



# MINUTES

## COUNCIL MEETING

19 JUNE 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:.....	5
7.	CONFIRMATION OF MINUTES: .....	6
8.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN: .....	7
9.	OFFICERS' REPORTS:.....	7
<b>06/25-66</b>	9.1.1 ..... Consideration of Tender Award - RFT 01-2025 Northampton Disaster Recovery Works AGRN1143 and AGRN1150 .....	8
<b>06/25-67</b>	9.1.2 Review of the Code of Conduct for Council Members, Committee Members and Candidates 2023 .....	13
<b>06/25-68</b>	9.1.3 .... Review of the Code of Conduct for Employees and Contractors 2023.....	16
<b>06/25-69</b>	9.2.1 ... Monthly Financial Statements for the Period Ending 31 May 2025.....	19
<b>06/25-70</b>	9.2.2 Proposed May 2025 List of Accounts for Endorsement on 19 June 2025.....	22
<b>06/25-71</b>	9.2.3 Proposed Shire of Northampton Schedule of Fees and Charges 2025/26 .....	25
<b>06/25-72</b>	9.2.4 ..... Proposed Sundry Debtors Write Off .....	28
<b>06/25-73</b>	9.2.5 ..... Proposed New Policy - 2.17 Complaints Management .....	34
<b>06/25-74</b>	9.3.1 ..... Northampton Bowling Club Request for support of Club Night Lights Program - Lot 39 (No 255) Hampton Road, Northampton.....	37
<b>06/25-75</b>	9.3.2 ..... Quarterly Activity Report for Executive Manager of Community, Development & Regulation Quarterly Activity Report - January to March 2025.....	45
<b>06/25-76</b>	9.4.1 ..... Delegated Planning Decisions for May 2025 .....	48
<b>06/25-77</b>	9.4.2 ... Draft Local Planning Policy No 6.1.5 - Development Bonds .....	51
<b>06/25-78</b>	9.4.3 ..... Review of Local Planning Scheme Provisions and Local Planning Policy relating to Outbuildings.....	56
<b>06/25-79</b>	9.4.4 Retrospective Application for a Change of Use from a 'Dwelling' to 'Holiday House' at Lot 264 (No. 5) Stemodia Street, Kalbarri .....	64
<b>06/25-80</b>	9.4.5 ..... Review of Local Planning Scheme provisions and Local Planning Policy relating to Use of Caravans for Temporary Accommodation .....	76

<b>06/25-81</b>	9.4.6 Proposed Extended Trading Permit for Liquor Licence – IGA at Lot 22 (229) Hampton Road, Northampton.....	85
<b>06/25-82</b>	9.5.1 ..... Building Approval Report.....	89
<b>06/25-83</b>	9.6.1 .... Kalbarri Open Air Music Festival 4 & 5 April 2025 – Sound Level Meter Readings and Follow-up Consultations.....	92
<b>06/25-84</b>	9.8.1 Information Items - Maintenance/Construction - Works Program.....	97
<b>06/25-85</b>	9.9.1 Consideration of the Unconfirmed Minutes of the Road Infrastructure and Plant Advisory Committee Meeting Held 6 June 2025.....	101
10.	LATE REPORTS:.....	105
<b>06/25-86</b>	9.4.7 Proposed Porch and Roofed Balcony - Lot 63 (No 10) Horan Way, Horrocks .....	105
11.	QUESTIONS FROM MEMBERS:.....	113
12.	MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING .....	113
13.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING: .....	113
14.	APPLICATIONS FOR LEAVE OF ABSENCE: .....	113
15.	CLOSURE:.....	113

## SHIRE OF NORTHAMPTON

Minutes of the Ordinary Meeting of Council held in the Council Chamber, Hampton Road, Northampton, Thursday, 19 June 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 Tim Hay (Deputy Shire President)

Cr Richard Burges

Cr Des Pike

Cr Karl Suckling

Cr Roslyn Suckling

##### **Staff**

Mr Andrew Campbell (Chief Executive Officer)

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

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

Mrs Leanne Rowe (Manager Financial Services)

Mrs Michelle Allen (Manager Corporate Services)

Ms Sonya Hasleby (Executive Support Officer)

##### **Gallery**

3.1 Apologies: Nil.

3.2 Leave Of Absence:

Cr Trevor Gibb was granted an approved Leave of Absence at the Ordinary Meeting of Council held on Thursday 15<sup>th</sup> May 2025.

#### 4. DECLARATIONS OF INTEREST:

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

Cr Karl Suckling declared an impartiality interest in relation to item 9.1.1 Consideration of Tender Award Northampton Disaster Recovery Works – As one of the tenderers is his cousin.

#### 5. PUBLIC QUESTION TIME:

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

#### 6. PRESENTATIONS:

- 6.1 Petitions: Nil.
- 6.2 Presentations: Nil.
- 6.3 Deputations: Nil.
- 6.4 Councillor reports:

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

- 20/05/2025 – Budget Workshop, Northampton Shire Chambers.
- 24/05/2025 – Volunteer of the Year presentations, Kalbarri Gala event.
- 31/05/2025 – Variety Club of WA 4WD Event Dinner, Railway Hotel, Northampton.
- 06/06/2025 – Farewell function Kirrilee Warr, Lavender Farm, Chapman Valley.
- 09/06/2025 – MLA for Geraldton, Kirrilee Warr, Northampton Shire Chambers.
- 09/06/2025 – Strategic Community Plan workshop, Northampton Shire Chambers.
- 12/06/2025 – WALGA Renewable Forum/Roundtable with Hon. Amber - Jade Sanderson MLA and Hon. John Carey MLA, Perth Convention Centre.
- 13/06/2025 – Department of Planning, Lands and Heritage, Murchison House Lease, Perth.
- 17/06/2025 – Project Advisory Group Meeting Regional Drought Resilience via Teams.
- 18/06/2025 – Kalbarri Visitors Centre Meeting with Murchison Green Hydrogen representatives, Allen Centre, Kalbarri.

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

- 20/05/2025 – Budget Workshop, Northampton Shire Chambers.
- 27/05/2025 – GHD, Port Gregory.
- 2/06/2025 – Northampton Community Centre Committee meeting.
- 06/06/2025 – Road Infrastructure and Plant Advisory Meeting, Northampton Shire Chambers.
- 09/06/2025 – Strategic Community Plan workshop, Northampton Shire Chambers.

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

- 20/05/2025 – Budget Workshop, Northampton Shire Chambers.
- 3/06/2025 – Kalbarri Visitors Committee meeting.
- 18/06/2025 – Kalbarri Visitors Centre Meeting with Murchison Green Hydrogen representatives, Allen Centre, Kalbarri.

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

- 20/05/2025 – Budget Workshop, Northampton Shire Chambers.
- 26/05/2025 – Bush Fire Advisory Committee meeting, Northampton Shire Chambers.
- 02/06/2025 – Northampton Community Centre meeting.
- 06/06/2025 – Road Infrastructure and Plant Advisory Committee meeting, Northampton Shire Chambers.
- 09/06/2025 – Strategic Community Plan workshop, Northampton Chambers via Teams.

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

- 20/05/2025 – Budget Workshop, Northampton Shire Chambers.
- 22/05/2025 – Dr Carmen Elrick-Barr, Community Resilience Project.
- 06/06/2025 – Road Infrastructure and Plant Advisory Committee meeting, Northampton Shire Chambers.
- 09/06/2025 – Strategic Community Plan workshop, Northampton Shire Chambers.
- 17/06/2025 – Youth Spaces, Kirrilee Warr and Josh Kennedy, Kalbarri.
- 18/06/2025 - Kalbarri Visitors Centre Meeting with Murchison Green Hydrogen representatives, Allen Centre, Kalbarri.

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

- 20/05/2025 – Budget Workshop, Northampton Shire Chambers.
- 06/06/2025 – Road Infrastructure and Plant Advisory Committee meeting, Northampton Shire Chambers.
- 09/06/2025 – Strategic Community Plan workshop, Northampton Shire Chambers.
- 16/06/2025 – Horrocks Community Centre meeting.

6.5 Conference reports: Nil.

## 7. CONFIRMATION OF MINUTES:

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

**06/25-65**

**That the Minutes of the Ordinary Meeting of the Council held on 15 May 2025 be confirmed.**

**MOTION CARRIED 6/0**

**FOR**

Cr L Sudlow  
Cr T Hay  
Cr R Burges

**AGAINST**

Cr D Pike  
Cr K Suckling  
Cr R Suckling

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

Nil.

## **9. OFFICERS' REPORTS:**

9.1.1	Consideration of Tender Award - RFT 01-2025 Northampton Disaster Recovery Works AGRN1143 and AGRN1150
9.1.2	Review of the Code of Conduct for Council Members, Committee Members and Candidates 2023
9.1.3	Review of the Code of Conduct for Employees and Contractors 2023
9.2.1	Monthly Financial Statements for the Period Ending 31 May 2025
9.2.2	Proposed May 2025 List of Accounts for Endorsement on 19 June 2025
9.2.3	Proposed Shire of Northampton Schedule of Fees and Charges 2025/26
9.2.4	Proposed Sundry Debtors Write Off
9.2.5	Proposed New Policy - 2.17 Complaints Management
9.3.1	Northampton Bowling Club Request for support of Club Night Lights Program - Lot 39 (No 255) Hampton Road, Northampton
9.3.2	Quarterly Activity Report for Executive Manager of Community, Development & Regulation Quarterly Activity Report - January to March 2025
9.4.1	Delegated Planning Decisions for May 2025
9.4.2	Draft Local Planning Policy No 6.1.5 - Development Bonds
9.4.3	Review of Local Planning Scheme Provisions and Local Planning Policy relating to Outbuildings
9.4.4	Retrospective Application for a Change of Use from a 'Dwelling' to 'Holiday House' at Lot 264 (No. 5) Stemodia Street, Kalbarri
9.4.5	Review of Local Planning Scheme provisions and Local Planning Policy relating to Use of Caravans for Temporary Accommodation
9.4.6	Proposed Extended Trading Permit for Liquor Licence - IGA at Lot 22 (229) Hampton Road, Northampton
9.5.1	Building Approval Report
9.6.1	Kalbarri Open Air Music Festival 4 & 5 April 2025 - Sound Level Meter Readings and Follow-up Consultations
9.8.1	Information Items - Maintenance/Construction - Works Program
9.9.1	Consideration of the Unconfirmed Minutes of the Road Infrastructure and Plant Advisory Committee Meeting Held 6 June 2025

**ATTACHMENT****9.1.1 Consideration of Tender Award - RFT 01-2025 Northampton Disaster Recovery Works AGRN1143 and AGRN1150**

<b>PROPONENT</b>	Shire of Northampton
<b>OWNER</b>	Shire of Northampton
<b>LOCATION / ADDRESS:</b>	Sealed and Unsealed Roads Across the Shire District
<b>ZONE:</b>	N/A
<b>BUSINESS AREA:</b>	Office of the CEO
<b>FILE REFERENCE:</b>	12.1.15
<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>	7 June 2025
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

Arising from two significant rainfall events in June 2023, sealed and unsealed local roads throughout the Shire district were significantly damaged. Consultants GHD undertook a preliminary damage assessment of the roads on behalf of the Shire of Northampton (Shire) and the rainfall event was declared a “natural disaster” under the Disaster Recovery Funding Arrangements Western Australia (DRFAWA) processes. The declaration of a natural disaster enables the Shire to potentially access Commonwealth disaster relief funding.

To provide Council with some scale of the event, the damage assessment undertaken by GHD (finalised in November 2024) provided a total repair cost estimate of \$16,926,566 to the DRFAWA process. In addition to this the Shire has written down its road infrastructure asset value by \$9,509,715 in 2023/24.

Since the declaration of the natural disaster, GHD and Shire staff having been undertaking the process of providing before and after evidence to support the preliminary damage assessment. This process has been very time consuming and difficult as it involves hundreds of kilometres of road infrastructure and locating photographic evidence of the road condition prior to the declared natural disaster is problematic. To this end, the final evidence was submitted to DRFAWA on 6 June 2025 and the negotiation on which roads are to be accepted can now occur.

The Shire has until 30 June 2025 to finalise procurement for the disaster recovery and as the evidence required to support the preliminary damage assessment is so significant, a decision was taken to proceed to procurement through a tender based on mobilisation, hour/day rates and material costs to ensure the deadlines could be achieved. It is expected that if Council awards RFT 01-2025 Northampton Disaster Recovery Works AGRN1143 and



AGRN1150, roads will be agreed through the DRFAWA process and procurement will meet the 30 June 2025 deadline.

The purpose of this report is for Council to consider the award of RFT 01-2025 Northampton Disaster Recovery Works AGRN1143 and AGRN1150.

**PUBLIC CONSULTATION UNDERTAKEN:**

RFT 01-2025 Northampton Disaster Recovery Works AGRN1143 and AGRN1150 was advertised in the West Australian on 14 and 17 May 2025 and in the Geraldton Guardian on 16 May 2025 closing on 30 May 2025.

**COMMENT (Includes Options):**

As a result of the advertising of RFT 01-2025 Northampton Disaster Recovery Works AGRN1143 and AGRN1150, tenders were received from MC Civil and Red Dust Holdings. As both tenderers were not located within the Shire district, the Regional Price Preference policy did not apply.

GHD has undertaken a formal assessment of the tender submissions, and their assessment report is agreed by the Chief Executive Officer. A copy of the report is attached.

**ATTACHMENT: 9.1.1 (1)**

The tender submissions were assessed on the following basis:

No.	Criterion	Weighing
<b>Selection Criteria</b>		
<b>Qualitative Criteria</b>		
A.	Skills and experience of key personnel and company	30%
B.	Demonstrated Capacity and flexibility.	20%
<b>Price Criteria</b>		
	Price Schedule	50%
<b>Total</b>		100%

The results of the tender “Qualitative Criteria” assessment are as follows:

*Table 4 Qualitative Criteria Scores (excludes price)*

No.	Qualitative Criteria	Weighting Value	MC Civil	RDH
1	Relevant Experience	30	26.00	27.00
2	Demonstrated Capacity and Flexibility	20	12.00	15.00
	<b>Total – Qualitative Score</b>	<b>50</b>	<b>38.00</b>	<b>42.00</b>
	<b>Qualitative Ranking</b>		<b>2</b>	<b>1</b>

The results of the “Pricing” assessment are as follows:

Table 6 Pricing Assessment

No.	Description	MC Civil	RDH
1	Separable Portion A – AGRN1143 Estimated Tender sum	\$30,439,440.17	\$17,883,306.84
2	Separable Portion B – AGRN1150 Estimated Tender sum	\$5,494,851.49	\$4,109,330.35
3	Adjustment for Regional Price Preference Nil – applies to businesses located within the Shire of Northampton only.	\$0.00	\$0.00
4	Discount	3% for 14-day payment term -\$1,078,028.75	\$0.00
	Separable Portion A and B: Final adjusted price for comparison purposes (Items 1 + 2 + 3 + 4)	\$34,856,262.91	\$21,992,637.19
	Weighted Score /50	31.55	50.00
	<b>Price Ranking</b>	<b>2</b>	<b>1</b>

The submitted price schedule for the recommended tenderer, Red Dust Holdings, is attached.

#### **ATTACHMENT: 9.1.1 (2)**

It is recommended that Council award RFT 01-2025 Northampton Disaster Recovery Works AGRN1143 and AGRN1150 to Red Dust Holdings Pty Ltd in accordance with the price schedule in ATTACHMENT: 9.1.1 (2).

#### **STATUTORY ENVIRONMENT:**

The *Local Government Act 1995* is the statutory head of power that governs the use of tenders for Local Government.

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

Council Policy 2.4 Tendering Policy establishes necessary mechanisms to guide the tender process for the Shire.

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

Risk rating is considered Major base on financial impact and compliance risk.

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

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

### FINANCIAL IMPLICATIONS:

It is yet to be determined how much of the \$16,926,566 preliminary damage assessment cost will be funded by the DRFAWA process due to the very difficult evidence provisions. Irrespective of this the Shire will have to contribute \$200,000 of its own funds to the recovery which is a statutory requirement known as Essential Public Asset Reconstruction (EPAR) tied to natural disaster recovery and this has been included in the 2025/26 draft budget.

### SUSTAINABILITY:

Environmental: The impact of the natural disaster did cause some flooding, however the silt associated with run-off is the most significant environmental concern.

Economic: Local roads are critical to sustain economic activity in the Shire district particularly from farming enterprises.

Social: Safe and trafficable roads assist in the general lives of many people in the district.

### VOTING REQUIREMENTS: SIMPLE MAJORITY

### OFFICER RECOMMENDATION:

**That Council award RFT 01-2025 Northampton Disaster Recovery Works AGRN1143 and AGRN1150 to Red Dust Holdings Pty Ltd in accordance with the price schedule in ATTACHMENT: 9.1.1 (2).**

**COUNCIL RESOLUTION:**

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

**06/25-66**

**That Council award RFT 01-2025 Northampton Disaster Recovery Works AGRN1143 and AGRN1150 to Red Dust Holdings Pty Ltd in accordance with the price schedule in ATTACHMENT: 9.1.1 (2).**

**MOTION CARRIED 6/0**

**FOR**

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

**AGAINST**

**ATTACHMENT****9.1.2 Review of the Code of Conduct for Council Members, Committee Members and Candidates 2023**

<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>	Andrew Campbell
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	7 June 2025
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

Every two years the Code of Conduct for Council Members, Committee Members and Candidates should be reviewed particularly leading into ordinary Local Government elections. This is the purpose of this agenda report.

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

The Code of Conduct for Council Members, Committee Members and Candidates 2023 is based upon statutory guidance and is still relevant in 2025. The only proposed change to the document is the change of date from 2023 to 2025. The updated Code of Conduct for Council Members, Committee Members and Candidates 2025 is provided for Council's consideration in the attachment.

**ATTACHMENT: 9.1.2 (1)**

**STATUTORY ENVIRONMENT:**

Under the Local Government (Model Code of Conduct) Regulations 2021, the Shire of Northampton is required to have a Code of Conduct for Council Members, Committee Members and Candidates.

**POLICY / STRATEGIC IMPLICATIONS:**

Not only is a Code of Conduct for Council Members, Committee Members and Candidates a statutory requirement, it also provides the fundamental basis for strong ethics and governance within a local government organisation.

There are no direct policy implications attached to this report.

**ORGANISATIONAL RISK MANAGEMENT:**

The associated risk would be the failure to comply with the requirements of the Local Government Act 1995 in relation to a Code of Conduct for Council Members, Committee Members and Candidates could result in reputational damage, financial impacts and potentially service interruption. 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: Nil.

Economic: Nil.

Social: Nil.

**VOTING REQUIREMENTS:**

**SIMPLE MAJORITY**

**OFFICER RECOMMENDATION:**

**That Council adopt the Code of Conduct for Council Members, Committee Members and Candidates in accordance with ATTACHMENT: 9.1.2 (1).**

**COUNCIL RESOLUTION:**

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

**06/25-67**

**That Council adopt the Code of Conduct for Council Members, Committee Members and Candidates in accordance with ATTACHMENT: 9.1.2 (1).**

**MOTION CARRIED 6/0**

**FOR**

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

**AGAINST**

**ATTACHMENT****9.1.3 Review of the Code of Conduct for Employees and Contractors 2023**

<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>	Andrew Campbell
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	7 June 2025
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

Every two years the Code of Conduct for Employees and Contractors is required to be reviewed. This is the purpose of this agenda report.

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

The Code of Conduct for employees and Contractors 2023 is based upon statutory guidance and is still applicable in 2025. The only proposed change to the document is the change of date from 2023 to 2025. The updated Code of Conduct for Employees and Contractors 2025 is provided for Council's consideration in the attachment.

**ATTACHMENT: 9.1.3 (1)****STATUTORY ENVIRONMENT:**

Under s.5.51A of the Local Government Act 1995, the Shire of Northampton is required to have a Code of Conduct for Employees:

- 5.51A. Code of conduct for employees
- (1) The CEO must prepare and implement a code of conduct to be observed by employees of the local government.
  - (2) The CEO may amend the code of conduct.
  - (3) The CEO must publish an up-to-date version of the code of conduct on the local government's official website.
  - (4) Regulations may prescribe the content of, and other matters in relation to, codes of conduct under this section.
  - (5) A code of conduct under this section is of no effect to the extent that it is inconsistent with regulations made for the purposes of subsection (4).



**POLICY / STRATEGIC IMPLICATIONS:**

Not only is a Code of Conduct for Employees and Contractors a statutory requirement, it also provides the fundamental basis for strong ethics and governance within a local government organisation.

There are no direct policy implications attached to this report.

**ORGANISATIONAL RISK MANAGEMENT:**

The associated risk would be the failure to comply with the requirements of the Local Government Act 1995 in relation to a Code of Conduct for Employees and Contractors could result in reputational damage, financial impacts and potentially service interruption. Risk rating is considered Level 3 – Moderate.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response
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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 the Code of Conduct for Employees and Contractors in accordance with ATTACHMENT: 9.1.3 (1).**

**COUNCIL RESOLUTION:**

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

**06/25-68**

**That Council adopt the Code of Conduct for Employees and Contractors in accordance with ATTACHMENT: 9.1.3 (1).**

**MOTION CARRIED 6/0**

**FOR**

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

**AGAINST**

**ATTACHMENT****9.2.1 Monthly Financial Statements for the Period Ending 31 May 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>	28 May 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 May 2025 are detailed from page 1 to page 24 per the attached Monthly Financial Report.

A copy of the Monthly Financial Report is attached.

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

Nil.

**COMMENT (Includes Options):**

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

**STATUTORY ENVIRONMENT:**

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

**POLICY / STRATEGIC IMPLICATIONS:**

Nil.

### ORGANISATIONAL RISK MANAGEMENT:

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

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

### FINANCIAL IMPLICATIONS:

The 31 May 2025 financial position is comprised of the following which are total operating variances between year-to-date budget and actual figures from the Statement of Financial Activity (page 2):

- Total operating revenue has an inflated variance position of \$2,593,622, largely due to timing in receiving DFRAWA funds of \$2,910,764 above the budgeted amount;
- Operating expenditure has a reduced variance position of \$2,101,650 predominately due to DFRAWA works completed by May 2025 of \$2,762,000 over budgeted amount; and
- It is anticipated that as DFRAWA Coastal Infrastructure Repairs Kalbarri AGRN965 and ongoing capital works are completed by June 30, the material variances will reconcile to a neutral position.

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 May 2025 in accordance with ATTACHMENT: 9.2.1(1).**

**COUNCIL RESOLUTION:**

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

**06/25-69**

**That Council receives the Monthly Financial Report for the period ending 31 May 2025 in accordance with ATTACHMENT: 9.2.1(1).**

**MOTION CARRIED 6/0**

**FOR**

Cr L Sudlow

Cr T Hay

Cr R Burges

Cr D Pike

Cr K Suckling

Cr R Suckling

**AGAINST**

**ATTACHMENT****9.2.2 Proposed May 2025 List of Accounts for Endorsement on 19 June 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>	28 May 2025
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

A full list of May 2025 payments is submitted to Council on 16 June 2025 for consideration.

A copy of the Payment List is attached.

**ATTACHMENT: 9.2.2 (1)**

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

Council is requested to endorse the payments as presented.

**STATUTORY ENVIRONMENT:**

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

**POLICY / STRATEGIC IMPLICATIONS:**

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

**ORGANISATIONAL RISK MANAGEMENT:**

The associated risk would be the failure to comply with *Local Government Act 1995 (Financial Management) Regulations 1996 Section 13 (1)* is considered moderate as the presentation of payments forms part of the Shires due

diligence to ensure payments are presented as required. Risk rating is considered Level 3 - Moderate.

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

#### FINANCIAL IMPLICATIONS:

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

#### SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

#### VOTING REQUIREMENTS:

**SIMPLE MAJORITY**

#### OFFICER RECOMMENDATION:

That Council note Municipal EFT payments numbered EFT27731 to EFT27838 totalling \$738,058.02; Municipal Fund Cheques 22581 to 22586 inclusive totalling \$4,212.15; Direct Debit payments numbered GJ1109 to GJ1116 inclusive, payroll and superannuation totalling \$319,079.55; and itemised fuel card purchases, be declared authorised expenditure in accordance with ATTACHMENT: 9.2.2 (1).

**COUNCIL RESOLUTION:**

**MOVED: Hay, T**

**SECONDED: Suckling, R**

**06/25-70**

**That Council note Municipal EFT payments numbered EFT27731 to EFT27838 totalling \$738,058.02; Municipal Fund Cheques 22581 to 22586 inclusive totalling \$4,212.15; Direct Debit payments numbered GJ1109 to GJ1116 inclusive, payroll and superannuation totalling \$319,079.55; and itemised fuel card purchases, be declared authorised expenditure in accordance with ATTACHMENT: 9.2.2 (1).**

**MOTION CARRIED 6/0**

**FOR**

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

**AGAINST**



**ATTACHMENT****9.2.3 Proposed Shire of Northampton Schedule of Fees and Charges 2025/26**

<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>	4.1.1
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Leanne Rowe
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	28 May 2025
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

Council is asked to consider the recommended Schedule of Fees and Charges for the 2025/26 financial year.

A copy of the proposed Shire of Northampton – Schedule of Fees and Charges 2025/26 is attached.

**ATTACHMENT 9.2.3 (1)****PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

Council was presented with a draft Schedule of Fees and Charges 2025/26 at the workshop on 20 May 2025. Council feedback from the workshop, to increase plant hire charges has been incorporated into the presented document.

Additionally, water charges from standpipes has been increased to cover cost charged by Water Corporation plus a 10% administration fee; and a new Labour only charge to recover labour costs plus a 10% administration fee.

Council is requested to adopt the Schedule of Fees and Charges 2025/26 for commencement on 1 July 2025 and inclusion into the 2025/26 Budget.

**STATUTORY ENVIRONMENT:**

*Local Government Act 1995*

*Division 5 Subdivision 2 – Fees and Charges*

**POLICY / STRATEGIC IMPLICATIONS:**

The Shire's Schedule of Fees and Charges are reviewed annually to ensure cost effective financial management.

**ORGANISATIONAL RISK MANAGEMENT:**

The risk of not approving the Schedule of Fees and Charges is considered moderate, and is a requirement of the Local Government Act 1995. 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 adopted Schedule of Fees and Charges 2025/26 is an inclusion in the 2025/26 budget.

**SUSTAINABILITY:**

Environmental: Nil.

Economic: Nil.

Social: Nil.

**VOTING REQUIREMENTS:**

**ABSOLUTE MAJORITY**

**OFFICER RECOMMENDATION:**

**That Council reviews and adopts the Schedule of Fees and Charges for the 2025/26 financial year as presented ATTACHMENT 9.2.3 (1).**

**COUNCIL RESOLUTION:**

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

**06/25-71**

**That Council reviews and adopts the Schedule of Fees and Charges for the 2025/26 financial year as presented ATTACHMENT 9.2.3 (1).**

**MOTION CARRIED 6/0**

**FOR**

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

**AGAINST**

#### 9.2.4 Proposed Sundry Debtors Write Off

<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 Act 1995</i>
<b>AUTHOR:</b>	Leanne Rowe / Michaela Simpson
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	28 May 2025
<b>DECLARATION OF INTEREST:</b>	Nil

#### **BACKGROUND:**

Council is presented with sundry debtor amounts that remain outstanding so that Council may consider writing the debts off.

The items for consideration have been outstanding for more than 12 months and are deemed unrecoverable.

Council is requested to consider the write off sundry debtors totalling \$3,428.00.

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

Nil.

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

Council Officers have diligently followed up the outstanding amounts with no or little response received from the said debtors. The presented outstanding invoices relate to Kalbarri Refuse Site fees, and four of the five accounts are Cyclone Seroja related recovery works.

Sundry Debtor procedures have been updated to ensure correct information is being supplied prior to debt being raised, and following Council's decision, Officers' will write informing debtors of the outcome and that no future debtor invoices will be issued.

Sundry Debtor invoices for write off consideration include:

Debtor	Invoice Details	Date Raised	Amount	Comment
DBIS01	Bissett Contracting Solution	24/04/2024	\$60.00	Invoice relates to Kalbarri Refuse Site. Incorrect email details received, with

				all emails being returned.
DDEG02	Jason Degroot	18/11/2021	\$87.00	Invoice relates to Kalbarri Refuse Site. Debtor contact details is an email address. Debtor is not responding.
DMCK04	Midwest Interior Fitouts	29/06/2021	\$58.00	Invoice relates to Kalbarri Refuse Site. Debtor contact details is an email address. Debtor is not responding.
DMID11	Midwest Tree Services	10/08/2021 12/01/2022 14/01/2022 04/07/2022	34.50 11.50 23.00 <u>11.50</u> \$80.50	All invoices relate to Kalbarri Refuse Site. Debtor refuses to pay, and claims the invoices were paid. Will not engage with follow up correspondence.
DWES11	West Side Fencing	25/05/2021 11/06/2021 22/06/2021 06/07/2021 19/07/2021 21/07/2021 05/08/2021 10/08/2021 25/08/2021 27/08/2021 07/09/2021 15/09/2021 21/10/2021 22/10/2021 25/10/2021 29/10/2021 18/11/2021 18/11/2021 24/11/2021 17/02/2022 16/05/2022	116.00 145.00 101.50 164.50 145.00 95.50 58.00 358.00 116.00 58.00 225.00 300.00 208.00 262.50 185.00 300.00 116.00 58.00 58.00 58.00 <u>14.50</u> \$3,142.50	All invoices relate to Kalbarri Refuse Site. Legal action was initiated November 2024. Legal advice received December 2024 was that the debt recovery cost would be excessive to the Shire, the amount is considered minor, and lack of evidence to support debt incurred.
		Total	\$3,428.00	

**STATUTORY ENVIRONMENT:***Local Government Act 1995 – Section 6.12*

Power to defer, grant discounts, waive or write off debts

**POLICY / STRATEGIC IMPLICATIONS:**

Council does not have a policy pertaining to debtor write offs. Any debts which are to be written off need to be in accordance with Section 6.12 of the *Local Government Act 1995* and require an absolute majority vote.

**ORGANISATIONAL RISK MANAGEMENT:**

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:**

As the considered write off amount is \$3,428.00 there will be no significant impact to the overall 2024/25 financial position.

Environmental: Nil.

Economic: Nil.

Social: Nil.

**VOTING REQUIREMENTS:**

**ABSOLUTE MAJORITY**

**OFFICER RECOMMENDATION:**

**That Council write off the following outstanding debtor accounts totalling \$3,428.00 in accordance with Section 6.12 of the Local Government Act as the revenue is considered un-recoverable.**

Debtor	Invoice Details	Date Raised	Amount
DBIS01	Bissett Contracting Solution	24/04/2024	\$60.00
DDEG02	Jason Degroot	18/11/2021	\$87.00
DMCK04	Midwest Interior Fitouts	29/06/2021	\$58.00
DMID11	Midwest Tree Services	10/08/2021	34.50
		12/01/2022	11.50
		14/01/2022	23.00
		04/07/2022	<u>11.50</u>
			\$80.50
DWES11	West Side Fencing	25/05/2021	116.00
		11/06/2021	145.00
		22/06/2021	101.50
		06/07/2021	164.50
		19/07/2021	145.00
		21/07/2021	95.50
		05/08/2021	58.00
		10/08/2021	358.00
		25/08/2021	116.00
		27/08/2021	58.00
		07/09/2021	225.00
		15/09/2021	300.00
		21/10/2021	208.00
		22/10/2021	262.50
		25/10/2021	185.00
		29/10/2021	300.00
		18/11/2021	116.00
		18/11/2021	58.00
		24/11/2021	58.00
		17/02/2022	58.00
		16/05/2022	<u>14.50</u>
			\$3,142.50
		<b>Total</b>	<b>\$3,428.00</b>

**COUNCIL RESOLUTION:****MOVED: Suckling, R      SECONDED: Pike, D****06/25-72**

**That Council write off the following outstanding debtor accounts totalling \$3,428.00 in accordance with Section 6.12 of the Local Government Act as the revenue is considered un-recoverable.**

<b>Debtor</b>	<b>Invoice Details</b>	<b>Date Raised</b>	<b>Amount</b>
<b>DBIS01</b>	<b>Bissett Contracting Solution</b>	<b>24/04/2024</b>	<b>\$60.00</b>
<b>DDEG02</b>	<b>Jason Degroot</b>	<b>18/11/2021</b>	<b>\$87.00</b>
<b>DMCK04</b>	<b>Midwest Interior Fitouts</b>	<b>29/06/2021</b>	<b>\$58.00</b>
<b>DMID11</b>	<b>Midwest Tree Services</b>	<b>10/08/2021</b>	<b>34.50</b>
		<b>12/01/2022</b>	<b>11.50</b>
		<b>14/01/2022</b>	<b>23.00</b>
		<b>04/07/2022</b>	<b><u>11.50</u></b>
			<b>\$80.50</b>
<b>DWES11</b>	<b>West Side Fencing</b>	<b>25/05/2021</b>	<b>116.00</b>
		<b>11/06/2021</b>	<b>145.00</b>
		<b>22/06/2021</b>	<b>101.50</b>
		<b>06/07/2021</b>	<b>164.50</b>
		<b>19/07/2021</b>	<b>145.00</b>
		<b>21/07/2021</b>	<b>95.50</b>
		<b>05/08/2021</b>	<b>58.00</b>
		<b>10/08/2021</b>	<b>358.00</b>
		<b>25/08/2021</b>	<b>116.00</b>
		<b>27/08/2021</b>	<b>58.00</b>
		<b>07/09/2021</b>	<b>225.00</b>
		<b>15/09/2021</b>	<b>300.00</b>
		<b>21/10/2021</b>	<b>208.00</b>
		<b>22/10/2021</b>	<b>262.50</b>
		<b>25/10/2021</b>	<b>185.00</b>
		<b>29/10/2021</b>	<b>300.00</b>



		18/11/2021	116.00
		18/11/2021	58.00
		24/11/2021	58.00
		17/02/2022	58.00
		16/05/2022	<u>14.50</u>
			\$3,142.50
		<b>Total</b>	<b>\$3,428.00</b>

**MOTION CARRIED 6/0**

**FOR**

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

**AGAINST**

**ATTACHMENT****9.2.5 Proposed New Policy - 2.17 Complaints Management**

<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>	7 June 2025
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

As part of the major policy review it was noted that the Shire of Northampton (Shire) did not have a Complaints Management Policy.

This policy applies to the Chief Executive Officer, Council Members, Council Employees, Committee members and candidates and any other person who submits a complaint in accordance with this policy.

A copy of proposed policy *2.17 Complaints Management* is attached.

**ATTACHMENT: 9.2.5 (1)****PUBLIC CONSULTATION UNDERTAKEN:**

Nil

**COMMENT (Includes Options):**

Council should consider a complaints management policy to ensure a consistent and transparent process is established to deal with complaints. A clear policy demonstrates that the organisation is open to feedback and complaints will be dealt with in a structured, fair and timely manner. By formalising the handling of complaints, the organisation protects itself against accusations of bias, negligence or misconduct by documenting actions taken.

The proposed *Complaints Management* policy is recommended to Council for adoption.

**STATUTORY ENVIRONMENT:**

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

**POLICY / STRATEGIC IMPLICATIONS:**

The proposed policy is designed to ensure complaints are dealt with in a fair, unbiased, timely and confidential manner that promotes organisational learning and continuous improvement of the Shire's services.

**ORGANISATIONAL RISK MANAGEMENT:**

Risk rating is considered moderate. If complaints are not handled appropriately, the organisation can face a range of risks including reputational damage.

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

**FINANCIAL IMPLICATIONS:**

Nil.

**SUSTAINABILITY:**

Environmental: Nil.

Economic: A responsive and transparent complaint management system identifies and addresses issues early preventing escalation and increased costs and provides insight into service failures or inefficiencies.

Social: A responsive complaints system strengthens communities and fosters a culture of fairness and inclusiveness.

**VOTING REQUIREMENTS:                      SIMPLE MAJORITY**

**OFFICER RECOMMENDATION:**

**That Council adopt policy *2.17 Complaints Management* in accordance with ATTACHMENT: 9.2.5 (1).**

**COUNCIL RESOLUTION:**

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

**06/25-73**

**That Council adopt policy *2.17 Complaints Management* in accordance with ATTACHMENT: 9.2.5 (1).**

**MOTION CARRIED 6/0**

**FOR**

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

**AGAINST**

**ATTACHMENT****9.3.1 Northampton Bowling Club Request for support of Club Night Lights Program - Lot 39 (No 255) Hampton Road, Northampton**

<b>PROPONENT</b>	Northampton Bowling Club
<b>OWNER</b>	Shire of Northampton
<b>LOCATION / ADDRESS:</b>	Lot 39 (No 255) Hampton Road, Northampton
<b>ZONE:</b>	Residential
<b>BUSINESS AREA:</b>	Community, Development & Regulation
<b>FILE REFERENCE:</b>	11.1.2 & A2175
<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>	29 May 2025
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

The Northampton Bowling Club (the Club) are seeking Council support for an application for grant funding relating to lighting improvements for the bowling rink. The Club are seeking funding under the Department of Local Government, Sport and Cultural Industries – Club Night Lights Program. By way of summary, the Club has advised that:

- As some of the current lighting is not working or outdated, vision late in the evening is reduced;
- The Club is proposing to replace the rink lighting with energy efficient LED lights for improved illumination and cheaper running costs;
- To increase activity at night, the club intends to have Bowls from 4pm each Friday night, which will be open to the public who will pay a day membership fee of \$1;
- This has already been trialled as a practice session for pennant players. However, lack of lighting restricts the period of play;
- Heat rules have been introduced for Batavia Bowling League with several clubs now playing some of their fixtures at night when day temperatures have been exceeded;
- The Club runs various events for local groups and businesses throughout the year;
- It runs a 3 day carnival in June with participants coming from all over the State. Games often run into the evening, making it difficult for play to continue. The Club submit the influx of players is a benefit to those supplying resources to the town and accommodation providers; and
- Lawn bowls are one of the few sporting events that older citizens can participate in.

As part of the Club's application, they are seeking a \$5,655 financial contribution from the Shire.

The Club is located on the western side of Hampton Road, approximately mid-way between Essex Street and Wannerehooka Road, within the Northampton Townsite. Adjacent land uses include the St John's Ambulance Centre to the south and residential to the northwest. Residential lots abut the eastern side of Hampton Road near the bowling green.

**Location Plan**



Council is requested to consider the Club's requests for support to the project and for the Shire to make a financial contribution. A copy of the Club's submission is shown attached.

**ATTACHMENT: 9.3.1 (1)**

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

To assist Council in determining the Club's requests, the following comments are offered:

**Club Night Lights Program**

The purpose of the Club Night Lights Program is to provide financial assistance to community groups and local governments to develop sports flood lighting infrastructure. As outlined in the program's webpage, *"The program aims to maintain or increase participation in sport and recreation with an emphasis on*

*physical activity, through rational development of good quality, well-designed and well-utilised facilities”.*

Applicants for funding must be either a local government, or a not-for-profit, recreation or incorporated community organisation and the facilities must be developed on:

- Crown reserve; or
- Land owned by a public authority; or
- Municipal property; or
- Land held for public purposes by trustees under a valid lease, title or trust deed that protects the interest of the public.

In this case, the land on which the bowling club is located on, is freehold land owned by the Shire. The Northampton Bowling Club occupy the land under a formal lease arrangement, which is not due to expire until 30 June 2040.

The Club Night Lights Program can fund new lighting installation or upgrades to existing lighting infrastructure. The replacement of metal-halide floodlighting with energy efficient LED floodlighting is eligible for funding.

#### Required Lux

Australian Standards for the lighting of outdoor bowling greens (AS2560.2.8) specifies that an average 100 lux is required for a game of bowls for recreation and local competition, ensuring it can be played safely and comfortably. A higher level of 200 lux is recommended for wider competition play. The Club's submission is supported by documentation from the electrical contractor demonstrating that the lighting improvements will achieve illumination at a level of 100 lux.

#### Recommended Lux

Within their letters of support, shown at Attachment: 9.3.1 (1), Bowls Australia and Bowls Western Australia have both highly recommended *“that a minimum lux of 150+ is installed to enable the sport to be played as designed”*.

Under the Club Nights Lights Program, if applicants are applying for lighting above training standard, emphasis will be placed on projects formally identified by State sporting associations as a strategic location for match standard lighting.

#### Potential for Light Spillage

Light spillage is unwanted light that extends beyond the area of intended illumination. Although LED lights are more efficient and focused than older technologies, they can still emit light in unwanted directions if the fixtures are not properly designed or installed.

In this case, the correct placement and orientation of lighting is required to ensure that light spillage does not detrimentally impact on adjacent residential properties. Although separated from the Club by Hampton Road, there are two

dwellings located within 50m of the bowling green. Due care should be taken with any new lighting installation to ensure that light spillage is not increased.

#### Proposed Funding Breakdown

State Government funding of any project under the Club Night Lights Program cannot exceed two thirds (66.66%) of the total project cost (excluding GST).

Following discussions with a regional officer of the Department of Local Government, Sport and Cultural Industries, the Bowling Club intends to apply for 50% of the project cost and are proposing to meet 25% of the cost themselves. The Club is requesting that Council contribute the remaining 25%, being \$5,655 (ex GST).

#### Funding Program and Project Timing

This project appears to be consistent with the Club Night Lights Program small grants and there are 2 small grant rounds annually (open in February and July). For the next round, the following timing will apply:

- Applications open July 2025, closing on 30 August;
- Applications will be assessed by department regional manager in September 2025;
- In October/November the small grants committee will consider the applications and make recommendations to the Minister for Sport and Recreation; and
- Grants must be acquitted by June 2026.

The Club are proposing to commence works on the lighting in January 2026 should their application be successful.

#### Funding Options

As stated on the Department of Local Government, Sport and Cultural Industries website, *“There is no obligation on your local government or state sporting association to make a financial contribution to a project, however a contribution from all stakeholders (which may include local government, state sporting association and user clubs) in a project that meets local and sporting needs will be viewed favourably.”*

It is not known whether either the State or Federal sporting associations have been requested to contribute.

Having regard to the above, the following options exist for Council:

- i) Decline the request for funding; or
- ii) Agree to fund the full requested amount of \$5,660 through a budget allocation, being 25% of the project cost (ex GST); or
- iii) Encourage an application to be lodged for funding under the Shire’s Community Grant program, noting that the program currently has a cap of \$4,000 for this type of project.

With respect to point iii), the Shire’s next Community Grants program will open in July 2025 with applicants to be advised of their success or otherwise in



September. This timing would be consistent with the proposed timing of the lighting upgrade, although any co-contribution from the Shire would not be confirmed prior to the close of the Club Night Light Program grant application period.

#### Community Grants Advisory Committee

As elected members are aware, a Community Grants Advisory Committee has been formed to oversee the distribution of funding for community based purposes. The committee and associated Council Policy ensure that:

- a) All community groups have an equal opportunity to apply for grant funding; and
- b) All grant applications are given equal consideration.

Shire Officers are aware that at least one other club within the Shire have been liaising with the Department of Local Government, Sport and Cultural Industries for several months with respect to their intentions to apply for Club Night Lights Program funding. There is potential for a Shire co-contribution to be sought for that grant application also. It is considered that applicants for grant funding/co-contributions should not be considered on a first come first served basis.

#### Conclusion

The Club proposal to improve lighting on the bowling rink at Northampton Bowling Club is consistent with the objectives of the Club Night Lights program and appears to comply with all eligibility criteria. Given this and the fact the project will result in improved sporting/social facilities in the town, it is recommended that the Club's application for funding under the Club Night Lights Program be supported.

Notwithstanding this, it is recommended that the request for a Shire co-contribution should be directed to the Shire's Community Grants Program for those reasons highlighted within this agenda item. It is also recommended that the Club be advised that the Shire is prepared to consider a co-contribution not exceeding \$4,000 in accordance with Council Policy 5.1 – Community Grant Program.

#### **STATUTORY ENVIRONMENT:**

*Local Government Act 1995.*

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

Council adopted Policy 5.1 – Community Grant Program in June 2024 to set out the process and objectives associated with the Shire's Community Grants Program. The objectives of the program are to:

1. *Support the community to improve liveability, support, connectedness and participation by evolving the sense of community;*
2. *To improve visitation and liveability by supporting community led events;*
3. *To encourage the social activation of youth in the district;*
4. *To provide seed funding or co-contribution financial support for the community to make funding applications;*

5. To provide an open, transparent and equitable mechanism for Council to distribute community grants; and
6. To grow the funding pool for the Community Grants Program through sourcing additional funds through external sources.

Whilst the Club's request for a co-contribution is consistent with objectives 1 to 4 of the Policy, the request should be directed to the formal Community Grant program to ensure an open, transparent and equitable distribution of grant funds.

### ORGANISATIONAL RISK MANAGEMENT:

Determination of the request for a Shire co-contribution outside of the Shire's formal Community Grants program would be contrary to the intent of Council policy. The risk rating associated with such decision is 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 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:

As outlined in Comment Section above.

### SUSTAINABILITY:

Environmental: Nil.

Economic: Improvement of the existing lighting at the Northampton will ensure that the facility is suitable for night time events, increasing the Clubs capacity to attract future bowls events and competition. The use of LED lighting will ensure ongoing operational costs are minimised for the Club.

Social: The Northampton Bowling Club is one of only a few sporting facilities catering for all age groups. Improved lighting will allow for more 'after hours' events to be held.

**VOTING REQUIREMENTS:                      SIMPLE MAJORITY**

**OFFICER RECOMMENDATION:**

**That Council advise the Northampton Bowling Club that:**

1. The proposed application to upgrade the existing lighting with energy efficient LED lighting is supported, subject to the new lights being erected so as not to increase light spillage for residential properties located on the eastern side of Hampton Road;
2. The request for the Shire to include a specific allocation for a 25% co-contribution, being an amount of \$5,655, within the 2025/26 annual budget is not supported;
3. Consideration of the funding request needs to occur as part of the Shire's annual Community Grant Program to ensure an open, transparent and equitable process for the allocation of grant funding in accordance with Council Policy 5.1 – Community Grants Program;
4. Council will be prepared to consider an application for a maximum of \$4,000 co-contribution under the Shire of Northampton Community Grants program with round 1 of the 2025/26 program to open in July 2025; and
5. Consideration should be given to seeking a contribution from Bowls Western Australia on the basis that the Club Night Light Program Guidelines identify that contributions from all stakeholders, including state sporting associations will be viewed favourably.

**COUNCIL RESOLUTION:**

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

**06/25-74**

**That Council advise the Northampton Bowling Club that:**

1. The proposed application to upgrade the existing lighting with energy efficient LED lighting is supported, subject to the new lights being erected so as not to increase light spillage for residential properties located on the eastern side of Hampton Road;
2. The recommendations provided by Bowls Western Australia as to the LED lighting intensity be considered;

3. The request for the Shire of Northampton to include a specific allocation for a 25% co-contribution, being a capped amount of \$4,000, sourced from the 2025/26 annual budget “Community Grants” is supported subject to final budget endorsement and the award of a grant under the Club Night Light Program Guidelines; and
4. Consideration should be given to seeking a contribution from Bowls Western Australia on the basis that the Club Night Light Program Guidelines identify that contributions from all stakeholders, including state sporting associations will be viewed favourably.

**MOTION CARRIED 6/0**

**FOR**

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

**AGAINST**

**ATTACHMENT****9.3.2 Quarterly Activity Report for Executive Manager of Community, Development & Regulation Quarterly Activity Report - January to March 2025**

<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>	27 May 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 January to 31 March 2025.

A copy of the report is shown attached.

**ATTACHMENT: 9.3.2 (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 January and 31 March 2025.

**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:**

Nil.

**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 January 2025 to 31 March 2025 as shown at Attachment: 9.3.2 (1).**

**COUNCIL RESOLUTION:**

**MOVED: Pike, D**

**SECONDED: Burges, R**

**06/25-75**

**That Council receive the Quarterly Activity Report from the Executive Manager Community, Development and Regulation for the period 1 January 2025 to 31 March 2025 as shown at Attachment: 9.3.2 (1).**

**MOTION CARRIED 6/0**

**FOR**

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

**AGAINST**

## ATTACHMENT

## 9.4.1 Delegated Planning Decisions for May 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>	27 May 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 May 2025.

**ATTACHMENT: 9.4.1 (1)**

**PUBLIC CONSULTATION UNDERTAKEN:**

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

**COMMENT (Includes Options):**

During May 2025, a total of five (5) applications were determined under delegated authority. **Table 1** shows the number and value of development applications determined under both delegated authority and by Council for May 2025 compared to May 2024.



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

	May 2024	May 2025
<b>Delegated Decisions</b>	12 - \$748,326 **4	5 - \$148,750 **1
<b>Council Decisions</b>	2 - \$57,794 **2	1 - \$70,000
<b>Total</b>	<b>14 - \$806,120</b>	<b>6 - \$218,750</b>

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

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

	YTD 2024	YTD 2025
<b>Delegated Decisions</b>	26 - \$1,442,936 **6	25 - \$1,721,020.09 **7
<b>Council Decisions</b>	15 - \$2,424,742 **4	7 - \$471,412 1 Refusal
<b>Total</b>	<b>41 - \$3,867,678</b>	<b>32 - \$2,192,432.09</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 Licence and Temporary and Exemption Approval applications.*

### **STATUTORY ENVIRONMENT:**

The *Local Government Act 1995* creates and gives powers to Local Governments. The Act then empowers the local government to delegate its powers 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 the 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 determined under delegated authority has been processed and advertised, where required in accordance with the Local Planning Scheme provisions and Shire of Northampton adopted 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 May 2025 as detailed in ATTACHMENT: 9.4.1 (1).**

**COUNCIL RESOLUTION:**

**MOVED: Suckling, R**

**SECONDED: Suckling, K**

**06/25-76**

**That Council receive the report on Delegated Development Approvals for May 2025 as detailed in ATTACHMENT: 9.4.1 (1).**

**MOTION CARRIED 6/0**

**FOR**

Cr L Sudlow

Cr T Hay

Cr R Burges

Cr D Pike

Cr K Suckling

Cr R Suckling

**AGAINST**

## ATTACHMENT APPENDIX

### 9.4.2 Draft Local Planning Policy No 6.1.5 - Development Bonds

<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>	Planning Services
<b>FILE REFERENCE:</b>	10.4.11
<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>	28 May 2025
<b>DECLARATION OF INTEREST:</b>	Nil

#### **BACKGROUND:**

At its Ordinary Meeting held on 17 October 2024, Council was requested to consider the overall framework of the Shire's Local Planning Policies, including the format of a draft Local Planning Policy Manual. As part of the Council resolution (Resolution 10/24-117), Council resolved to:

- 4. *Revoke the following Local Planning Policies:***
  - a) *Local Planning Policy – Development Bonds adopted by Council on 16 November 2018; and***
  - b) *Local Planning Policy – Disaster and Emergency Recovery adopted by Council in May 2021.***
- 5. *Await a further report(s) relating to the review of the remaining Local Planning Policies.***

A copy of the now revoked Local Planning Policy – Development Bonds is appended.

#### **APPENDIX: 9.4.2 (A)**

The purpose of this agenda item is to present a new draft Local Planning Policy relating to Development Bonds. A copy of the draft policy is shown attached for Council's consideration.

#### **ATTACHMENT: 9.4.2 (1)**

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

Nil.

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

To assist Council in its consideration of the new draft Local Planning Policy, the following comments and advice are offered.

### Local Planning Scheme Provisions

As outlined with clause 4.8.18 of Local Planning Scheme No 11 – Kalbarri, a landowner is required to pay a \$10,000 bond which shall be refundable on completion of the dwelling to the satisfaction of Council. Although the provisions of Local Planning Scheme No 10 does not contain a similar provision, the use of bonds in this way has previously been incorporated into the Shire’s Local Planning Policies which relate to the whole of the Shire.

### Previous Development Bond Policy

As shown at Appendix: 9.4.2 (A), the now revoked Local Planning Policy was focused on the imposition of Development Performance Bonds and Bank guarantees to “*secure compliance with development approvals, in order to ensure a satisfactory standard of development.*” The Policy did not outline how bonds may be used in any other circumstances such as to obtain clearance of subdivision conditions prior to the completion of all works.

Provisions of the Policy outlined that in the event of a developer failing to complete approved works in accordance with the conditions of approval, “*the Shire of Northampton may complete the outstanding works and deduct the cost including administrative or other overhead costs from the performance bond or guarantee.*”

### Current Bond Requirements

Bonds should only be used in circumstances where the local authority intends to use those funds to complete outstanding works, ensuring compliance is achieved. Whilst the now revoked Policy outlined this was the intent, related Scheme and Local Planning Policy provisions are not consistent with this approach. Instead they:

- i) Would not cover the cost of the Shire completing the works, yet
- ii) Impose an additional financial burden on proponents; and
- iii) Weaponize the planning system through the withholding or potential forfeiture of the bond.

The imposition of bonds can also result in an insurmountable obstacle to the construction of a development. By way of an example, a person seeking to build a development involving a second hand or repurposed structure worth \$500,000 may also be required to arrange a bank guarantee of \$100,000.

Current Local Planning Policies outline the following bonds as being required:

<b>Local Planning Policy</b>	<b>Bond Required</b>
Outbuildings	\$10,000 to ensure construction of a residence commences within 6 months.
Caravans Temporary Accommodation	\$10,000 to ensure construction of a residence commences within 6 months.
Repurposed and Second Hand Dwellings	20% of the estimate value of the approved works.

In each case, the bond amount required is unlikely to cover the cost of completing outstanding works to achieve compliance. It is also considered highly unlikely that the Shire would undertake completion of works such as the construction of the landowners dwelling.

A review of the provisions of the Local Planning Policies relating to Outbuildings and Caravans Temporary Accommodation are the subject of separate items within the agenda for this meeting. A review of the Local Planning Policy – Repurposed and Second Hand Dwellings will be undertaken in the near future.

#### Enforcement of Conditions of Approval

The provisions of the *Planning and Development Act 2005* and the associated subsidiary legislation outlines penalties that may be imposed for non-compliance with the conditions of a Development Approval. These are generally described as:

- a) Imposition of a daily penalty of \$500 for an ongoing offence; or
- b) Legal action where substantial penalties may be imposed along with court orders where required to achieve compliance.

#### Proposed Policy Provisions

It is common for bonds to be used in Western Australia to be used for the following purposes:

- a) To ensure that funds are available to the local government to rectify damage to Shire property through Verge Bonds;
- b) To allow a subdivider to obtain subdivision clearance or a development to be occupied prior to all works being completed;
- c) To ensure funds are available for the local government to complete outstanding works.

The draft policy has been prepared to address the above matters consistent with contemporary planning practice.

#### **STATUTORY ENVIRONMENT:**

In accordance with Part 2 of the Deemed to Apply Provisions contained in the *Planning and Development Regulations 2015*, once adopted by Council for the purposes of advertising, a Local Planning Policy must be advertised for a period of not less than 21 days.

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

As outlined within Comment Section of this agenda item.

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

Local Planning Policies should be reviewed and kept contemporary. Failure to review policies could result in the policy provisions being out of date or un-enforceable causing un-necessary and substantiated public embarrassment. A risk rating of Moderate would apply.

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 cost of advertising the draft Policy will be wholly contained within the Shire of Northampton's adopted budget.

### SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

### VOTING REQUIREMENTS: SIMPLE MAJORITY

### OFFICER RECOMMENDATION:

That Council:

1. Adopt Draft Local Planning Policy 6.1.5 – Development Bonds for the purposes of advertising over a period of not less than 21 days in accordance the *Planning and Development (Local Planning Scheme) Regulations 2015*; and
2. Await a further report relating to the draft policy following completion of the advertising period referred to in point 1 above.

**COUNCIL RESOLUTION:**

**MOVED:** Burges, R

**SECONDED:** Suckling, R

**06/25-77**

**That Council:**

1. **Adopt Draft Local Planning Policy 6.1.5 – Development Bonds for the purposes of advertising over a period of not less than 21 days in accordance the *Planning and Development (Local Planning Scheme) Regulations 2015*; and**
2. **Await a further report relating to the draft policy following completion of the advertising period referred to in point 1 above.**

**MOTION CARRIED 6/0**

**FOR**

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

**AGAINST**

## ATTACHMENT APPENDIX

### 9.4.3 Review of Local Planning Scheme Provisions and Local Planning Policy relating to Outbuildings

<b>PROPONENT</b>	Shire of Northampton
<b>OWNER</b>	N/A
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>ZONE:</b>	Residential
<b>BUSINESS AREA:</b>	Planning Services
<b>FILE REFERENCE:</b>	10.4.11
<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>	28 May 2025
<b>DECLARATION OF INTEREST:</b>	Nil

#### **BACKGROUND:**

At its Ordinary meeting held on 15 May 2025, Council was requested to consider an application by the owners of Lot 39 Hampton Road, seeking approval for the construction of an outbuilding prior to the construction of a dwelling. The landowners were also seeking approval to reside on-site within a Caravan during construction of the dwelling.

In approving the application, Council resolved (Resolution 05/25-73) to vary the following requirements of Local Planning Policy – Outbuildings:

- a) *Clause 3.8.1(a) on the basis of requiring the shed for security for building materials in the Residential land zone;*
- b) *Clause 3.8.1(c) of Local Planning Policy Outbuildings not to apply to the development proposal on the basis that bonds for Owner Builders are discriminatory and are a disincentive;*
- c) *Clause 3.8.3 of Local Planning Policy Outbuildings not to apply to the development proposal on the basis of significant lot size in the Residential land zone;*

Council furthermore resolved to request the Chief Executive Officer to undertake a review of Policy provisions relating to Local Planning Policy – Outbuildings as well as the Local Planning Scheme and Planning Policy Provisions relating to Temporary Accommodation. This agenda item seeks Council approval to modify the current provisions of the Outbuildings Policy. A copy of the current policy is appended.

#### **APPENDIX: 9.4.3 (A)**



Council is requested to endorse a revised policy as shown attached, for the purposes of advertising.

**ATTACHMENT: 9.4.3 (1)**

A separate agenda item has been included within this agenda prepared in respect of the Scheme and Local Planning Policy provisions relating to Temporary Accommodation (refer Item No 9.4.5).

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

Local Planning Policies (LPP's) may be prepared in respect of any matter related to the planning and development of the area to which the Local Planning Scheme applies. The purpose of Local Planning Policies can be generally described as:

- a) Complement the Local Planning Scheme provisions;
- b) Outline procedures to be followed in the advertising and assessment of application; and
- c) To clarify how discretion will be applied to applications seeking to vary the Local Planning Scheme provisions.

The provisions of the *Planning and Development (Local Planning Scheme) Regulations 2015* - Division 2 outline the procedure for preparing, reviewing and revoking LPP's. Further information on the process is provided within the Statutory Environment Section of this agenda item.

To assist Council in its consideration of the review of Local Planning Policy – Outbuildings, the following comments and advice are offered.

Current Local Planning Scheme Provisions

As elected members are aware, there are two operational Local Planning Schemes within the Shire, being:

- Local Planning Scheme No 11 – Kalbarri, gazetted on 13/10/2017; and
- Local Planning Scheme No 10 – Relates to the balance of the Shire and being gazetted on 6/1/2012.

The provisions of the Schemes relating to outbuildings are detailed below.

Local Planning Scheme No 10 (LPS No 10)

Clause 26(4) of LPS No 10 varies the provisions of the Residential Design Codes of Western Australia, applying the following development provisions:

R-Code	Maximum floor area	Wall Height	Total Maximum Height
R10+	120m <sup>2</sup> in area, or 20% in aggregate of the	3.0m	4.5m measured from the natural ground level.

	site area, whichever is the lesser		
R5 (2,000m <sup>2</sup> or less)	180m <sup>2</sup> in aggregate area	3.5m	5.0m measured from the natural ground level.
R5 (greater than 2,000m <sup>2</sup> )	240m <sup>2</sup> in aggregate area.	4.0m	6.5m measured from natural ground level.

Clause 32(9) LPS No 10 outlines the following General Development Requirements relating to outbuildings within the Residential Zone:

- a) *No outbuilding shall be erected on any land zoned Residential where there is no dwelling located on the lot.*
- b) *Outbuildings appurtenant to any dwelling shall be of single storey construction and shall be located behind the setback to the street or streets or any existing or proposed dwelling on a lot.*

With respect to other zones, LPS No 10 outlines the following:

- Clause 32(23)(b) – Rural Zone outbuildings for less than 20ha abutting or within a townsite, future urban areas, or areas of visual prominence or heritage/high landscape amenity, a maximum floor area of 240m<sup>2</sup> applies with maximum wall heights of 4.0m and a total height of 6.5m measured from natural ground level.
- Clause 32(24)(d) – Rural Residential zone, being a maximum floor area of 240m<sup>2</sup> applies with maximum wall heights of 4.0m and a total height of 6.5m measured from natural ground level.

#### Local Planning Scheme No 11 (LPS No 11)

The provisions of LPS No 11 that relate to outbuildings are similar, to those contained within LPS No 10 with some notable variations. The provisions of LPS No 11 relating to outbuildings are summarised as follows:

- Clause 4.8.19(a) and (b) reflect the same wording as clause 32(9) in LPS No 10, except that provision (a) also states that *no outbuilding shall be erected on any land zoned where there is no dwelling located on the lot within the Rural Residential Zone*. It is not known why the provisions of LPS No 11 prohibit outbuildings on vacant land zoned Rural Residential when LPS No 10 does not.
- Clause 4.8.19(c) applies the same size restrictions to outbuildings within the Residential and Rural Residential Zones as LPS No 10.

LPS No 11 does not identify any specific provisions relating to outbuildings within the Rural Zone.

#### Variation of Scheme Provisions

In accordance with clause 34 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, a local government may approve an application for additional site and development requirements, provided that it is satisfied that:

- (a) Approval of the proposed development would be appropriate having regard to the matters to be consider under clause 67(2) of the deemed provisions; and
- (b) The non-compliance will not have a significant adverse effect on occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

Where the local government is of the opinion that the non-compliance with an additional site and development required is likely to result in adverse impacts, a public consultation process.

With respect to outbuildings, application may be made to vary the maximum sizes stipulated within Scheme, or the provisions that prohibit outbuildings on vacant land. It is common practice for the local government to adopt Local Planning Policies to provide guidelines for the assessment of applications seeking to vary the Scheme Requirements.

#### Current Policy Analysis

As reflected within Appendix: 9.4.3 (A), the Shire's Local Planning Policy – Outbuildings was originally adopted by Council in 2007 and was reviewed in June 2014 and August 2018. Shire Officers have now completed a thorough review of the current policy provisions and provide the following observations:

- At clauses 3.3, 3.4 and 3.5, the policy currently repeats the maximum floor area and heights as detailed within the Schemes. It is recommended that the requirements be cross referenced rather than repeated;
- Clause 3.6 states that in areas codes R20, side and rear setbacks may be reduced to nil and that no development application is required provided the adjoining property has given consent. This approach is not supported given:
  - i) A requirement for approval to be obtained under the Scheme cannot be waived through the provisions of a Local Planning Policy;
  - ii) The relaxation of setbacks can result in detrimental impact on adjacent land and this impact is required to be taken into account by the provisions of the *Planning and Development (Local Planning Scheme) Regulations 2015*.

It recommended that clause 3.6 not be included in the new draft policy;

- Clause 3.7.1 of the Policy sets out that in the case of a lot having potential to be subdivided, Council may require a legal agreement requiring the outbuilding to be removed or downsized in the event of subdivision. This provision is not supported given:
  - i) Cost of entering legal agreement and covenanting the title, covenant having to be lifted each time a title dealing occurs (i.e. mortgage or sale);
  - ii) The Land may never be subdivided; and
  - iii) In numerous locations, the Local Planning Scheme applies higher densities than the prevailing lot size, with no correlation with the landowners intent.

Given that new boundaries for any subdivision are required to ensure existing development complies with setback and other requirements, it is recommended that this requirement not be included in the new draft Policy.

- Clause 3.8.1 sets out criteria for the erection of an outbuilding on vacant residential, rural residential and rural small holdings zoned land. The existing provisions do not take into account using stump construction, or modular homes. The provisions therefore require revision;
- Clause 3.8.1 also requires in the case of an owner builder, a building permit must have been issued for the residence, signing of a Statutory Declaration and Payment of a \$10,000 bond. These requirements are not supported for those reasons outlined under the heading Declarations and Bonds below;
- Clauses 3.9.1 & 3.9.2 of the Policy restricts the use of outbuildings requiring they be used for purposes incidental to residential use, unless a home-based business has been approved. The storage of items in connection with commercial or industrial operations is considered contrary to the Scheme provisions. It is recommended that these provisions be modified to state that conditions will be imposed on any outbuilding requiring Development Approval.
- Clause 3.10 sets out location and appearance requirements, stipulating that:
  - i) Irrespective of zoning, on lots less than 4ha an outbuilding or detached garage shall be located behind any existing dwelling unless consistent in design, construction materials and colour.
  - ii) The use of second hand cladding materials will not be permitted, unless high quality materials and external materials will be repainted where necessary to match the existing dwelling.
  - iii) Masonry outbuildings shall be constructed the same or similar (or complimentary) material and exterior finish as the dwelling.
  - iv) Other than on rural land greater than 20ha, all masonry outbuildings greater than 60m<sup>2</sup> are to be constructed of a colour so as to complement the dwelling on the lot and/or visual character of the landscape (non-reflective building materials consistent with the character of the area, however zincalume roofing may be permitted).

It is recommended these requirements be updated to ensure consistent with the Residential Design Codes as provisions stated at point i) are contrary to the requirements of the Residential Design Codes of Western Australia and provisions stated at points iii) and iv) are considered particularly onerous and unnecessary on Rural Residential and Rural land.

#### Statutory Declarations and Bonds

Statutory Declarations are a legal document that is used to set out facts that a person declares to be true and accurate. Making a false statement within a statutory declaration can result in charges or the declaration of evidence of prior knowledge.

However, Statutory declarations cannot be used for future events as these are not facts that can be declared to be true and accurate. They are not a legally

binding document in terms of a persons intent in relation to future events such as the construction of a home. Intent being influenced by a number of factors including financial status and availability of contractors or products for example.

In terms of bonds, the current Policy provisions effectively allow for the forfeiture of a bond as a form of penalty, weaponizing the planning framework. As the provisions of the *Planning and Development Act 2005* set out penalties that may be imposed on a landowner, a bond to ensure construction of a residence is considered to be an unsanctioned penalty and un-necessary provided that appropriate conditions of approval are imposed.

Bonds should only be used where the Shire intends to access the funds in order to complete the required work where the applicant/landowner has failed to do so. As that it is highly unlikely a \$10,000 bond would be sufficient to complete the construction of a residence, it is not appropriate for a bond to be imposed.

#### Draft Local Planning Policy

The Draft Local Planning Policy shown at Attachment: 9.4.3 (1) has been prepared to address those comments provided on the current policy.

In addition, provisions relating to the use of Shipping Containers have been incorporated into the draft policy. Should the draft provisions be supported by Council following public advertising, the Shire's current policy relating to the use of Shipping Containers may be deleted.

#### **STATUTORY ENVIRONMENT:**

In accordance with Part 2 of the Deemed to Apply Provisions contained in the *Planning and Development Regulations 2015*, "*a local government may prepare a local planning policy in respect of any matter relating to the planning and development of the Scheme area.*" Once adopted by Council for the purposes of advertising, a Local Planning Policy must be advertised for a period of not less than 21 days.

Part 2 also prescribes that a local planning policy:-

- (i) May apply generally or in respect of a particular class of classes of matters specified in the policy;
- (ii) May apply to the whole of the Scheme area or to part or parts of the Scheme area specified in the policy;
- (iii) Must be based on sound town planning principles;
- (iv) May address strategic or operational considerations in relation to matters to which the policy applies.

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

As detailed in the Comment Section of this agenda item.

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

Local Planning Policies should be reviewed and kept contemporary. Failure to do could result in such policies being out of date or un-enforceable causing unnecessary and substantiated public embarrassment. A risk rating of Moderate would apply.

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 cost of advertising Draft Local Planning Policy No 6.1.1 – General Matters for Planning Proposals will be wholly contained within the adopted budget.

**SUSTAINABILITY:**

Environmental: Nil.

Economic: Nil.

Social: Nil.

**VOTING REQUIREMENTS:**

**SIMPLE MAJORITY**

**OFFICER RECOMMENDATION:**

**That Council adopt Draft Local Planning 6.1.3 – Outbuildings as shown at Attachment: 9.4.3 (1) for the purposes of advertising and await a further report following advertising of the policy in accordance with the *Planning & Development (Local Planning Schemes) Regulations 2015*.**

**COUNCIL RESOLUTION:**

**MOVED:** Hay, T

**SECONDED:** Suckling, R

**06/25-78**

**That Council adopt Draft Local Planning 6.1.3 – Outbuildings as shown at Attachment: 9.4.3 (1) for the purposes of advertising and await a further report following advertising of the policy in accordance with the *Planning & Development (Local Planning Schemes) Regulations 2015*.**

**MOTION CARRIED 6/0**

**FOR**

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

**AGAINST**

**ATTACHMENT****9.4.4 Retrospective Application for a Change of Use from a 'Dwelling' to 'Holiday House' at Lot 264 (No. 5) Stemodia Street, Kalbarri**

<b>PROPONENT</b>	SP Lundy
<b>OWNER</b>	SP & JJ Lundy
<b>LOCATION / ADDRESS:</b>	Lot 264 (No. 5) Stemodia Street, Kalbarri
<b>ZONE:</b>	Residential R20
<b>BUSINESS AREA:</b>	Planning Services
<b>FILE REFERENCE:</b>	10.6.1.1; A4141
<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>	29 May 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 264 (No. 5) Stemodia Street, Kalbarri. Copies of the submitted site plan and management details are attached.

**ATTACHMENT: 9.4.4 (1)****Location Plan**

Lot 264 (No. 5) has an area of 559m<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 eight (8) persons;
- The management of the property will be undertaken by a designated property manager;
- The cleaning of the property will be undertaken by the property manager;
- No signage is proposed for the Holiday House application;
- The implementation of the Emergency Evacuation Response Plan as submitted;
- Parking available for cars on-site; and
- Bookings for the Holiday House will be via a booking.com platform.

It was brought to the Shire's attention 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 14 day period to six (6) adjacent landowners with three submissions received. Two of the submissions received object to the development, whilst the third highlights issues that have already occurred with guest parking. The content of the objections is detailed in the comment section below and copies of the submissions are attached.

#### **ATTACHMENT: 9.4.4 (2)**

#### **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 of 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 management of the property will be undertaken by resident of Kalbarri that 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.

### Guest Parking

The existing home has a double garage under the main roof, connected by a paved driveway to Stemodia Street. Provided that the garage and driveway are made available for guests, parking for up to four cars can be made available on-site.

The submissions received highlight that recent use of the home for short stay accommodation has resulted in guests:

- i) Parking on the road, which the submission author highlights is in their opinion dangerous due to the proximity of the intersection between Stemodia Street and Wurmbea Way; and
- ii) They have already had people trying to park on their verge at 6 Stemodia as the home at No 5 has “*very little parking*”.

Should Council consider approving the application, it is recommended that conditions be imposed to require that the garage is available at all times for guest parking and requiring all guest parking to be wholly contained on-site.

### Health (Miscellaneous Provisions) Act, 1911

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

### Fire and Emergency Management Plan

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

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

### Lodging House

Should approval be granted for short stay accommodation for eight (8) persons, the applicant will also need to apply for prior approval to a “Lodging House” under the Shire’s Health Local Laws 2007. Advice to this effect has been included in the Officer Recommendation below.

### 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. 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.

### Potential Legal Action

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

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

As the applicant/owner commenced the operation of the Holiday House without the prior development approval, a modified penalty of \$500 was imposed and has been paid. The applicant has since revised advertising on AirBnB that the accommodation will be available as of 1 July 2025.

It would be open to Council to commence legal action should the activity recommence prior to approval being granted.

### Submissions Received

Three (3) adjacent landowners have submitted objections to the proposed development on the basis that the development may have a potential impact on the amenity of their properties and the fact that the applicant has not addressed the matter of privacy screening to the rear of the property.

The following is a summary of the concerns raised:

- The applicants have not met the requirements for privacy screening as required by the Development Approval conditions imposed on the home;
- Would directly affect home, privacy and ability to enjoy and work within their property;
- Increased noise and disruption that comes with short stay accommodation;
- Transient nature of short-stay guests creates an unpredictable environment that is incompatible with the quiet residential character;
- Guest parking on the street, making it very dangerous as it close to the corner of Stenodia and Wurmbea streets;
- Have had guests trying to park on adjacent landowners verge due to lack of parking.

The objections are from landowners that are concerned that it will disrupt the amenity of the area, and that the area is residential and not a tourism area.

### Non-Compliance with Conditions of Approval

Approval was granted to the now existing home in October 2022, with prior Development Approval being required due to a proposed variation of required setbacks to the rear patio given it is elevated more than 500mm above natural ground level. The conditions of approval included the following:

- (12) *Prior to occupation or use of the development, the area on the rear boundary indicated as ‘established mature vegetative screening’ on the attached approved plan(s) dated 25 October 2022 is to be landscaped effectively and maintained thereafter to the approval of the local government.*
- (13) *The applicant/owner shall install and maintain visual screening to a height of 1.6m upon the eastern side and rear sides of the alfresco areas as marked in “RED” on the attached approved plan(s) dated 25 October 2022 so as to address the requirements of Clause 5.4.1 of the Residential Design Codes (2021).*

At its Ordinary Meeting on 20 March 2025, Council was requested to consider an application from the landowners for the above conditions to be revised, allowing them to occupy the premises. In accordance with the officer recommendation, Council resolve to refuse the request due to the cone of vision that the applicants’ architect has shown on the approved plan and the associated proposal to address overlooking requirements through permanent screening to restrict views.

Subsequently the applicant undertook some works, and the Shire received advice from one of the adjacent landowners to the rear that they were satisfied the arrangements put in place by the applicant addressed the overlooking issue. As reflected within the submission shown at Attachment: 9.4.4 (2), that landowner has now advised that the applicant “*has not honoured his side of the mutual agreement to fix the issue of privacy*” and as a result they object to the proposed short stay accommodation.

Until such time as it is confirmed that the dwelling construction has complied with all conditions of approval it is considered that it would not be appropriate for approval to be granted for the home to be used for short stay accommodation purposes.

### Conclusion

Both adjacent landowners to the rear of the property have objected, with one of the reasons being that the applicant has not addressed the issue of overlooking of their properties. It is therefore recommended that consideration of the proposal should be deferred pending resolution of this issue.

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

### **STATUTORY ENVIRONMENT:**

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

**POLICY / STRATEGIC IMPLICATIONS:**

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

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

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

**ORGANISATIONAL RISK MANAGEMENT:**

The 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 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 retrospective application fee in accordance with the Shire of Northampton's 2024/2025 Fees and Charges Schedule has been paid. The modified penalty that would have been imposed as part of the application has also been paid in advance.

**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 may have a negative impact on the neighbouring and surrounding properties due to the privacy implications.

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

**That Council:**

1. **Defer consideration of the proposed Holiday House at Lot 294 (No 5) Stemodia Street, Kalbarri pending confirmation of compliance with the conditional Development Approval issued in October 2022 to the now existing home; and**
2. **Subject to the confirmation of condition compliance in accordance with point No 1 above, request the Chief Executive Officer approve the proposed Holiday House at Lot 294 (No. 5) Stemodia Street, Kalbarri in accordance with the plans and specifications at ATTACHMENT: 9.4.4 (1), subject to the following conditions:**

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

Reference	Document Title	Date
1.	Property Management Plan	14 May 2025
2.	Code of Conduct	14 May 2025
3.	Floor Plan	14 May 2025
4.	Fire & Emergency Response Plan	14 May 2025

- b). **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;**
- c) **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;**
- d) **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;**
- e) **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;

- f) The Holiday House hereby approved is limited to a maximum of eight (8) guests who are known to each other at any one time to the satisfaction of the Shire of Northampton;
- g) The use hereby approved shall be managed so as to not detrimentally impact on the amenity or use to the adjacent properties;
- h) 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;
- i) The existing garage under main roof and the associated driveway shall be made available for guests parking on-site at all times; and
- j) All parking associated with the Holiday House hereby approved shall be wholly contained within the property.

**Advice Notes:**

- i) The approved development must comply with all relevant provisions of the *Health (Miscellaneous Provisions) Act, 1911* and the *Building Act 2016*.
- ii) The development the subject of this development approval is required to comply with the Shire of Northampton's Health Local Laws.
- iii) Prior to the commencement the Holiday House must approval as a "Lodging House" under the Health Local Laws from the Shire of Northampton.
- iv) Please note 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.
- v) 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.
- vi) 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.
- vii) 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.

#### **COUNCIL RESOLUTION:**

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

**06/25-79**

**That Council:**

1. **Defer consideration of the proposed Holiday House at Lot 294 (No 5) Stemodia Street, Kalbarri pending confirmation of compliance with the conditional Development Approval issued in October 2022 to the now existing home; and**
2. **Subject to the confirmation of condition compliance in accordance with point No 1 above, request the Chief Executive Officer approve the proposed Holiday House at Lot 294 (No. 5) Stemodia Street, Kalbarri in accordance with the plans and specifications at ATTACHMENT: 9.4.4 (1), subject to the following conditions:**

- a) **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>Date</b>
<b>1.</b>	<b>Property Management Plan</b>	<b>14 May 2025</b>
<b>2.</b>	<b>Code of Conduct</b>	<b>14 May 2025</b>
<b>3.</b>	<b>Floor Plan</b>	<b>14 May 2025</b>
<b>4.</b>	<b>Fire &amp; Emergency Response Plan</b>	<b>14 May 2025</b>

- b). **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;**
- c) **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;**
- d) **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;**
- e) **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;

- f) The Holiday House hereby approved is limited to a maximum of eight (8) guests who are known to each other at any one time to the satisfaction of the Shire of Northampton;
- g) The use hereby approved shall be managed so as to not detrimentally impact on the amenity or use to the adjacent properties;
- h) 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;
- i) The existing garage under main roof and the associated driveway shall be made available for guests parking on-site at all times; and
- j) All parking associated with the Holiday House hereby approved shall be wholly contained within the property.

**Advice Notes:**

- i) The approved development must comply with all relevant provisions of the *Health (Miscellaneous Provisions) Act, 1911* and the *Building Act 2016*.
- ii) The development the subject of this development approval is required to comply with the Shire of Northampton's Health Local Laws.
- iii) Prior to the commencement the Holiday House must approval as a "Lodging House" under the Health Local Laws from the Shire of Northampton.
- iv) Please note 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.
- v) 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.
- vi) 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.
- vii) 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.**

**FOR**

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

**AGAINST**

**MOTION CARRIED 6/0**

## ATTACHMENT APPENDIX

### 9.4.5 Review of Local Planning Scheme provisions and Local Planning Policy relating to Use of Caravans for Temporary Accommodation

<b>PROPONENT</b>	Shire of Northampton
<b>OWNER</b>	N/A
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>ZONE:</b>	Residential
<b>BUSINESS AREA:</b>	Planning Services
<b>FILE REFERENCE:</b>	10.4.11
<b>LEGISLATION:</b>	<i>Planning and Development Act 2005</i> <i>Caravan Parks and Camping Grounds Act 1995</i>
<b>AUTHOR:</b>	Brian Robinson
<b>APPROVING OFFICER:</b>	Brian Robinson
<b>DATE OF REPORT:</b>	4 June 2025
<b>DECLARATION OF INTEREST:</b>	Nil

#### BACKGROUND:

In May 2025 Council resolved to approve (Resolution 05/25-73) to waive specific provisions of the Shire's Local Planning Scheme No 10 and Council policy in order to approve an application including temporary accommodation at Lot 39 Hampton Road, Northampton.

As part of Council's resolution, Council resolved to request the Chief Executive Officer to undertake a review of the current Scheme provisions and Local Planning Policy relating to Temporary Accommodation having regard to those matters raised within the officer's report.

A review of the Scheme provisions and Policy provisions has now been completed with the resulting advice being detailed in the comment section below. A copy of the current Local Planning Policy – Caravans for Temporary Accommodation is appended.

#### APPENDIX: 9.4.5 (A)

Council is now requested to consider adopting a modified Local Planning Policy to outline requirements and guide the assessment of applications and when provisions of the Scheme would be relaxed to allow temporary accommodation.

A copy of the Draft Policy is attached for Council consideration. Council is requested to adopt the draft for the purposes of advertising in accordance with the *Planning and Development (Local Planning Scheme) Regulation 2015*.

#### ATTACHMENT: 9.4.5 (1)

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

As Councillors are aware, there are two active Local Planning Schemes within the Shire, which are:

1. Local Planning Scheme No 10– which relates to all of the Shire, except Kalbarri; and
2. Local Planning Scheme No 11– Kalbarri.

The provisions relating to Temporary Accommodation differ between the two Local Planning Schemes as outlined below.

Local Planning Scheme No 10 (LPS No 10)

Clause 32(8) of LPS No 10 outlined the following provisions with respect to Temporary Accommodation:

- (a) The local government may approve the temporary occupation of a caravan, or other vehicle, or structure on a lot, only if it has approved an application for the development of a habitable building on the lot, in accordance with the Building Regulations.*
- (b) The time permitted for such temporary accommodation shall not exceed 12 months, unless otherwise approved by the local government.*
- (c) In determining an application for the extension of a temporary approval, the local government must be satisfied that there has been a genuine effort to complete the approved habitable building on the lot, pursuant to the original temporary occupation approval.*

When determining applications for temporary accommodation in the Residential Zone, the provisions of clause 32(9) relating to outbuildings must also be considered. Clause 32(9) states that “*No outbuilding shall be erected on any land zoned Residential where there is no dwelling located on the lot.*”

Local Planning Scheme No 11 (LPS No 11)

The provisions of LPS No 11 significantly differ to the provisions of LPS No 10. Clause 4.8.18 – Use of Caravans or Outbuildings for Temporary Accommodation restricts the use of temporary accommodation to the Rural Residential and Rural Small Holdings zone only.

The clause also outlines that approval may be granted for up to 12 months provided that Council is satisfied that:

- (i) A building permit has been issued for the outbuilding and the construction of the residence on the property with written evidence of a signed building contract with a registered builder for the construction of the residence, and a commitment date that is within 6 months by that builder for the commence of construction of a residence; or*
- (ii) In the case of an owner builder, a building permit has been issued by the local government and a Statutory Declaration has been provided by the*

- owner providing a commitment to construct a residence and an accompanying commencement date that is within 6 months;*
- (iii) The owner has lodged a bond of \$10,000 with the local government which shall be refundable to the owner only on completion of the dwelling to the satisfaction of the local government;*
  - (iv) A Statutory Declaration has been provided by the owner acknowledging the use of a caravan or outbuilding on-site is for temporary accommodation purposes only in accordance with regulation 11(2)(c) of the Caravan Parks and Camping Grounds Regulations 1997;*
  - (v) Adequate provision for ablution and washing facilities connected to an approved water supply and effluent disposal system to the satisfaction of the local government; and*
  - (vi) The caravan is to be located within an outbuilding.*

If Council was to consider permitting temporary accommodation within either the Residential or Rural Residential Zones, then LPS No 11 the provisions of clause 4.8.18 must be varied along with clause 4.8.19 of LPS No 11 which states “*no outbuilding shall be erected on any land zoned Residential or Rural Residential where there is no dwelling located on the lot.*”

There are three primary issues with the current Scheme Provisions being clauses 4.8.18(iii) being the use of Statutory Declarations, the use of Bonds and the relationship between the use of the accommodation and progress on the home construction. These issues are further discussed in the balance of this agenda item.

#### Caravans for Temporary Accommodation

Within regional Western Australia there has been a historic practice of allowing residential habitation of outbuildings, whilst the construction of a dwelling is being completed. This approach has been used by many regional local governments to assist in the construction and security on remote sites.

However, in accordance with the National Construction Code, outbuildings are classified as a non-habitable structure (Class 10). On this basis human habitation of an outbuilding is legally prohibited, with the only legal alternative being the occupation of a caravan on a temporary basis, which can be permitted under the *Caravan Parks and Camping Grounds Act 1995*. Further information on the provisions of this Act is provided overleaf.

#### Current Policy Provisions

Examination of the current policy has identified that it is appropriate for the policy to be revised in order to:

- a) Update references to the *Caravan Parks and Camping Grounds Regulations 1997*, which were modified by the State in 2024;
- b) Review the use of Statutory Declarations and Bonds to ensure the timely construction of a dwelling; and
- c) To outline and clarify those circumstances where Council may be prepared to consider relaxing the provisions of the Local Planning Schemes in order to permit Temporary Accommodation within the Residential Zone.

### Use of Statutory Declarations

Statutory Declarations are a legal document that is used to set out facts that a person declares to be true and accurate. Making a false statement within a statutory declaration can result in charges or the declaration being used as evidence of prior knowledge. On this basis, a Statutory Declaration can be used to ensure a person acknowledges an approval is in accordance with the Caravan Parks and Camping Grounds Act 1995.

However, statutory declarations cannot be used for future events as these are not facts that can be declared to be true and accurate. They are not a legally binding document in terms of a person's intent in relation to future events such as the construction of a home. Intent being influenced by a number of factors including financial status and availability of products for example.

Provided that appropriate conditions of approval and advice are imposed on any approval, statutory declarations are not required. It is recommended that the requirement for statutory declarations be removed from the current Policy in favour of appropriately worded conditions being imposed on the Development Approval. Where these conditions are not met, options exist for the imposition of a daily penalty of \$500 or prosecution under the *Planning and Development Act 2005*.

### Use of Bonds

Strictly speaking, bonds should only be used in circumstances where the local authority intends to use those funds to complete works to ensure compliance is achieved. It is common for bonds to be used in Western Australia to be used for the following purposes:

- a) To ensure that funds are available to the local government to rectify damage to Shire property through Verge Bonds;
- b) To allow a subdivider to obtain subdivision clearance or a development to be occupied prior to all works being completed;
- c) To ensure funds are available for the local government to complete outstanding works.

The current Scheme and policy provisions are akin to using the potential forfeiture of a bond as a form of penalty, weaponizing the planning framework. Alternatively, the *Planning and Development Act 2005* sets out penalties that may be imposed on a landowner through either modified penalties or court proceedings. Penalties outside of the Act provisions are considered to be ultra-vires.

Given penalties that are applicable under the *Planning and Development Act 2005*, it is recommended that a bond should not be required to ensure the timely construction of a dwelling. As an alternative, an appropriate condition should be imposed to require construction of the dwelling within an identified timeline. Failure to comply with the timeline, potentially resulting in:

- Modified penalties (not exceeding \$500 per day) and/or legal action for failure to comply with the conditions of approval; and
- Revoking of the temporary accommodation approval.

#### Temporary Accommodation within Residential Zone

As detailed above, the provisions of Local Planning Scheme No 11 – Kalbarri state that approval cannot be granted to Temporary Accommodation in the Residential Zone. Notwithstanding this an application for Temporary Accommodation may be considered through a variation of the Local Planning Scheme provisions.

Given the range of densities and lot sizes within the Shire's Residential Zones, not all residential zoned land is considered suitable for temporary accommodation. Due to the smaller size of standard residential lots within townsites, temporary accommodation is not considered a suitable land given:

- a) Smaller lots often not capable of containing an outbuilding of suitable size to contain a caravan as required by the Scheme and policy provisions;
- b) Increased potential impacts on the amenity of the area due to the closer proximity of adjacent dwellings; and
- c) Visual impacts on adjacent land and the streetscape being more predominant due to smaller setback requirements.

In approving temporary accommodation at Lot 39 Hampton Road at its May 2025, Council deemed that it was appropriate to vary the provisions of the Scheme and Local Planning Policy given:

- a) The need for security over the building site;
- b) The significant size of the property (4,426m<sup>2</sup>);
- c) The increased setbacks and separation from adjacent property due to the property size; and
- d) The owner had commenced a substantial tree planting program around the perimeter of the lot.

It is recommended that the current policy be amended to give Council the discretion to consider applications for temporary accommodation within the Residential Zone on lots greater than 4,000m<sup>2</sup>.

#### Caravan Parks and Camping Grounds Regulations 1997

In accordance with clause 11A of the *Caravan Parks and Camping Grounds Regulations 1997*, approval may be sought from Local Government to camp on land within the Shire where the person owns or has a legal right to occupy the land. As outlined in clause 11A(2), the local government may issue an approval to camp for a period not exceeding 24 months.

Clause 11A furthermore outlines that any approval is subject to the following conditions:

- a) That any caravan or camp in which the person is camping on the land is maintained in such a condition that it is not a hazard to safety or health;



- b) That the land is maintained in such a condition that is suitable for camping, particularly in relation to-
  - (i) Safety and health; and
  - (ii) Access to services;
- c) Any other conditions specified by the local government in the approval.

An approval may be revoked where the local government is satisfied that a condition of approval has been breached. Prior to revoking an approval, the approval holder is given 35 days to show cause why the approval should not be revoked.

#### Other Camping on Vacant 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).*

It is recommended that the current policy is also modified to reflect the above decision.

### Conclusion

The current provisions of the Local Planning Schemes and Local Planning Policy – Caravans for Temporary Accommodation take a blanket approach of prohibiting temporary accommodation in the Residential Zone, irrespective of lot size. Given that the potential for visual and other impacts resulting from temporary accommodation are reduced on larger size properties, it is recommended that the policy be modified to outline that Council may be prepared to consider approving the use on lots greater than 4,000m<sup>2</sup>.

### **STATUTORY ENVIRONMENT:**

In accordance with Part 2 of the Deemed to Apply Provisions contained in the *Planning and Development Regulations 2015*, “a local government may prepare a local planning policy in respect of any matter relating to the planning and development of the Scheme area.” Once adopted by Council for the purposes of advertising, a Local Planning Policy must be advertised for a period of not less than 21 days.

Part 2 also prescribes that a local planning policy:-

- (i) May apply generally or in respect of a particular class or classes of matters specified in the policy;
- (ii) May apply to the whole of the Scheme area or to part or parts of the Scheme area specified in the policy;
- (iii) Must be based on sound town planning principles;
- (iv) May address strategic or operational considerations in relation to matters to which the policy applies.

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

As detailed in the Comment Section of this agenda item.

It should be noted that whilst local government must have regard to a Local Planning Policy in determining applications for Development Approval, the provisions of Local Planning Policies may be varied if and when Council determines a variation is warranted or justified.

### **ORGANISATIONAL RISK MANAGEMENT:**

Local Planning Policies should be reviewed and kept contemporary. Failure to review policies could result in the policy provisions being out of date or un-enforceable causing un-necessary and substantiated public embarrassment. A risk rating of Moderate would apply.

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 cost of advertising Draft Local Planning Policy No 6.1.1 – General Matters for Planning Proposals will be wholly contained within the Shire of Northampton's adopted budget.

### SUSTAINABILITY:

Environmental: Appropriate provisions should be retained within the Policy to ensure that temporary accommodation is undertaken in a manner so as not to detrimentally impact on the environment through means such as effluent disposal

Economic: Nil.

Social: Allowing temporary accommodation on suitably sized land permits a landowner to reside on site whilst ensuring detrimental impacts do not result.

### VOTING REQUIREMENTS: SIMPLE MAJORITY

### OFFICER RECOMMENDATION:

That Council:

1. Adopt Draft Local Planning Policy 6.1.4 – Temporary Accommodation and Camping on Vacant Land as shown at Attachment: 9.4.5 (1) for the purposes of advertising over a period of not less than 21 days in accordance the *Planning and Development (Local Planning Scheme) Regulations 2015*; and
2. Await a further report relating to the draft policy following completion of the advertising period referred to in point 1 above.

**COUNCIL RESOLUTION:****MOVED: Suckling, K      SECONDED: Suckling, R****06/25-80****That Council:**

- 1. Adopt Draft Local Planning Policy 6.1.4 – Temporary Accommodation and Camping on Vacant Land as shown at Attachment: 9.4.5 (1) for the purposes of advertising over a period of not less than 21 days in accordance the *Planning and Development (Local Planning Scheme) Regulations 2015*; and**
- 2. Await a further report relating to the draft policy following completion of the advertising period referred to in point 1 above.**

**MOTION CARRIED 6/0****FOR**

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

**AGAINST**

**ATTACHMENT****9.4.6 Proposed Extended Trading Permit for Liquor Licence – IGA at Lot 22 (229) Hampton Road, Northampton**

<b>PROPONENT</b>	A Poranki
<b>OWNER</b>	Shirdi Sai Ram WA North Pty Ltd
<b>LOCATION / ADDRESS:</b>	Lot 22 (229) Hampton Road, Northampton
<b>ZONE:</b>	Town Centre/Commercial
<b>BUSINESS AREA:</b>	Planning Services
<b>FILE REFERENCE:</b>	10.8.1.3; A2627
<b>LEGISLATION:</b>	<i>Planning and Development Act 2005</i> <i>Liquor Control Act 1988</i>
<b>AUTHOR:</b>	Kaylene Roberts
<b>APPROVING OFFICER:</b>	Brian Robinson
<b>DATE OF REPORT:</b>	6 June 2025
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

Council is in receipt of a Certificate of Local Planning Authority – Section 40 for Northampton IGA at Lot 22 (229) Hampton Road, Northampton.

**Location Plan**

The applicant is seeking to extend the current trading hours of the IGA to permit the sale of alcohol on Sundays. Currently the IGA has a licence to sell alcohol from Monday to Saturday. They would like to cater to the needs of both the local residents and passing tourists. A copy of the Section 40 is attached.

**ATTACHMENT: 9.4.6 (1)**

Council is requested to determine the application as an objection to the proposal has been received.

**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 14-day period to both the operating hotel/bottleshop establishments within Northampton as well as on the Shire website and the Northampton News. One objection and a submission of support were received during the advertising period. A copy of the submissions received are attached.

**ATTACHMENT: 9.4.6 (2)**

**COMMENT (Includes Options):**

There are two different licence types that relate to Liquor Stores being Metropolitan and Regional. The IGA has a Regional trading permit which allows them to trade Monday to Saturday from 8am to 10pm but Sunday trading is not permitted unless they have an Ongoing Extended Trading Permit (ETP). Currently they do not have an ETP.

The IGA currently opens on a Sunday from 9am to 3pm and would like to open the liquor store from 10am to 3pm so as to cater and meet the needs of all customers.

Submissions Received

The objection received does not support the proposal as they are a competing licensed business. By way of summary the author of the objection states:

- Their belief that Northampton has a proliferation of Liquor Licences and believe the application would be a detriment of other licences within the Shire;
- The recent closure of the Northampton Motor Hotel is compelling evidence that the current population cannot support all the licenses already existing and allowing the IGA to trade on Sundays would hurt other existing businesses; and
- The town and surrounding areas do not need the proposed service as it already is available after 11am on Sundays. The Director of Liquor Licensing may look unfavourably at the provision of alcohol early on Sunday's due to potential social implications.

National Competition Policy

The National Competition Policy and related reform package was introduced in 1995 by the Australian Federal Government. The intent of the Policy and reform package included, but was not limited to:

*“The review and where appropriate reform of all laws that restrict competition unless the benefits of the restriction to the community as a whole outweigh the costs and the objective of the law can be achieved only by restricting competition, and a requirement that all new legislation that restricts competition meet this test.”*

The refusal of the application based solely on competition with existing business would be inconsistent with the requirements of the National Competition Policy.

#### Extended Trading Permits

The *Liquor Control Act 1988* identifies different trading hours for different licence types. For a Liquor Store in the metropolitan area of Perth, Sunday trading is permitted from 10am to 10pm. In regional areas, the Act specifies that liquor stores are not permitted to trade on Sunday's unless they have ongoing Extended Trading Permit (ETP).

An applicant must satisfy the Director Liquor Licensing (DLL) that granting application is in the public interest and as part of this process, the applicant must provide to the DLL any document or information reasonably required by the DLL.

The initial grant of an ongoing extended hours ETP will require the applicant to prepare a Public Interest Assessment (PIA) form and provide supporting evidence that their application is in the public interest. According to the Liquor Control Act, a PIA is required if applying for an extended trading permit for extended hours.

#### Stores with Sunday Liquor Trading Hours

An extensive search by Shire staff relating to Liquor Stores and Sunday trading found that there were four stores in Geraldton that are open for Sunday trading including the Cellarbrations store associated with Rigters IGA which is open from 10am to 8pm on Sundays.

It is also noted the Liquor store located within the Horrocks General Store holds an ETP allowing the sale of Alcohol on Sundays. An ETP was also previously issued for Kalbarri Cellars and the Kalbarri Hotel.

#### Conclusion

Whilst the objection received raises other reasons why the objector believes it would be inappropriate for an Extended Trading Permit to be granted, the primary basis is on competition grounds. Given refusal of an application based on competition with existing business would be contrary to the National Competition Policy, it is recommended that the submission not be supported and a Section 40 – Certificate of Local Authority be issued.

#### **STATUTORY ENVIRONMENT:**

*Planning and Development Act 2005 and Liquor Control Act 1988.*

**POLICY / STRATEGIC IMPLICATIONS:**

Nil.

**ORGANISATIONAL RISK MANAGEMENT:**

Nil.

**FINANCIAL IMPLICATIONS:**

The Section 40 application fee as outlined in the Shire of Northampton's Fees 2024/2025 Fees and Charges Schedule had not been paid at the time of preparing this agenda item. Shire Officers will require this fee to be paid prior to issue of the Section 40 – Certificate of Local Planning Authority.

**SUSTAINABILITY:**

Environmental: Nil.

Economic: The ETP would see the business able to generate income from the sale of packaged alcohol on Sundays.

Social: The ETP would not increase the social impact on the community due to the sale of liquor meeting the needs of customers and passing tourists that would otherwise be met in other townsites including Horrocks and Geraldton.

**VOTING REQUIREMENTS:**

**SIMPLE MAJORITY**

**OFFICER RECOMMENDATION:**

That Council in accordance with the *Planning and Development Act 2005* and the *Liquor Control Act 1988* support the Extended Trading Permit for Liquor Licence for the Northampton IGA subject to the payment of the required application fee.

**COUNCIL RESOLUTION:**

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

**06/25-81**

That Council in accordance with the *Planning and Development Act 2005* and the *Liquor Control Act 1988* support the Extended Trading Permit for Liquor Licence for the Northampton IGA subject to the payment of the required application fee.

**MOTION CARRIED 5/1**

**FOR**

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

**AGAINST**

Cr R Suckling



**ATTACHMENT****9.5.1 Building Approval Report**

<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>	<i>Local Government Act 1995</i> <i>Building Act 2011</i> <i>Building Registrations 2012</i>
<b>AUTHOR:</b>	Michaela Simpson
<b>APPROVING OFFICER:</b>	Brian Robinson
<b>DATE OF REPORT:</b>	9 June 2025
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

This report has been produced to assist Council understand the Building and Demolition Permits approved and issued for the period of 1 May 2025 to 31 May 2025.

**ATTACHMENT: 9.5.1 (1)**

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

During May 2025, ten (10) building and demolition applications were determined under delegated authority.

**STATUTORY ENVIRONMENT:**

Nil.

**POLICY / STRATEGIC IMPLICATIONS:**

Nil

**ORGANISATIONAL RISK MANAGEMENT:**

Risk rating is considered insignificant with all permits being issued in accordance with the applicable legislation.

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 May 2025 in accordance with Attachment: 9.5.1 (1).**

**COUNCIL RESOLUTION:**

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

**06/25-82**

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

**MOTION CARRIED 6/0**

**FOR**

Cr L Sudlow  
Cr T Hay  
Cr R Burges  
Cr D Pike

**AGAINST**

Cr K Suckling  
Cr R Suckling

## ATTACHMENT APPENDIX

### 9.6.1 Kalbarri Open Air Music Festival 4 & 5 April 2025 – Sound Level Meter Readings and Follow-up Consultations

<b>PROPONENT</b>	Jamart Sound Lounge
<b>OWNER</b>	Shire of Northampton
<b>LOCATION / ADDRESS:</b>	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>	<i>Local Government Act 1995 &amp; Environmental Protection (Noise) Regulations 1997</i>
<b>AUTHOR:</b>	Wendy Dallywater/Brian Robinson
<b>APPROVING OFFICER:</b>	Brian Robinson
<b>DATE OF REPORT:</b>	6 June 2025
<b>DECLARATION OF INTEREST:</b>	Nil

#### **BACKGROUND:**

Council approved the holding of the Kalbarri Open Air Music Festival on 4 & 5 April 2025 at its October 2024 Council Meeting and resolved at its February 2025 Council Meeting to not approve the requested extended finishing time from 10:00pm to 11:00pm for this event. An extract from the approved Noise Management Plan is appended.

#### **APPENDIX: 9.6.1 (A)**

To ensure the applicants complied with their approved Noise Management Plan, Shire Officers carried out sound level meter tests during the 2-day event. An Officer Report on the sound levels obtained is attached for Councillor information and reference.

#### **ATTACHMENT: 9.6.1 (1)**

The purpose of this agenda item is to report on the findings and to detail post event responses received from the nearby accommodation businesses.

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

Post event feedback was sought from the adjacent accommodation businesses. In response two businesses raised complaints which are detailed in the Comment section below.

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

##### Sound Level Readings –

A Brüel & Kjaer sound level meter (SLM) was sourced from the Department of Water & Environmental Regulation's Noise Branch at no cost to the Shire for Shire staff to monitor the noise levels during the 2-days of the music festival.

The organisers had their own SLM which they used to take readings during the event.

The organiser's Noise Management Plan states that the noise readings will not be greater than 90dBA at 80m from the stage. The Shire's noise readings indicate compliance with this level.

#### Post Event Consultation

On Tuesday 8 April 2025 nearby accommodation businesses (5 businesses) were emailed to confirm if they had received any complaints regarding the music festival. Reply emails were received from all the businesses with two businesses raising complaints that the event did not finish at 10:00pm on Saturday evening but finished at approximately 10:20pm and that the noise level appeared to be louder than it was on Friday.

The organisers were subsequently emailed, advising them of the comments received and asking for their response. The reply (shown attached) confirmed that the music did not finish 10:03pm as the last band was playing their last song. They have advised that after this, organisers made thank you speeches to all involved in the event. A photograph supplied, dated and time stamped Saturday 5 April 10:08pm, showed the last band after they finished.

#### **ATTACHMENT: 9.6.1 (2)**

The organisers have disputed that the sound was louder on Saturday, and they provided a link to a number of short videos of their SLM readings, which are similar to those taken by Shire staff. The organisers also highlighted that a band was playing at the Gilgai Tavern on Friday night but not Saturday night. No background noise from the Tavern on Saturday may be the reason people thought that the sound was louder than Friday night.

#### Future Events

The organisers have indicated that they would like to hold the 2026 Kalbarri Open Air Music Festival on Friday 17 & Saturday 18 April 2026. This is the last weekend of the April School Holidays, with the date being 2 weeks after Easter.

Shire staff have suggested that it is not a good option to base event dates on Easter given it moves between March and April and so the dates will continually change from year to year. Adjacent business owners would prefer a date that can be the same date each year so that the accommodation businesses can plan around this event and advise potential clients. The last email received from the organisers stated that would consider the first weekend in May.

#### Conclusion

Other than the last band finishing after the scheduled finish time, the event was managed to ensure compliance with the approved Noise Levels. Given this it is recommended that no action be taken over the event finishing 3 minutes after the approved time.

**STATUTORY ENVIRONMENT:**

Various legislation is applicable including but not limited to the *Local Government Act 1995*, *Environmental Protection Act 1986*, and *Environmental Protection (Noise) Regulations 1997*.

**POLICY / STRATEGIC IMPLICATIONS:**

The holding of events is 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 community driven events-based and tourism.	Increase of events that attract overseas, regional, and local people to support the local economy.	Increase or decrease of visitors and number of events held.	Ongoing
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 relating to the follow-up of the 2025 Kalbarri Open Air Music Festival and the possible holding of the event in 2026 has and will result in impacts on the community. The 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
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**FINANCIAL IMPLICATIONS:**

Nil.

**SUSTAINABILITY:**

Environmental: Nil.

Economic: The 2025 Kalbarri Open Air Music Festival resulted in increased business for accommodation businesses and food outlets, and it provided the Kalbarri Sport & Recreation Committee a means of raising funds.

Social: It was a social event for locals as well as visitors who want to see live music events. There was a temporary impact on the amenity of the area through increased noise from bands playing and patrons leaving the event area, but this was limited due to the set finish time for the event each day and the organiser's Noise Management Plan.

**VOTING REQUIREMENTS:**

**SIMPLE MAJORITY**

**OFFICER RECOMMENDATION:**

**That Council:**

1. Receive the Officer report shown at Attachment: 9.6.1 (2) and note that the event was compliant with approved Noise Levels; and
2. Take no action regarding the two complaints received following the holding of the 2025 Kalbarri Open Air Music Festival.

**COUNCIL RESOLUTION:**

**MOVED:** Hay, T

**SECONDED:** Pike, D

**06/25-83**

**That Council:**

1. Receive the Officer report shown at Attachment: 9.6.1 (2) and note that the event was compliant with approved Noise Levels; and
2. Take no action regarding the two complaints received following the holding of the 2025 Kalbarri Open Air Music Festival.

**MOTION CARRIED 6/0**

**FOR**

Cr L Sudlow  
Cr T Hay  
Cr R Burges  
Cr D Pike

**AGAINST**

Cr K Suckling  
Cr R Suckling



**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>	26 May 2025
<b>DECLARATION OF INTEREST:</b>	Nil.

**BACKGROUND:**

The following works, in addition to routine maintenance works, has been undertaken since the last report and is presented for Council information.

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**Specific Road Works

- Maintenance grading undertaken on - Ajana Back, Ogilvie East, Ogilvie West, Elphick, Mongeragarry, Wickens, Yerina Springs, Bishop Gully, Balla Whelarra, Reynolds, Little Bay, Little Bay Lookout, Bowes River, Binnu West, Erriary, Hose and Kalbarri Tip Road/s.
- Gravel Patching - Unsealed Roads Gravel Sheeting / Verge works undertaken on-, Telegraph, Wickens, West, Ogilvie East, Binnu East, Hatch, Frosty Gully and Kalbarri Tip Road/s.
- Culvert clean outs prior to winter undertaken on Olivier, Teakle, Hackney, Glass, Clifton, Ralph, Clotworthy, Red Bluff, Mary, Stone, Bateman, Wannerenooka, Hatch, Frosty Gully, Horrocks, Horrocks Community Centre, back of BP in Kalbarri and back of Kalbarri School.
- Spraying of Verges undertaken on- Frosty Gully, White Cliffs, Chilimony, Blue Wells, Bowes River, Sandy Gully, Yallabatharra, Rubbish Tip Rd in Northampton and Isseka Back Road/s.

Maintenance Items

- General – Various signage and road furniture works.
- General – Potholes and edges in 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.
- General – General drainage and stormwater reparation and cleanup works
- Kalbarri, Chilimony and White Cliffs Road/s verge mowing completed.

#### Other Items

- Traffic Counts placed in Port Gregory, one (1) north after Kalbarri turnoff, the other placed in town on Port Street to capture Pink Lake lookout traffic with counters scheduled to be in place for 28 days, with counters to be removed 13 June 2025.
- Red Bluff Dual Use Path repairs after rain on 29 – 30 May, significant damage and Insurance claim to be submitted.
- Repairs to Jacques Point carpark.

#### Other Items (Budget)

- Kalbarri Road widening – Main Roads WA 10 kilometres of widening immediately to the east of Kalbarri extending as far as the Skywalk lookout turnoff. Practical completion has been granted. Significant defects requiring contractor rectification.
- Kalbarri – Tropical Cyclone Seroja rebuild works at Red Bluff, Jacques Point, Blue Holes and Chinaman's Beach plus Anchorage Lane temporary overflow workers accommodation facility completed.
- Disabled fishing platform and ramp construction continuing.
- Port Gregory carpark construction-renovations continue with the fence, signs and bins being installed, concrete kerbing to be installed on the 11 June, shelter install and remaining works to follow.
- Kalbarri Oval fence installation works continuing.

A copy of the Executive Manager for Works and Technical Services – Program and Progress Report, June 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 the report is information in nature

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response

Minor (2)	First aid injuries	\$1,001 - \$10,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response
Moderate (3)	Medical type injuries	\$10,001 - \$50,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact, moderate news profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies
Major (4)	Lost time injury	\$50,001 - \$150,000	Prolonged interruption of services – additional resources; performance affected < 1 month	Non-compliance results in termination of services or imposed penalties	Substantiated, public embarrassment, high impact, high news profile, third party actions	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies
Catastrophic (5)	Fatality, permanent disability	More than \$150,000	Indeterminate prolonged interruption of services – non-performance > 1 month	Non-compliance results in litigation, criminal charges or significant damages or penalties	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions	Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment & building	Uncontained, irreversible impact

**FINANCIAL IMPLICATIONS:**

Works are conducted 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 June 2025. In accordance with ATTACHMENT 9.8.1 (1).**

**COUNCIL RESOLUTION:**

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

**06/25-84**

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

**FOR**

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

**AGAINST**

**MOTION CARRIED 6/0**

**ATTACHMENT****9.9.1 Consideration of the Unconfirmed Minutes of the Road Infrastructure and Plant Advisory Committee Meeting Held 6 June 2025**

<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>	Works and Technical Services
<b>FILE REFERENCE:</b>	12.1.3
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Tina Souroup
<b>APPROVING OFFICER:</b>	Andrew Campbell
<b>DATE OF REPORT:</b>	9 June 2025
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

A meeting of the Road Infrastructure and Plant Advisory Committee (RIPAC) was held on 6 June 2025 in the Council Chambers, Northampton.

The purpose of this report is for Council to receive the minutes of the meeting and recommended by the Committee. The minutes of the meeting are attached.

**ATTACHMENT: 9.9.1 (1)****PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

The primary purpose of the RIPAC meeting held of 6 June 2025 was for the Committee to assess Construction Projects and Plant replacements for 2025/2026.

There were four resolutions made by RIPAC however only one requires further consideration of Council:

<b>Committee Resolution</b>	<b>Administration Comment</b>
<p><b><i>That Council consider the following projects as part of their 2025/26 budget:</i></b></p> <ol style="list-style-type: none"> <li><b><i>1. Ogilvie East Road;</i></b></li> <li><b><i>2. Binnu East Road;</i></b></li> <li><b><i>3. Fifth Avenue;</i></b></li> <li><b><i>4. Port Street;</i></b></li> <li><b><i>5. Kaiber Street; and</i></b></li> <li><b><i>6. Culvert replacements</i></b></li> </ol>	<p>Supported and recommended to Council for consideration.</p>

<b><i>That the Road Infrastructure and Plant Advisory Committee undertake a road inspection at some point in the first two weeks of August 2025.</i></b>	Supported and this matter will be coordinated by the administration.
<b><i>That the Executive Manager of Works and Technical Services to develop 2025/26 plant options for Committee consideration that will focus on plant suitability to enhance efficiency.</i></b>	Supported and this matter will be dealt with by administration and detail provided back to the next RIPAC meeting.
<b><i>That the Chief Executive Officer develop 2025/26 source quotes from relevant consultants to assist the Committee develop a sustainable ten-year plant replacement program.</i></b>	Supported and this matter will be dealt with by administration and detail provided back to the next RIPAC meeting.

#### **STATUTORY ENVIRONMENT:**

The *Local Government Act 1995* and subsidiary legislation prescribe the requirements of creating an Advisory Committee in a Local Government organisation in Western Australia.

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

The Road Infrastructure and Plant Advisory Committee will enable Council to strategically approach requests for Road Constructions and Plant Replacements for implementation through the Annual Budget process.

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

Risk rating is considered Level 1 - Insignificant.

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

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

**FINANCIAL IMPLICATIONS:**

The Shire of Northampton will budget limited funds for this matter in the 2025/26 budget.

**SUSTAINABILITY:**

Environmental: Nil.

Economic: Nil.

Social: Nil.

**VOTING REQUIREMENTS:**

**SIMPLE MAJORITY**

**OFFICER RECOMMENDATION:**

That Council

- 1) Receive the unconfirmed minutes of the Road Infrastructure and Plant Advisory Committee held on 6 June 2025 in accordance with ATTACHMENT: 9.9.1 (1); and
- 2) Consider the following Road Construction projects as part of the 2025/26 budget:
  - a) Ogilvie East Road;
  - b) Binnu East Road;
  - c) Fifth Avenue;
  - d) Port Street;
  - e) Kaiber Street; and
  - f) Culvert replacements.

**COUNCIL RESOLUTION:**

**MOVED:** Burges, R

**SECONDED:** Suckling, K

**06/25-85**

That Council

- 1) Receive the unconfirmed minutes of the Road Infrastructure and Plant Advisory Committee held on 6 June 2025 in accordance with ATTACHMENT: 9.9.1 (1); and

**2) Consider the following Road Construction projects as part of the 2025/26 budget:**

- a) Ogilvie East Road;**
- b) Binnu East Road;**
- c) Fifth Avenue;**
- d) Port Street;**
- e) Karina Mews; and**
- f) Culvert replacements.**

**MOTION CARRIED 6/0**

**FOR**

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

**AGAINST**



**10. LATE REPORTS:****ATTACHMENT****9.4.7 Proposed Porch and Roofed Balcony - Lot 63 (No 10) Horan Way, Horrocks**

<b>PROPONENT</b>	D & A Ash
<b>OWNER</b>	D & A Ash
<b>LOCATION / ADDRESS:</b>	Lot 63 (No 10) Horan Way, Horrocks
<b>ZONE:</b>	Residential (R20)
<b>BUSINESS AREA:</b>	Planning Services
<b>FILE REFERENCE:</b>	10.5.1.1 & A760
<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>	12 June 2025
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

The subject land is a 635m<sup>2</sup> residential property located at the southern end of Horan Way. As shown on the location plan below, similar residential properties abut the site to the east and west, whilst undeveloped land owned by the Shire is located to the rear. There is a larger than normal verge located in front of the property due to the design of the Horan Way cul-de-sac.

**Location Plan**

The site is currently developed with a two storey dwelling and a detached garage. The dwelling is setback approximately 5.7m from the front boundary.

Approval is being sought to extend the dwelling forward in the form of a patio, with roofed balcony above and a deck between the existing home and the street boundary. Plans submitted with the application indicate that the patio/balcony will be attached to the northeast corner of the home, be approximately 4m deep and 5m wide, setback 1.7m from the front boundary and 1.5m from the side boundary. An attached deck being 3 metres wide is to be located on the western side of the patio, connecting with an existing deck.

A copy of the submitted plans is shown attached.

#### **ATTACHMENT: 9.4.7 (1)**

Council is requested to determine the application as the proposed development does not meet the “Deemed to Comply” provisions of the Residential Design Codes of Western Australia.

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

Letters of support from both adjacent landowners were submitted with the application. Notwithstanding this, in accordance with Council’s Local Planning Policy – Consultation for Planning Proposals, the application was referred to the adjacent landowners for comment over a 14 day period. At the close of submissions on 4 June 2025, no submissions had been received.

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

In determining an application for Development Approval, clause 67(2) of the Deemed to Apply provisions of the *Planning and Development (Local Planning Scheme) Regulations 2015* require that Council take various matters into account. These matters include, but are not limited to, the following:

- i) The aims and provisions of the Scheme (including any planning codes that are read into the Scheme;
- ii) The requirements or orderly and property planning;
- iii) Any approved State Planning Policy;
- iv) The compatibility of the development within its setting, including the compatibility of the development with the desired future character of its setting and the relation of the development to development on adjoining land including the likely effect of the height, bulk, scale, orientation and appearance of the development; and
- v) Any submission received on the application.

To assist Council in determining the application, the following comments and advice are provided.

#### **Local Planning Scheme No 10 (LPS 10)**

The provisions of the LPS 10 include the subject land within the Residential Zone with an applicable density of R20 under the Residential Design Codes of Western Australia (R-Codes).

State Planning Policy - Residential Design Codes (R-Codes)

Table 2 in the R-Codes identifies that an average front setback of 6m is required where a density of R20 applies.

In accordance with clause 5.1.2 – C2.4 a porch, verandah or unenclosed balcony can project forward of the primary street setback line to a maximum of half of the primary setback line without applying the compensating area required under clause 5.2.1 of the R-Codes. Given this, if the roofed patio/balcony was setback a minimum of 3 metres the proposal would comply with the R-Codes Deemed to Comply provisions relating to front setbacks.

As a setback of 1.7m is being proposed, the application must be determined under the R-Code Design Principles of clause 5.1.2. These are:

*P2.1 Buildings setback from street boundaries an appropriate distance to ensure they:*

- *Contribute to, and are consistent, an established streetscape;*
- *Provide adequate privacy an open space for dwellings;*
- *Accommodate site planning requirements such as parking, land and utilities; and*
- *Allow safety clearances for easements for essential service corridors.*

*P2.2 Buildings mass and form that:*

- *Uses design features to affect the size and scale of the building;*
- *Uses appropriate minor projections that do not detract from the character of the streetscape;*
- *Minimises the proportion of the façade at ground level taken up by building services, vehicle entries and parking supply, blank walls, servicing infrastructure access and metres and the like; and*
- *Positively contributes to the prevailing or future development connect and streetscape as outlined in the local planning framework.*

An assessment of the above criteria is provided within the balance of this agenda item.

Streetscape

Currently residential development within both Horan Way and the wider Horrocks townsite is wide and varied in its visual appearance and setbacks, ranging from large newish homes to original beach shacks. Due to the undulation of the land in Horrocks and landowners in the area desiring to take advantage of ocean views, many homes are setback substantial distances from the road. Other homes have been designed and constructed to be as close to the street boundary as possible.

No 8 Horan Way, located on the western boundary of the subject land has been constructed at an angle to the front boundary. The dwelling comes as close as approximately 1.5m to the street boundary immediately adjacent to the subject land. Despite this relatively small setback, the dwelling on No 8 is still located some 14 metres from the Horan Way road pavement due to a substantial road verge.

It is also noted that No 1 Horan Way has a single car garage within the front setback, being setback a minimum of 1m from the street boundary.

Should the proposed development be approved, the building will still be located more than 12 metres from the road. Given this it is not anticipated that the development as proposed will detrimentally impact on the streetscape or amenity of the area.

Potential visual impacts are also minimised due to the fact that neither the patio nor balcony are proposed to be enclosed. This and the design of the roof will minimise the bulk of the building as viewed from the street.

#### Potential for Overlooking

Although the proposed development is located within the front setback, the angle of the development when compared to the side boundary means that there is potential for a person standing on the eastern side of the balcony to view portion of the rear yard at No 12 Horan. To prevent overlooking, it is recommended that permanent fixed screening be required to a minimum height of 1.6m.

#### Conclusion

Given that neither immediately adjoining landowner has objected to the proposal and that the development is unlikely to detrimentally impact on the streetscape or amenity of the area, conditional approval is recommended.

#### **STATUTORY ENVIRONMENT:**

*Planning and Development Act 2005; and  
Planning and Development (Local Planning Scheme) Regulations 2015.*

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

Nil.

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

Risk rating is considered Insignificant.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response
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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 adopted 2024/25 Schedule of Fees and Charges.

### SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

### VOTING REQUIREMENTS:

**SIMPLE MAJORITY**

### OFFICER RECOMMENDATION:

**That Council:**

1. Determine that the proposed development at Lot 63 (No 10) Horan Way, Horrocks as shown at Attachment: 9.4.7 (1) is consistent with the Design Principles prescribed under clause 5.2.1 of the Residential Design Codes of Western Australia; and
2. In accordance with Local Planning Scheme No 10 – Northampton grant planning approval to the proposed Patio/Roofed Balcony and deck at Lot 63 (No 10) Horan Way, Horrocks in accordance with the plans shown at Attachment: 9.4.7 (1), subject to compliance with the following conditions:
  - a) The development hereby approved is to be carried out generally in accordance with the plans and specifications submitted with the application and these shall not be altered and/or modified without the prior knowledge and written consent of the Shire of Northampton:

Reference	Document Title	Date
1	Site Plan & Elevations	9 May 2025

- b) Any additions to or change of use of any part of the building or land (not the subject of this consent) requires further application and development approval for that use/addition;
- c) The proposed development shall be clad or coloured to complement either the surroundings in which it is located or

adjoining developments to the satisfaction of the Shire of Northampton but the use of reflective materials and colours is not permitted;

- d) Screening devices such as obscure glazing, timber screens, external blinds etc. are to be at least 1.6m in height, at least 75% obscure, permanently fixed, made of durable material and to restrict view in the direction of the eastern side boundary so as to prevent overlooking of the rear yard of the adjacent residence.

**Advice Notes:**

- i) This development approval is NOT a building permit. A building permit must be formally applied for and obtained from Building Services BEFORE the commencement of any site and/or development works. (Land clearing to facilitate development and BAL report is permitted).
- ii) If the development/use the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.
- iii) Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
- iv) 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.
- v) 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.

**COUNCIL RESOLUTION:**

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

**06/25-86**

**That Council:**

1. Determine that the proposed development at Lot 63 (No 10) Horan Way, Horrocks as shown at Attachment: 9.4.7 (1) is consistent

with the Design Principles prescribed under clause 5.2.1 of the Residential Design Codes of Western Australia; and

2. In accordance with Local Planning Scheme No 10 – Northampton grant planning approval to the proposed Patio/Roofed Balcony and deck at Lot 63 (No 10) Horan Way, Horrocks in accordance with the plans shown at Attachment: 9.4.7 (1), subject to compliance with the following conditions:
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  - c) The proposed development shall be clad or coloured to complement either the surroundings in which it is located or adjoining developments to the satisfaction of the Shire of Northampton but the use of reflective materials and colours is not permitted;
  - d) Screening devices such as obscure glazing, timber screens, external blinds etc. are to be at least 1.6m in height, at least 75% obscure, permanently fixed, made of durable material and to restrict view in the direction of the eastern side boundary so as to prevent overlooking of the rear yard of the adjacent residence.

**Advice Notes:**

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- iv) 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.
- v) 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.

**MOTION CARRIED 6/0**

**FOR**

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

**AGAINST**



**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:**

**MOVED: Pike, D**

**SECONDED: Suckling, R**

**06/25-87**

**That Council grant Cr T Hay and Cr K Suckling a Leave of Absence for the Ordinary Meeting of Council to be held on Thursday 17<sup>th</sup> July 2025.**

**MOTION CARRIED 6/0**

**FOR**

Cr L Sudlow

Cr T Hay

Cr R Burges

Cr D Pike

Cr K Suckling

Cr R Suckling

**AGAINST**

**15. CLOSURE:**

**There being no further business to discuss the Shire President thanked those in attendance and closed the meeting at 2.33pm.**

**SIGNED:**



**Cr Liz Sudlow**

**DATE: 17 July 2025**

**Shire President**