant properties in the area. Those properties that have been developed in the immediate area can generally be described as being of traditional dwelling construction/design, with gabled roofs. It is recommended that modification of the design be required to ensure the development is consistent with the streetscape associated with the existing dwellings.

#### Conclusion

It is recommended that the application be refused given that the application does not comply with several important requirements of the Residential Design Codes and Local Planning Policy that would minimise the potential for a detrimental impact on the amenity of the street. It is considered that approval to the application as submitted would create an un-desirable precedent for repurposes buildings being contrary to these requirements.

It is furthermore recommended that the applicant be encouraged to further consider improvements to the proposed street elevation, including, but not limited to the following prior to lodging a revised application:

- a) The provision of a clear defined, visible entry to the dwelling visible from the street;
- b) The addition of a roof to the container proposed to be used for boat storage, with consideration to be given to the provision of an eave facing the street;
- c) Consideration be given to the inclusion of a verandah or porch on the street elevation in accordance with clause 5.2 of the Local Planning Policy – Repurposed or Second-Hand Dwellings; and
- d) Provision of a detailed landscaping plan, demonstrating how the street setback will be landscaped to enhance the appearance of the development.

### **STATUTORY ENVIRONMENT:**

*Planning and Development Act 2005.*

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

Repurposed buildings, including shipping containers are a necessary and acceptable part of the State's housing products. However, without the incorporation of appropriate design elements, such developments have the potential to detrimentally impact on the streetscape and amenity of an area.

It is considered that the development currently proposed has potential to detrimentally impact on the streetscape and is likely to create a precedent for development in the street and immediate area.

### **ORGANISATIONAL RISK MANAGEMENT:**

Risk rating is considered Moderate given the potential for creation of a precedent for development that is not consistent with the requirements of the Scheme, Local Planning Policy and R-Codes.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response
Minor (2)	First aid injuries	\$1,001 - \$10,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response
Moderate (3)	Medical type injuries	\$10,001 - \$50,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact, moderate news profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies

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

### FINANCIAL IMPLICATIONS:

The required application fee has been paid in accordance with Council's Schedule of Fees and Charges adopted as part of the 2024/25 Annual Budget.

### SUSTAINABILITY:

Environmental: The development as proposed has potential to detrimentally impact on the future streetscape as detailed in the comment section above.

Economic: Nil.

Social: It is appropriate for Council to enforce the requirements of the Scheme, Local Planning Policy and R-Codes to ensure a suitable standard of development that contributes positively to the streetscape will be landscaped to enhance the appearance of the development.

### VOTING REQUIREMENTS: SIMPLE MAJORITY

### OFFICER RECOMMENDATION:

#### That Council:

1. Refuse to grant Development Approval to the proposed dwelling utilising repurposes shipping contained on Lot 85 (45) Darwinia Drive, Kalbarri as submitted for the following reasons:
  - a) The development as submitted is not consistent with the requirements for a clear definable entry to the dwelling visible from the street as set out in clause 5.2.3 of the Residential Design Codes of Western Australia;
  - b) The use of a flat roof for the shipping container to be converted to boat storage is contrary to the requirements of Local Planning Policy – Repurposes and Second Hand Buildings;
  - c) Insufficient detail has been provided with respect to landscaping of the street setback.
2. Invite the applicant to submit a revised design utilising shipping containers that addresses the following matters to the satisfaction of Council:
  - a) Modification of the design so as to define a clear entry to the dwelling as viewed from the street;

- b) Incorporation of a gable or skillion roof above the shipping container to be converted to boat storage;
- c) Incorporation of architecture features such as a verandah or porch on the street elevation so as to positively contribute to the appearance of the development as viewed from the street; and
- d) Submission of a detailed landscaping plan relating to the street setback, in order to demonstrate how the street setback will be landscaped to enhance the appearance of the development.

**COUNCIL RESOLUTION:**

**MOVED: Hay, T**

**SECONDED: Suckling, K**

**02/25-22**

**That Council:**

1. Refuse to grant Development Approval to the proposed dwelling utilising repurposes shipping contained on Lot 85 (45) Darwinia Drive, Kalbarri as submitted for the following reasons:
  - a) The development as submitted is not consistent with the requirements for a clear definable entry to the dwelling visible from the street as set out in clause 5.2.3 of the Residential Design Codes of Western Australia;
  - b) The use of a flat roof for the shipping container to be converted to boat storage is contrary to the requirements of Local Planning Policy – Repurposes and Second Hand Buildings;
  - c) Insufficient detail has been provided with respect to landscaping of the street setback.
2. Invite the applicant to submit a revised design utilising shipping containers that addresses the following matters to the satisfaction of Council:
  - a) Modification of the design so as to define a clear entry to the dwelling as viewed from the street;
  - b) Incorporation of a gable or skillion roof above the shipping container to be converted to boat storage;
  - c) Incorporation of architecture features such as a verandah or porch on the street elevation so as to positively contribute to the appearance of the development as viewed from the street; and
  - d) Submission of a detailed landscaping plan relating to the street setback, in order to demonstrate how the street setback will be landscaped to enhance the appearance of the development.

**MOTION CARRIED 7/0**

**FOR**

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

**AGAINST**



**ATTACHMENT****9.5.1 Building Approvals Report December 2024 and January 2025**

<b>PROPONENT</b>	Shire of Northampton
<b>OWNER</b>	N/A
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>ZONE:</b>	Northampton and Kalbarri
<b>BUSINESS AREA:</b>	Building
<b>FILE REFERENCE:</b>	N/A
<b>LEGISLATION:</b>	Local Government Act 1995 Building Act 2011 Building Regulations 2012
<b>AUTHOR:</b>	Michaela Simpson
<b>APPROVING OFFICER:</b>	Brian Robinson
<b>DATE OF REPORT:</b>	3 February 2025
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

This report had been produced to assist Council understand the Building and Demolition Permits approved and issued for the period of 01 December 2024 to 31 January 2025.

**ATTACHMENT: 9.5.1 (1)**

**ATTACHMENT: 9.5.1 (2)**

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

During December 2024, seven (7) and January 2025, five (5) building and demolition applications were determined under delegated authority

**STATUTORY ENVIRONMENT:**

Nil.

**POLICY / STRATEGIC IMPLICATIONS:**

Nil.

**ORGANISATIONAL RISK MANAGEMENT:**

Risk rating is considered Nil.

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

**FINANCIAL IMPLICATIONS:**

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

**SUSTAINABILITY:**

Environmental: Nil.

Economic: Nil.

Social: Nil.

**VOTING REQUIREMENTS:**

**SIMPLE MAJORITY**

**OFFICER RECOMMENDATION:**

**That Council receive the Building Approvals Report December 2024 and January 2025 in accordance with Attachment: 9.5.1 (1) and Attachment: 9.5.1 (1)**

**COUNCIL RESOLUTION:**

**MOVED: Pike, D**

**SECONDED: Gibb, T**

**02/25-23**

**That Council receive the Building Approvals Report December 2024 and January 2025 in accordance with Attachment: 9.5.1 (1) and Attachment: 9.5.1 (1)**

**MOTION CARRIED 7/0**

**FOR**

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

**AGAINST**

## ATTACHMENT

### 9.6.1 Kalbarri Open Air Music Festival 4 & 5 April 2025 - Request to Amend Finish Time

<b>PROPONENT</b>	Jamart Sound Lounge – Mr Ersh On & Ms Kimberly Zehra
<b>OWNER</b>	Shire of Northampton
<b>LOCATION / ADDRESS:</b>	Kalbarri Oval and Kalbarri Sport & Recreation Centre
<b>ZONE:</b>	All
<b>BUSINESS AREA:</b>	Environmental Health
<b>FILE REFERENCE:</b>	11.1.10 & 11.1.2
<b>LEGISLATION:</b>	Local Government Act 1995
<b>AUTHOR:</b>	Wendy Dallywater
<b>APPROVING OFFICER:</b>	Brian Robinson
<b>DATE OF REPORT:</b>	3 February 2025
<b>DECLARATION OF INTEREST:</b>	Nil

#### BACKGROUND:

At the Ordinary Meeting of Council held on 17 October 2024 Council was requested to consider a small event application for the 2025 Kalbarri Open Air Music Festival. The Small Event Application submitted was to commence the event at 2:00pm and finish at 10pm each day as per their same event held in March 2024. Council resolved (Resolution 10/24-124) as follows:

***“That Council:***

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

The Shire received an email request from Jamart Sound Lounge on 9 December 2024 asking for the event to finish at 11:00pm each day. This request was presented to the Council Meeting held on 19 December 2024, and Council passed the following resolution:-

***“That Council:***

- 1. Request that the Chief Executive Officer arrange for comments on the revised finish time to be sought from the adjacent landowners over a 21 day period;***
- 2. Authorises the Chief Executive Officer to grants approval to the finish time of 11:00pm each day in the event that no objections***

***are received in response to the consultation outlined in point No 1 above; and***

***3. A further agenda item be prepared for Council consideration in the event that objections are received in response to the consultation process outlined in point No 1 above.”***

This agenda item has been prepared for Council consideration in accordance with point 3 above, as an objection has been received.

**PUBLIC CONSULTATION UNDERTAKEN:**

As per Council’s decision, individual emails were sent on 6 January 2025 to the 5 accommodation businesses near the Kalbarri Oval seeking comment on the applicants proposal to amend the finish time from 10:00pm to 11:00pm each day. An email was also sent to the Officer in Charge at Kalbarri Police Station for his comments.

At the closing of the advertising on Monday 27 January 2025 (21 days), eight (8) submissions were received as summarised in the table below. An additional (late) submission has also been included for Council consideration. Copies of each response is also attached for Council’s information.

<b>Date Comments Received</b>	<b>Author</b>	<b>Comments Received</b>
6/01/2025	Mrs Kellie Law, Manager of the Kalbarri Palm Resort	Thanks for the email.
6/01/2025	Mr Jason Ure – Regional Operations Manager WA for Tasman Holiday Parks - Kalbarri	Have no objections to the time change.
14/01/2025	Mr Chris Pye, Chair & Managing Director of Hospitality Pty Ltd – for Kalbarri Edge Resort on behalf of management and private owners, and Kalbarri Palm Resort on behalf of management	Disappointed that owners of these properties were not consulted before Council approved the 2025 event; “metal” music is not appropriate; the Kalbarri Oval is an inappropriate venue for such an event; asked if approval has been granted under the Environmental Protection (Noise) Regulations 1997; concern about possible bad language; disappointed that Council has approved a 2-day event this year and that it is a different time to the event last year; and objects to an 11:00pm finish time.
22/01/2025	Ms Kellie Ross, Administration Team for Kalbarri Motor Hotel	Have no objections to the later festival ending time as back units are still under construction, and our accommodation patrons usually know it can be noisy staying at the

		Hotel as they have live music at the pub too.
22/01/2025	Jayson Mehnert, Chief Financial Officer & General Manager Hospitality Pty Ltd for Kalbarri Edge Resort	People on holiday will expect that noise will abate around 9:30pm to 10:00pm. Issue is that the stage this year will face towards the Resort and organisers want to finish at 11:00pm instead of 10:00pm. Kalbarri Edge are definitely against this request to extend the finish time.
23/01/2025	Mr Jon Jessop, owner of Kalbarri Palm Resort Sent two emails	Palm Resort last year were able to put customers in the rear units so there was less chance of complaints. Kalbarri is a nature based, family tourism destination. The event should not be approved and should not be located at the Kalbarri Oval.
23/01/2025	Mrs Kellie Law, Manager of Kalbarri Palm Resort	Does not agree to extending the finishing time to 11:00pm.
28/01/2025	Ms Morag Wynne, Manager of Kalbarri Edge Resort	Previously expressed her concerns to Jayson Mehnert and Chris Pye regarding impacts of the music festival on their guests. Morag's manager's accommodation unit is situated at the front of the Edge Resort and the music festival last year affected her ability to sleep and thus her work the next day.

### ATTACHMENT: 9.6.1 (1)

#### COMMENT (Includes Options):

The application for 2024 Kalbarri Open Air Music Festival originally proposed that the event would commence at 3:00pm and finish at 11:00pm each day. Due to concerns raised by two adjacent accommodation businesses, these times were revised to between 2:00pm and 10:00pm. These operating times were presented to Council as part of the Event Application.

Following the Kalbarri Open Air Music Festival held over two days on 15 & 16 March 2024 Shire officers surveyed nearby accommodation businesses and were advised that these businesses did not receive any noise complaints, except for one premises that received one noise complaint. However management was not sure what the noise complaint was regarding (noise from neighbouring campers or noise from the Kalbarri Oval). No complaints regarding noise were received by the Shire.

For the 2025 event, the proponent has advised that the line-up of bands/artists will provide a broader range of music genera which will hopefully appeal more to locals and those travelling to attend the event. They also decided to hold the

event 3 weeks later on 4 & 5 April expecting that the weather then would be a little cooler.

It should however be noted that the applicants have indicated that they still wish to have the option to commence at 2:00pm.

Response to Consultation Responses received:-

As reflected in Attachment: 9.6.1 (1), a number of objections were received to extension of the festival hours of operation. Given the objections received to the extension of hours to 11:00pm, it is recommended that Council not approve the extended hours, meaning the event will need to comply with the current approval for finish time at 10:00pm.

With respect to other comments within the submissions received, the following advise is provided:

- a) Reference is made to complaints regarding last years event and disappointment that consultation did not occur prior to approval of this years event.

Response – No verbal or written complaints were received by the Shire. Given this it was considered there was no justification to refuse the event this year.

- b) The Kalbarri Oval is an inappropriate venue for such an event.

Response - Shire Officers do not support this view given that as a recreation reserve the oval and associated Kalbarri Sport & Recreation Centre are used for a wide range of events, with some of these events extend pasting 10:00pm. Being a public place the oval can be approved for other uses such as a music festival, provided that applicable legislative requirements including Noise legislation are met.

Conclusion

The applicants have approval to hold a two day festival between the hours of 2pm and 10pm each day on 4 and 5 April 2025. The approval to extend the hours of operation to 11pm each day is not supported given the objections received.

**STATUTORY ENVIRONMENT:**

Various legislation is applicable including but not limited to the *Local Government Act 1995*, *Health (Miscellaneous Provisions) Act 1911* and *Building Act 2011*.

**POLICY / STRATEGIC IMPLICATIONS:**

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

	Key Outcomes	Objectives	Success Measures	Timelines
1.1.4	Support for visitor attractions and for	Increase of events that attract overseas,	Increase or decrease of visitors and	Ongoing

	community driven events-based and tourism.	regional, and local people to support the local economy.	number of events held.	
5.1.3	To demonstrate a proactive approach to community and economic development, and service delivery.	Community engagement strategies in place and positive relationships with business and service providers.	Community satisfaction levels and level of interaction with business owners and service providers.	Ongoing

### ORGANISATIONAL RISK MANAGEMENT:

The associated risk with this request is that the later proposed finish will result in impacts on the community. The 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:

There are no additional financial impacts relating to this request to finish an hour later than had previously been approved.

### SUSTAINABILITY:

Environmental: Nil

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



Social: It is a social event for locals as well as visitors who want to see live music events. There is however potential for such events to temporarily impact on the amenity of the area through noise and the behaviour of associated patrons. This potential can be minimised through limitations on the hours of operation and compliance with noise legislation.

**VOTING REQUIREMENTS: SIMPLE MAJORITY**

**OFFICER RECOMMENDATION:**

**That Council:**

**Having received objections to the proposal for revised finish time of 11pm for the Kalbarri Open Air Music Festival, Council not approve the later finishing time, requiring the event is to finish at 10:00pm both days in accordance with the approval granted at Council's Resolution 10/24-124 passed on 17 October 2024.**

**COUNCIL RESOLUTION:**

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

**02/25-24**

**That Council:**

**Having received objections to the proposal for revised finish time of 11pm for the Kalbarri Open Air Music Festival, Council not approve the later finishing time, requiring the event is to finish at 10:00pm both days in accordance with the approval granted at Council's Resolution 10/24-124 passed on 17 October 2024.**

**MOTION CARRIED 7/0**

**FOR**

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

**AGAINST**

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

<b>PROPONENT</b>	Executive Manager of Works and Technical Services
<b>OWNER</b>	N/A
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>ZONE:</b>	All
<b>BUSINESS AREA:</b>	Works and Technical Services
<b>FILE REFERENCE:</b>	N/A
<b>LEGISLATION:</b>	N/A
<b>AUTHOR:</b>	Tina Souroup
<b>APPROVING OFFICER:</b>	Neil Broadhurst
<b>DATE OF REPORT:</b>	6 January 2025
<b>DECLARATION OF INTEREST:</b>	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, Coolcalalaya, Blue Wells, James, Horry, Percy, Isachar, Ogilvie East, Routledge, Teakle, Starling, Yarra, Johnson, Hatch, Norman Well and Nobla Stock Route Road/s.
- Gravel Patching - Unsealed Roads Gravel Sheeting / Verge works carried out on Ralphs, Wickens, Frosty Gully, Reynolds, Ogilvie East, Bowes Spring, Horry, Normans Well and James Road/s.
- Repairs carried out on Nabawa – Northampton Road.
- Relocate seaweed from Horrocks Boat Ramp.
- Relocate of sand from Port Gregory Boat Ramp and Beach access.

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.
- Horrocks - Fourth Avenue clearing of rear fence.

- Mowing and mulching on Melaleuca pathway and selected areas in Kalbarri.
- Street sweeping of roads in all townsites ready for Christmas and New Years.
- Assistance with pre and post clean-up for Northampton and Kalbarri, Australia Day Activities
- Preparation for Horrocks New Years Eve Celebration and music concert.

#### Other Items

- Management continuing to review / submit assessment of damage to infrastructure following rainfall events from June to October 2024.
- Preliminary Event Notification (PEN) information has been submitted for the following dates:  
     PEN 2. 6 June to 10 June 2024. AGRN1143. Approved as conforming and successful.  
     PEN 3. 26 June to 30 June 2024. AGRN1150. Approved as conforming and successful.  
     GHD Consultants have compiled Event/Damage Assessment for the Network area that has formed a financial assessment that was submitted to DRFAWA 30 November 2024.

#### Other Items (Budget)

- Kalbarri widening – Main Roads WA full funding (Blackspot funding) to the 10 kilometres of widening immediately to the east of Kalbarri as far as the Skywalk lookout turnoff. Practical completion has been granted. The Shire of Northampton is continuing with assistance from consultants Greenfields Technical Services to overcome contractual requirements regarding practical completion requirements. Submission to Solicitor on 09 September 2024. 'Show Cause' notice forwarded to Contractor.
- Kalbarri – Tropical Cyclone Seroja rebuild works being Red Bluff, Jacques Point, Blue Holes and Chinamans Beach works plus Anchorage Lane temporary overflow workers accommodation works continuing.
- Horrocks water storage tanks preparation works, sand pads and delivery of tanks, set up of MAIT system ready for monitoring of water supply.
- Port Gregory water storage tanks preparation works, sand pad and delivery of tanks set up MAIT system ready for monitoring water supply
- Caterpillar Backhoe safety mesh guards front and rear windshields have been fitted to Northampton plant.

#### Plant Items

- 3 x Utilities – all delivered, and equipment changed over to new vehicles.
- Caterpillar 434 Backhoe (second-hand unit) ordered and delivered to Kalbarri (January 2025)

#### Staff Items

Vacant positions to be advertised.

- 1 x Water Custodian (Port Gregory).
- Kalbarri Plant Operator / Labourer advertised and closed 7<sup>th</sup> February 2025.

A copy of the Executive Manager of Works and Technical Services – Works Crew Budget – Program and Progress Report, February 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 February 2025. In accordance with ATTACHMENT 9.8.1 (1).**

**COUNCIL RESOLUTION:**

**MOVED: Gibb, T                      SECONDED: Suckling, R**

**02/25-25**

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

**MOTION CARRIED 7/0**

**FOR**

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

**AGAINST**

**ATTACHMENT****9.9.1 Proposed Road Infrastructure and Plant Advisory Committee**

<b>PROPONENT</b>	Shire of Northampton
<b>OWNER</b>	Shire of Northampton
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>ZONE:</b>	All
<b>BUSINESS AREA:</b>	Office of CEO
<b>FILE REFERENCE:</b>	4.1.14
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Andrew Campbell
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	13 January 2025
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

During strategic discussions with Council, a concept was agreed to bring an item before Council to consider the establishment of a Road Infrastructure and Plant Advisory Committee. A proposed Terms of Reference has been formulated and is provided in the attachment.

**ATTACHMENT: 9.9.1 (1)**

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

The Terms of Reference for the Road Infrastructure and Plant Advisory Committee has the proposed purpose:

1. To establish and review the Shire's ten year Road Infrastructure Plan;
2. To review the Shire's Road Infrastructure Plan budget consideration as part of the annual budget process;
3. To review any amendments to the Shire's Road Infrastructure Plan budget;
4. To raise and discuss Road Infrastructure Plan issues for feedback purposes;
5. To establish and review the ten year Plant Replacement Program including plant strategic planning, efficiencies (merits) and specifications; and
6. To meet on occasion to investigate and/or evaluate urgent road infrastructure or plant issues.

With the purpose indicated above, it is considered that the Road Infrastructure and Plant Advisory Committee will be able to apply a strategic assessment of the Shire's road infrastructure and plant approach and make recommendations for Council's consideration. It is however important that the Road Infrastructure and Plant Advisory Committee does not involve itself in operational matters contrary to the requirements of the *Local Government Act 1995*.

Membership of the Road Infrastructure and Plant Advisory Committee is proposed to be four Councillors, two Senior Employees and the Leading Hand

- Construction as voting members. In addition to this it is proposed an additional employee act as the Minute Secretary and two community representatives being part of the Road Infrastructure and Plant Advisory Committee in an “ex officio” (non-voting) capacity. It is anticipated that the Shire would advertise for the community representatives and Council would appoint them at a future meeting. Membership composition is open to further changes if desired by Council at any stage.

In the 2024/25 Budget, an allocation of \$50,000 was set aside for a Road and Plant Consultant to undertake a strategic assessment of the Shire’s road priorities and plant utilisation/suitability. Preliminary conversations have occurred with consultants GHD about undertaking this work on an hourly rate on the basis that GHD has recently undertaken a damage assessment of the Shire’s road network resulting from the June 2024 rainfall events that have since been declared a disaster and eligible for relief funding. It is considered that the information GHD have acquired as part of this disaster process will provide them with considerable understanding of the Shire’s road priority needs and it makes sense to contract GHD for this additional work. GHD is also a WALGA Preferred Supplier. It is expected that the Road Infrastructure and Plant Advisory Committee will have significant input into this project and be the gateway to provide recommendations to Council for consideration.

#### **STATUTORY ENVIRONMENT:**

Advisory Committees of Council are formed under the *Local Government Act 1995* and are structured so as to provide recommendations to Council for decision. Whilst Advisory Committees do not have delegated power, they must follow very similar statutory governance arrangements to what Council meetings operate under.

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

The purpose of the Road Infrastructure and Plant Advisory Committee is to provide strategic oversight to the Shire’s works and plant programs. This is important as these programs are the biggest cost centres for the organisation and strategic oversight will ensure suitable planning is in place for the future.

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

Risk rating is considered Moderate as strategic oversight of road infrastructure and plant will enable better decision making and less chance of making costly mistakes.

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

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

**FINANCIAL IMPLICATIONS:**

The proposed Road Infrastructure and Plant Advisory Committee will make expenditure and property disposal recommendations to Council for consideration.

**SUSTAINABILITY:**

Environmental: Nil.

Economic: Nil.

Social: Nil.

**VOTING REQUIREMENTS:**

**ABSOLUTE MAJORITY**

**OFFICER RECOMMENDATION:**

**That Council:**

1. Adopt the Terms of Reference for the Road Infrastructure and Plant Advisory Committee in accordance with ATTACHMENT: 9.9.1 (1);
2. Appoint the following Councillors and employees to the Road Infrastructure and Plant Advisory Committee:

	<b>Councillor</b>
	<b>Councillor</b>
	<b>Councillor</b>
	<b>Councillor</b>
<b>Mr Neil Broadhurst</b>	<b>Executive Manager Works and Technical Services</b>
<b>Mr Andrew Campbell</b>	<b>Chief Executive Officer</b>
<b>Mr Sean Boyce</b>	<b>Leading Hand - Construction</b>
<b>Mrs Tina Souroup</b>	<b>Works and Technical Services Officer (Minute Secretary) (“Ex Officio”)</b>



3. Advertise for two Community Representatives to be part of the Road Infrastructure and Plant Advisory Committee in an “Ex-Officio” capacity; and
4. Agree to appoint GHD as the consultant to undertake a strategic assessment of the Shire’s road priorities and plant utilisation/ suitability in accordance with the 2024/25 budget.

**COUNCIL RESOLUTION:**

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

**02/25-26**

**That Council:**

1. Adopt the Terms of Reference for the Road Infrastructure and Plant Advisory Committee in accordance with ATTACHMENT: 9.9.1 (1);
2. Appoint the following Councillors and employees to the Road Infrastructure and Plant Advisory Committee:

<b>Cr L Sudlow</b>	<b>Councillor</b>
<b>Cr R Burges</b>	<b>Councillor</b>
<b>Cr R Suckling</b>	<b>Councillor</b>
<b>Cr K Suckling</b>	<b>Councillor</b>
<b>Mr Neil Broadhurst</b>	<b>Executive Manager Works and Technical Services</b>
<b>Mr Andrew Campbell</b>	<b>Chief Executive Officer</b>
<b>Mr Sean Boyce</b>	<b>Leading Hand - Construction</b>
<b>Mrs Tina Souroup</b>	<b>Works and Technical Services Officer (Minute Secretary) (“Ex Officio”)</b>

3. Advertise for two Community Representatives to be part of the Road Infrastructure and Plant Advisory Committee in an “Ex-Officio” capacity.

**MOTION CARRIED 7/0**

**FOR**

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

**AGAINST**

**10. LATE REPORTS:**

Nil

**11. QUESTIONS FROM MEMBERS:**

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

11.2 Questions from members. Nil.

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

Nil.

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

Nil.

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

Nil.

**15. CLOSURE:**

**There being no further business to discuss the Shire President thanked those in attendance and closed the meeting at 3.10pm.**

**SIGNED:**



**Cr Liz Sudlow  
Shire President**

**DATE: 20 March 2025**