



AGENDA

COUNCIL MEETING

20 NOVEMBER 2025

SHIRE OF NORTHAMPTON – COUNCIL MEETING AGENDA

20 NOVEMBER 2025

NOTICE TO ALL COUNCILLORS

An Ordinary Meeting of Council is called for Thursday 20 November 2025 commencing at 2:00 PM in the Allen Centre, Kalbarri.



Andrew Campbell
CHIEF EXECUTIVE OFFICER

13 November 2025

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

SHIRE OF NORTHAMPTON**COUNCIL MEETING THURSDAY 20 NOVEMBER 2025****TO BE HELD
IN THE ALLEN CENTRE, KALBARRI****COMMENCING AT 2:00 PM****AGENDA**

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

Acknowledgement of Country

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

- 3. ATTENDANCE:**

- 3.1 Apologies:
- 3.2 Approved Leave of Absence:

- 4. DECLARATIONS OF INTEREST:**

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

- 5. PUBLIC QUESTION TIME:**

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

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

6. PRESENTATIONS:

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

7. CONFIRMATION OF PREVIOUS MINUTES:

_____ / _____

That the Minutes of the Ordinary Meeting of the Council held on 16 October 2025, and the Minutes of the Special Meeting of the Council held on 20 October 2025 be confirmed.

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

MAJORITY	ITEM	COUNCIL OFFICERS' REPORTS	Page No.
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9.1.1 Proposed 2025/26 Budget Amendment - Proposed Realignment of Coolcalalaya Road, Lots 5138, 5139, 5140, 5142, 5144 and 5145 on Deposited Plan 232552

PROPONENT	Shire of Northampton
OWNER	State of Western Australia
LOCATION / ADDRESS:	Lots 5138, 5139, 5140, 5142, 5144 and 5145 on Deposited Plan 232552
ZONE:	Rural
BUSINESS AREA:	Office of CEO
FILE REFERENCE:	10.8.2 (A5120 and A2529)
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Andrew Campbell
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	31 October 2025
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Back in 2012, a matter was raised with Council from a landowner concern about portions of Coolcalalaya Road being located on private property and outside the allocated Road Reserve. Council listed the matter for inclusion in the 2012/13 budget, but the item was removed before adoption.

The Department of Biodiversity, Conservation and Attractions (DBCA) again raised the matter with the Shire of Northampton to enable a Restrictive Covenant to protect areas of native vegetation which could not be done without changes to the road alignment. According to DBCA, in 1990 the landowner yielded the land to the Shire to make the road suitable for road trains by avoiding flood prone areas. Whilst this occurred, no formal process was undertaken to correct the Road Reserve.

At the meeting in February 2022, Council made the following resolution:

“That Council progress with survey and sub-division to re-align the road reserve onto the actual constructed road where this occurs along Coolcalalaya Road, and appoint HTD Surveyors to undertake the required survey and subdivision process at an estimated cost of \$35,000 and this to be declared authorised expenditure”

At the meeting in February 2023, Council made the following resolution:

“That Council publicly advertise its intention to close those portions of Coolcalalaya Road Reserve, where it passes through Lots 5138-5140, 5142, 5144 & 5145 on Deposited Plan 232552 as shown as an attachment to the February 2023 Ordinary Council Meeting (Appendix 1) for a period of 35 days in accordance with the section 58 of the *Land Administration Act 1997*.”

The progress of this matter (and the legal consequences) must be investigated further however it is understood that the intent of the Council decision in February 2023 was advertised appropriately but then the process appears to stop. It is likely that due to senior staff turnover, the understanding and carriage of this project was lost and the initial funding assigned in budget to facilitate the outcome was removed.

The purpose of this item is for Council to consider a budget amendment to reinvigorate the process with the Chief Executive Officer (CEO) taking responsibility for delivery of the project.

PUBLIC CONSULTATION UNDERTAKEN:

Nil for this agenda item, however a public consultation process has occurred for the proposed road closure.

COMMENT (Includes Options):

The budget previously assigned was in the order of \$35,000. This amount is considered sufficient to complete the process and would include Surveyor costs to affect the subdivision process and other associated legal costs structured under the agreement. The CEO has reviewed the draft agreement for the land exchange between the State of Western Australia / Vivian Roy Porter and Dawn Marion Porter / Shire of Northampton and responded to the Department of Planning, Lands and Heritage that the agreement appears in order.

As there is no budget allocation for this project in 2025/26 an alternate source of municipal funds needs to be identified for the project to progress. An obvious source of funds due to the timing of the Kalbarri Foreshore Revitalisation project and potential relocation of a toilet block to Port Gregory is the \$35,000 allocation for a slab, plumbing and electrical. It is not realistic to expect this project to be delivered this financial year as the detailed review and design is yet to even commence in Kalbarri. This money could be put back into the Shire budget in 2026/27 if the project was to go ahead.

STATUTORY ENVIRONMENT:

The *Land Administration Act 1997* establishes the process for road closures whereas the *Local Government Act 1995* makes provision for amendments to current year budgets.

POLICY / STRATEGIC IMPLICATIONS:

Historical issues such as this should be resolved where possible particularly where Council has previously made decisions to do so.

ORGANISATIONAL RISK MANAGEMENT:

Risk rating is considered Minor.

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

FINANCIAL IMPLICATIONS:

This proposal seeks to redistribute \$35,000 with the 2025/26 Annual Budget.

SUSTAINABILITY:

Environmental: The proposal will assist DBCA to implement a Restrictive Covenant to protect native vegetation.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council amend the 2025/26 annual budget in accordance with the following table:

Item	Current Budget 2025/26	Proposed Budget 2025/26
Port Gregory Toilet Block – slab plumbing, electrical	\$35,000	\$0
Coolcalalaya Road Realignment	\$0	\$35,000

9.1.2 Proposed Administration Office Closure 2025/26

PROPONENT	Chief Executive Officer
OWNER	Shire of Northampton
LOCATION / ADDRESS:	Whole of Shire
ZONE:	All
BUSINESS AREA:	Office of CEO
FILE REFERENCE:	4.2.4
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Andrew Campbell
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	31 October 2025
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Each year the Shire of Northampton administration offices and depots in Northampton and Kalbarri have been closed to the public between Christmas and New Year.

This is historically a quiet time of year and the proposal to close will impact all usual local government services including Department of Transport licensing.

The purpose of this report is for Council to formally consider the closure.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

Whilst the closure will have a minor impact on services provided to the community, it is a usual practice to close the administration buildings to allow staff to have a decent break over the end of year period. This said, certain staff including senior staff will be contactable to deal with emergency matters that can sometimes arise during the period. In addition to this a team will be available for usual facility maintenance for public ablutions, provision of Ranger services, and landfill sites.

The public holidays Christmas Day and New Years Day fall on a Thursday this period which and in line with 2024 it is recommended that the Shire offices close for 5 business days. There were no complaints from the community received about the 2024 closure. Council should note that during any closure, employees are required to take leave entitlements to cover the business days which will also assist greatly in reducing the leave provision in line with recent and ongoing auditor recommendations.

It is recommended that Council endorse the closure of the administration offices and depots in Northampton and Kalbarri from 24 December 2025 to 2 January 2026 (inclusive) reopening on 5 January 2026.

STATUTORY ENVIRONMENT:

Nil.

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

Risk rating is considered Level 2 – Minor mainly based on reputational issues.

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

Nil.

SUSTAINABILITY:Environmental: Nil.Economic: Nil.Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

- 1. Agree to the closure of the administration offices and depots in Northampton and Kalbarri from 24 December 2025 to 2 January 2026 (inclusive), reopening 5 January 2026; and**
- 2. Publicly advertise the administration offices and depot closure to inform the community.**

9.1.3 Proposed Council Meeting Dates 2026

PROPONENT	Chief Executive Officer
OWNER	Shire of Northampton
LOCATION / ADDRESS:	Whole of Shire
ZONE:	All
BUSINESS AREA:	Office of CEO
FILE REFERENCE:	4.1.14
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Andrew Campbell
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	31 October 2025
DECLARATION OF INTEREST:	Nil

BACKGROUND:

To conform with the advertising requirements of the *Local Government Act 1995*, Council is required to determine dates for Council meetings to be held in 2026.

In 2025 Council meetings were held every third Thursday of each month (excluding January) with eleven ordinary Council meetings being held (or to be held), seven in Northampton and four in Kalbarri. Two Special Council meetings were also held in 2025.

The purpose of this report is for Council to consider its ordinary Council meeting dates for 2026.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The proposed ordinary Council meeting dates for 2026 all commencing at 2pm are as follows:

COUNCIL MEETING DATES 2026	LOCATION
19 February	Kalbarri
19 March	Northampton
16 April	Northampton
21 May	Kalbarri
18 June	Northampton
16 July	Northampton
20 August	Kalbarri
17 September	Northampton
15 October	Northampton
19 November	Kalbarri
17 December	Northampton

A review of the 2026 public holidays indicates there are no clashes with the proposed dates.

If Council requires additional meetings to consider urgent matters, it may do so by calling Special Council meetings as required.

STATUTORY ENVIRONMENT:

The *Local Government Act 1995* requires public advertising of meeting dates and times.

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

Risk rating is considered Minor mainly based on compliance issues.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response
Minor (2)	First aid injuries	\$1,001 - \$10,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response
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Catastrophic (5)	Fatality, permanent disability	More than \$150,000	Indeterminate prolonged interruption of services – non-performance > 1 month	Non-compliance results in litigation, criminal charges or significant damages or penalties	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions	Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment & building	Uncontained, irreversible impact

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

- 1. Adopt the following Council meeting date schedule for 2026:**

COUNCIL MEETING DATES 2026	LOCATION
19 February	Kalbarri
19 March	Northampton
16 April	Northampton
21 May	Kalbarri
18 June	Northampton
16 July	Northampton
20 August	Kalbarri
17 September	Northampton
15 October	Northampton
19 November	Kalbarri
17 December	Northampton

- 2. Commence Council meetings at 2pm in 2026; and**
- 3. Give local public notice of the 2026 Council meeting schedule in accordance with the requirements of the *Local Government Act 1995*.**

ATTACHMENT**9.2.1 Monthly Financial Statements for the Period Ending 31 October 2025**

PROPONENT	Shire of Northampton
OWNER	N/A
LOCATION / ADDRESS:	Whole of Shire
ZONE:	All
BUSINESS AREA:	Corporate and Financial Services
FILE REFERENCE:	1.1.1
LEGISLATION:	<i>Local Government (Financial Management) Regulation 1996, Local Government Act 1995</i>
AUTHOR:	Leanne Rowe
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	29 October 2025
DECLARATION OF INTEREST:	Nil

BACKGROUND:

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

The Monthly Statements of Financial Activity for the period ending 31 October 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):

A summary of the 31 October 2025 financial position is comprised of the following which are variances between year-to-date budget and actual figures from the Statement of Financial Activity (page 2).

- Total operating revenue was below year-to-date budget by \$750,338 (8.87%). Variance due to timing in receiving grants and contributions, and processing of assets as they are disposed.
- Operating expenditure was below year-to-date budget by \$1,518,521 30.65% due to timing as the year progresses with budgeted works and overall efficient financial management within tight budget constraints.

- Capital inflows were below year-to-date budget by \$3,986,730 (87.41%), as the year progresses funding will be received and recognised.
- Capital outflows were below year-to-date budget by \$5,759,150, 94.65%, as capital projects progress the variance will reconcile.
- The 2025/26 rates of \$5,648,743 were raised on 29 August 2025.
- The 2024/25 Annual Financial Statements are currently being prepared with actual carried forward position finalised.

Further explanations of material variances are detailed by reporting program in Note 3 (page 6) of the Monthly Financial Report.

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
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FINANCIAL IMPLICATIONS:

As noted in comment section above.

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 October 2025 in accordance with ATTACHMENT: 9.2.1(1).

ATTACHMENTS

1 ➞ Monthly Financial Statements for the Period Ending 31 October 2025

24
Pages

ATTACHMENT**9.2.2 Proposed October 2025 List of Accounts for Endorsement on 20 November 2025**

PROPONENT	Shire of Northampton
OWNER	N/A
LOCATION / ADDRESS:	Whole of Shire
ZONE:	All
BUSINESS AREA:	Corporate and Financial Services
FILE REFERENCE:	1.1.1
LEGISLATION:	<i>Local Government (Financial Management) Regulation 1996, Local Government Act 1995</i>
AUTHOR:	Leanne Rowe
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	29 October 2025
DECLARATION OF INTEREST:	Nil

BACKGROUND:

A full list of October 2025 payments is submitted to Council on 20 November 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
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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 EFT28368 to EFT28509 totalling \$1,163,291.12; Municipal Fund Cheques 22617 to 22628 inclusive totalling \$12,026.48; Direct Debit payments numbered GJ0406 to GJ0414 inclusive, payroll and superannuation totalling \$332,836.60; and itemised fuel card purchases, be declared authorised expenditure in accordance with ATTACHMENT: 9.2.2 (1).

ATTACHMENTS

1 ➞ Proposed October 2025 List of Accounts for Endorsement on 8
20 November 2025 Pages

**ATTACHMENT
APPENDIX**

9.2.3 Outcome of Public Notice - Proposed Commercial Lease of Unit 4 (Lot 83) Kitson Circuit, Northampton to Cross WA Pty Ltd

PROPONENT	Gregory Allan Cross and Hannah May Cross of Cross WA Pty Ltd trading as Northampton Tyres
OWNER	Shire of Northampton
LOCATION / ADDRESS:	Unit 4 (Lot 83) Kitson Circuit, Northampton
ZONE:	General Industry
BUSINESS AREA:	Corporate and Financial Services
FILE REFERENCE:	9.1.3.1
LEGISLATION:	<i>Land Administration Act 1997</i> <i>Local Government Act 1995</i>
AUTHOR:	Michelle Allen
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	6 November 2025
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Shire of Northampton currently owns four light industrial units located on Lot 83 Kitson Circuit, Northampton. The industrial units are versatile spaces that have historically been leased to a variety of tenants, each conducting different light industrial operations.

Units 2 and 4 were operating on a combined lease to RJ Hilzinger and D De-Rooy which commenced on 1 July 2020 and had a termination date of 31 December 2029. The current Lessee has sold the commercial tyre business operating at Unit 4, therefore, the lease will be extinguished, and new leases are required for both Units 2 and 4.

Council at its meeting held on 8 September 2025 considered application for a proposed five-year commercial lease agreement for Unit 4 (Lot 83) Kitson Circuit, Northampton with proponents Greg and Hannah Cross (Cross WA Pty Ltd) who have purchased and operate the business *Northampton Tyres*.

Council resolution 09/25-133 resolved to approve the application subject to section 3.58 of the *Local Government Act 1995* as follows:

- 1. Subject to point 4, agree to dispose of property Unit 4 (Lot 83) Kitson Circuit, Northampton to Cross WA Pty Ltd in accordance with Point 2;**
- 2. Undertakes a Local Public Notice process to dispose of Unit 4 (Lot 83) Kitson Circuit to Cross WA Pty Ltd as outlined below:**
 - a) A Lease Agreement for a term expiring 30 June 2030, with a renewal option for a further term of five years;**

- b) A discounted rental value of \$7500.58 plus GST and outgoings is payable for the first year of business to 30 June 2026; and
 - c) That the market rental value payable under the Lease commencing 1 July 2026 be \$11,500 plus GST, per annum, plus outgoings in line with the independent market valuation dated 11 August 2025 and subject to indexation in accordance with terms of the Lease.
3. Authorises the Chief Executive Officer to negotiate the commercial terms of the lease between the Shire of Northampton and Cross WA Pty Ltd;
 4. Make final determination of the matter after considering any public submissions made arising from point 2 above.

The purpose of the report is to present the outcome of public notice advertised in accordance with Section 3.58 of the *Local Government Act 1994* (Act) and to seek Council's determination whether to proceed with the proposed lease to Cross WA Pty Ltd (ABN 99768368775).

PUBLIC CONSULTATION UNDERTAKEN:

Public Notice

In accordance with section 3.58 of the *Local Government Act 1995*, publication of the local public notice for a period of 16 days was conducted between 22 October and 7 November 2025.

Local Public Notice was provided in the following ways:

- Published on the Shire's website and social media platforms;
- Posted to the Shire of Northampton and Local Community Noticeboards; and
- Published in local community newsletters, Northampton News and Kalbarri Town Talk.

ATTACHMENT: 9.2.3 (1)

Submissions and responses

No submissions or responses were received.

COMMENT (Includes Options):

The purpose of the report is to present the outcome of public notice advertised in accordance with Section 3.58 of the *Local Government Act 1994*(Act) and to seek Council's determination whether to proceed with the proposed lease to Cross WA Pty Ltd (ABN 99768368775).

STATUTORY ENVIRONMENT:

Local Government Act 1995 - Section 3.58 Disposing of Property

POLICY / STRATEGIC IMPLICATIONS:

Shire of Northampton Strategic Community Plan 2025 - 2035

The proposed lease terms and conditions are in accordance with Council Policy 2.14 *Property Leasing*, including maintenance responsibilities as detailed in *Schedule 3 – Maintenance and Outgoings Schedule* within the lease document.

Council Policy 2.8 *Authority to Execute Documents on Behalf of Council* requires matters concerning the leasing of Shire managed land to be put before Council.

APPENDIX: 9.2.3 (A)

APPENDIX: 9.2.3 (B)

Council's *Strategic Community Plan 2025 – 2035* outlines the community's long-term vision, aspirations and priorities and recognises that the Shire's performance strongly influences the liveability, productivity, wellbeing, connection and identity of the community. Central to achieving these outcomes is the effective development, maintenance and optimisation of the Shire's programs.

ORGANISATIONAL RISK MANAGEMENT:

Risk rating is considered moderate due to financial and social accountability pressures on public sector property management including missed opportunity to support services or businesses that benefit the community.

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 Proponent sought a one-year discounted lease period to enable further activation of the business and to recoup some of their initial outlay.

The market rental valuation assessment undertaken by an independent valuer provided a valuation for four industrial units and has been paid by the Shire of

Northampton. The assessment considered various economic factors as well as market rental evidence with the areas detailed within the 'Comment' section of this report being part of the leased premises.

Responsibility for outgoings, including building maintenance, is outlined in the lease agreement and in accordance with Council Policy 3.1 *Property Leasing*. Costs associated with the preparation, advertising and execution of the new lease may be recovered from the tenant/lessee.

The proposed annual rent for the first year of the lease is \$7,500.58, covering the period up to 30 June 2026. From 1 July 2026, the annual rent will increase to \$11,500, plus GST and outgoings, as determined by an independent valuation dated 11 August 2025. Thereafter, the rent will be adjusted annually in line with changes to the Perth March quarter Consumer Price Index (CPI).

SUSTAINABILITY:

Environmental: Vacant properties can accelerate deterioration of an asset.

Economic: A lease will deliver financially sustainable ongoing income for the Shire of Northampton's ratepayers.

Social: A lease will deliver potential to engage with service providers capable of delivering essential and valued services to the local community.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council, following publication of local public notice to 7 November 2025, approves the lease of a portion of Unit 4 (Lot 83) Kitson Circuit, Northampton to Cross WA Pty Ltd in accordance with the following:

- 1. A Lease Agreement for a term expiring 30 June 2030, with a renewal option for a further term of five years;**
- 2. A discounted rental value of \$7,500.58 plus GST and outgoings is payable for the first year of business to 30 June 2026 and subject to indexation in accordance with terms of the Lease;**
- 3. That the market rental value payable under the Lease commencing 1 July 2026 be \$11,500 plus GST, per annum, plus outgoings in line with the independent market valuation dated 11 August 2025 and subject to indexation in accordance with terms of the Lease; and**
- 4. Authorises the Chief Executive Officer to negotiate the commercial terms of the lease between the Shire of Northampton and Cross WA Pty Ltd.**

ATTACHMENTS

- 1** ➡ Public Notice - Disposal of Unit 4 (Lot 83) Kitson Circuit, Northampton

1
Page

APPENDICES

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		Pages
B ➡	Council Policy 2.8 Authority to Execute Documents on behalf of Council	2
		Pages

9.2.4 Proposed Community Lease of portion of Lot 513 Porter Street, Kalbarri being a portion of Reserve 25447 to Kalbarri Arts and Crafts Group Inc.

PROPONENT OWNER	Kalbarri Arts and Crafts Group Inc. Shire of Northampton/State of Western Australia
LOCATION / ADDRESS:	Portion of Lot 513 Porter Street on DP424035 being a portion of Reserve 25447
ZONE:	Public Open Space for purpose of Recreation
BUSINESS AREA:	Corporate and Financial Services
FILE REFERENCE:	9.1.3.1/A4824
LEGISLATION:	<i>Land Administration Act 1997</i> <i>Local Government Act 1995</i>
AUTHOR:	Michelle Allen
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	10 November 2025
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Shire of Northampton manages Reserve 25447 under a Management Order with the stated purpose being to “*set aside areas for public open space to provide for a range of active and passive recreation uses such as recreation buildings, courts and associated car parking and drainage*”.

The Reserve sits on Porter Street, adjacent to the town centre and is used for community infrastructure including the Kalbarri Sport and Recreation Centre, Shire of Northampton offices, Kalbarri Visitor Centre, Electric Vehicle (EV) charging station and a collection of buildings locally known as the ‘Kalbarri Arts and Crafts Centre’ as shown in Figures 1 and 2 below.



Figure 1 – Area location of Reserve 25447



Figure 2 – Actual location of Kalbarri Arts and Crafts Centre buildings

The Kalbarri Arts and Crafts Group first operated in 1976, when activities began at the home of a local identity. However, the group's official establishment date is often cited as 1981, when a dedicated workshop was set up on Porter Street—where it remains today—now located adjacent to the skate park and the town oval

This agenda item specifically deals with a proposed five-year community lease agreement for a portion of Lot 513 Porter Street on Deposited Plan 424035, being a portion of Reserve 25447 with the proponents being the Kalbarri Art and Craft Group Inc.

PUBLIC CONSULTATION UNDERTAKEN:

Nil

COMMENT (Includes Options):

Officers have been in contact with the proponent following the expiry of the existing rental agreement, which was in place from 1 April 2015 to 31 March 2025 and currently being held over. The agreement expired on 31 March 2025, and work is currently underway to negotiate a new lease agreement.

A lease is considered the most appropriate legal instrument to provide the Kalbarri Arts and Crafts Group with sole tenancy of the buildings. The previous agreement was insufficient, lacking the necessary technical and legal detail relating to the proponent and the proposed use, and was notably different from the lease agreements in place with other community groups. No other entities have utilised these facilities during the term of the previous agreement, and the Group has maintained continuous occupation and use of the premises.

A draft lease was prepared and forwarded to the proponent for consideration with concern expressed at the requirement to pay utility (water and electricity) charges.

The proposed lease reflects the long-term community use and maintenance of the property by the Kalbarri Arts and Crafts Group Inc. A lease term of five (5) years with an option for a further five (5) years is proposed.

The Site

The legal description of the site is Portion of Lot 513 on Deposited Plan 424035, being a portion of Reserve 25447 the land in Certificate of Title volume LR3175 Folio 242 as shown hachured on the sketch below.



Figure 3 – Actual lease area of Kalbarri Arts and Crafts Group Inc.

The site is contained within Reserve 25447 and sits on Porter Street, adjacent to the town centre and is used for community infrastructure including the Kalbarri Sport and Recreation Centre, Shire of Northampton offices, Kalbarri Visitor Centre, Electric Vehicle (EV) charging station and a collection of buildings locally known as the ‘Kalbarri Arts and Crafts Centre’.

Zoning

The site is situated on land zoned ‘Public Open Space’ under Local Planning Scheme No. 11 (LPS11) with the objectives as follows:

- To set aside areas for public open space, particularly those established under the *Planning and Development Act 2005*.
- To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.

The Proponent (Lessee)

The Kalbarri Arts and Crafts Group Inc. are a community-based arts and crafts organisation that operates in Kalbarri and provides workshop space, a gallery/shop front for members’ work and regular gatherings for members to

create, learn and connect. This Group has been active for several decades and is one of the longest established social and creative community organisations in the area, with a current membership of over 40 people.

Lease Area and Improvements

The subject area of this report comprises several workshop spaces, gallery/shop front, storage rooms and sheds. The workshop spaces include an area used for meetings and craft activity, an area for pottery including a kiln and the old Kalbarri Hall building where the group undertake sewing activities. A garden courtyard also forms part of the facility. The total estimated lease area is 480m² and consisting of buildings and courtyard area. The adjacent parking area and drainage is not included in the lease area.

Utility Charges

Whilst the group previously paid utility expenses (power and water), since the installation of the Skate Park, all utility charges have been paid by the Shire of Northampton.

The requirement to pay utility charges will remain as part of the new lease agreement in preparation for the time when sub-meters are installed in the future which will allow for all utility charges to be accurately attributed to the relevant community groups in the area, including the Kalbarri Arts and Crafts Group Inc.

Legislation

The Shire is bound under the *Local Government Act 1995* (the Act) with regard to the disposal of property. Section 3.58 of the Act enables a local government to dispose of a property to the highest bidder at a public auction; by way of a public tender process; or by giving local public notice of the proposed disposition and following the public consultation process as prescribed in subsection section 3.58 (3) of the Act. In this context disposing of a property means to 'sell, lease or otherwise dispose of, whether absolutely or not.'

Local Government Act 1995 – Section 3.58(3) Disposing of Property

- (3) *A local government can dispose of a property other than under subsection (2) if, before agreeing to dispose of the property –*
 - (a) *it gives local public notice of the proposed disposition –*
 - (i) *describing the property concerned; and*
 - (ii) *giving details of the proposed disposition; and*
 - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
 - and*
 - (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by council or committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

Annual Rental

The annual rental sought for buildings and improvements owned by the Shire and leased to a community association will be \$10 per annum. The Kalbarri Arts and Crafts Group Inc. is listed as a registered charity with the Australian Charities and Not-for-profits Commission (ACNC).

STATUTORY ENVIRONMENT:

Local Government Act 1995 - Section 3.58 Disposing of Property

Section 3.58 of the *Local Government Act 1995* deals with the requirements for leasing Council land; however, regulation 30(b) of the *Local Government (Functions and General) Regulations 1996* exempts from these requirements leases to charitable, benevolent, educational, recreational, sporting or other like bodies, provided the members are not entitled to receive any pecuniary profit. The proposed lease meets the requirements for this exemption as the Kalbarri Arts and Crafts Group Inc. is a registered charitable organisation.

Each lease of Crown land requires the approval of the Minister for Lands in accordance with section 18 of the *Land Administration Act 1997*.

POLICY / STRATEGIC IMPLICATIONS:

The proposed lease terms and conditions will be in accordance with Council Policy 2.14 *Property Leasing*, including maintenance responsibilities as detailed in *Schedule 3 – Maintenance and Outgoings Schedule* within the lease document. The policy outlines that leases for community associations are to be at a rental of \$10 per annum with a lease term of a maximum five years with a five year renewal option.

Council Policy 2.8 *Authority to Execute Documents on Behalf of Council* requires matters concerning the leasing of Shire managed land to be put before Council. For reference, copies of council Policy 2.14 and Council Policy 2.8 are provided in Appendices 9.2.3(A) and 9.2.3(B) respectively.

Council's *Strategic Community Plan 2025 – 2035* outlines the community's long-term vision, aspirations and priorities and recognises that the Shire's performance strongly influences the liveability, productivity, wellbeing, connection and identity of the community. Central to achieving these outcomes is the effective development, maintenance and optimisation of the Shire's properties, assets and facilities to ensure they meet current and future community needs.

ORGANISATIONAL RISK MANAGEMENT:

The Shire of Northampton often provides community facilities under concessional lease arrangements to local not-for-profit groups to promote cultural and community activities. The risk rating is considered moderate but manageable if proper governance, property maintenance, insurance and inspections are maintained.

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

FINANCIAL IMPLICATIONS:

The lease agreement preparation fee of \$220 (including GST) for a document prepared by the Shire of Northampton, and stamping and registration fees with Landgate will be at the expense of the Kalbarri Arts and Crafts Group Inc.

Responsibility for outgoings, including building maintenance, is outlined in the lease agreement and in accordance with Council Policy 3.1 *Property Leasing*. The annual rental sought for buildings and improvements owned by the Shire and leased to a community association will be \$10 per annum. The Kalbarri Arts and Crafts Group Inc. is listed as a registered charity with the Australian Charities and Not-for-profits Commission (ACNC).

SUSTAINABILITY:

Environmental: Occupation of older buildings can slow structural deterioration of an asset.

Economic: A lease facilitates continued use and maintenance of existing infrastructure and provides low-cost access to an active community group.

Social: A lease will provide a space where people of all ages can connect, collaborate and build social networks in a small town.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council, subject to section 3.58 of the *Local Government Act 1995* and consent of the Minister for Lands:

- 1. Agrees to dispose of a portion of Reserve 25447 identified as Lot 513 on Deposited Plan 424035 Porter Street Kalbarri as shown in Figure 3 of this report to Kalbarri Arts and Crafts Group Inc. in accordance with Point 2;**
- 2. Disposes of a portion of Reserve 25447 to Kalbarri Arts and Crafts Group Inc. as outlined below:**
 - a) A Lease Agreement for a term expiring 30 June 2030, with a renewal option for a further term of five years; and**
 - b) As a registered not-for-profit group the annual rental value of \$10 per annum plus GST and outgoings is payable annually on the anniversary date of 1 July each year to 30 June 2030.**
- 3. Determines that the Kalbarri Arts and Crafts Group Inc. shall be responsible for the lease preparation fee (in accordance with the Shire of Northampton's Statutory Fees and Charges) and for the costs associated with stamping and registration of the lease with Landgate.**
- 4. Authorises the Chief Executive Officer to negotiate the terms of the lease between the Shire of Northampton and Kalbarri Arts and Crafts Group Inc;**

ATTACHMENT

9.2.5 Proposed Commercial Lease of Unit 3 (Lot 83) Kitson Circuit, Northampton to BF and TA Watson trading as Northampton Auto Electrics

PROPONENT	Brendan Francis Watson and Tracey Anne Watson trading as Northampton Auto Electrics
OWNER	Shire of Northampton
LOCATION / ADDRESS:	Unit 3 (Lot 83) Kitson Circuit, Northampton
ZONE:	General Industry
BUSINESS AREA:	Corporate and Financial Services
FILE REFERENCE:	9.1.3.1/A5039
LEGISLATION:	<i>Land Administration Act 1997</i> <i>Local Government Act 1995</i>
AUTHOR:	Michelle Allen
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	10 November 2025
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Shire of Northampton currently owns four light industrial units located on Lot 83 Kitson Circuit, Northampton. The industrial units are versatile spaces that have historically been leased to a variety of tenants, each conducting different light industrial operations.

Unit 3 is currently operating on a lease to BK and TA Watson trading as *Northampton Auto Electrics* which was established on 9 November 2000. The current Lessee is seeking to renew the commercial lease agreement, which expired on 21 January 2025, with the proponent remaining in-situ on a holding over period.

This agenda item specifically deals with a proposed five-year commercial lease agreement for Unit 3 (Lot 83) Kitson Circuit, Northampton and the proponents Brendan Francis Watson and Tracey Anne Watson who operate the business *Northampton Auto Electrics*.

The purpose of this report is for Council to consider a new two-year lease agreement for Unit 3 (Lot 83) Kitson Circuit, Northampton.



Figure 1 – Lot 83 Kitson Circuit, Northampton (Parent lot)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

Officers have been in contact with the current Lessee following receipt of formal advice that the intention was to continue operation of the auto electrical business at Unit 3. A draft lease was prepared and forwarded to the proponent for consideration.

Unless exempt, any disposal of a lease by Council requires a current market valuation which has been completed. Formal advice of the change in market rental valuation has been forwarded to the proponent who has responded seeking consideration for a reduced rental value being payable for the first year of the lease for the sum of \$9,600 plus GST and outgoings with an increase to \$11,500 plus GST, plus outgoings commencing as of 1 July 2026. As the proponents are nearing retirement age, they have also requested that an initial lease term of two years only be considered with a further lease term option of three years. Copy of the letter advising of a change in market rental value and a copy of the proponent's letter of request is attached.

ATTACHMENT: 9.2.5 (1)

ATTACHMENT: 9.2.5 (2)

The Site

The legal description of the site is Lot 83 on Deposited Plan 70140, comprised in Certificate of Title Volume 2821 Folio 792.

The site is located within an established light industrial area, with Lot 83 serving as the parent site and encompassing a total area of 3012m² with immediate surrounds being low density residential to the north and rural residential to the north-east. The site is developed with four light industrial units, all owned by the Shire of Northampton and located approximately 1.7km south-east of the Northampton townsite.



Figure 2 - Location of the existing lease area is shown below being Unit 3 (Lot 83) Kitson Circuit, Northampton

Zoning

The site is situated on land zoned 'General Industry' under Local Planning Scheme No. 10 (LPS10) with the objectives as follows:

- To provide for a broad range of industrial, service and storage activities which, by the nature of their operations, should be isolated from residential and other sensitive land uses.
- To accommodate industry that would not otherwise comply with the performance standards of light industry.
- Seek to manage impacts such as noise, dust and odour within the zone.

The Proponent (Lessee)

BF and TA Watson is an owner operated business established in Northampton on 8 November 2000 and operates as an auto-electrical service provider specialised services in vehicle electrical systems.

Lease Area and Improvements

Unit 3, the subject of this report, comprises a workshop and office building with a total floor area of 153m² and is attached to unit 4 with a common wall. At the front of the unit, there is an open, unsecured parking area of approximately 200m². A fenced hardstand area is located at the rear of the unit, enclosed with cyclone wire mesh and topped with barbed wire for security.

The building is constructed with a suspended concrete slab floor, steel-framed Colorbond-clad walls and roof and features manual vehicle roller doors at both the front and rear, as well as a pedestrian access door to the office.



Figure 3 – Front elevation of Unit 3 (Lot 83) Kitson Circuit Northampton.

Legislation

The Shire is bound under the *Local Government Act 1995* (the Act) with regard to the disposal of property. Section 3.58 of the Act enables a local government to dispose of a property to the highest bidder at a public auction; by way of a public tender process; or by giving local public notice of the proposed disposition and following the public consultation process as prescribed in subsection section 3.58 (3) of the Act. In this context disposing of a property means to 'sell, lease or otherwise dispose of, whether absolutely or not.'

Local Government Act 1995 – Section 3.58(3) Disposing of Property

- (3) *A local government can dispose of a property other than under subsection (2) if, before agreeing to dispose of the property –*
- (a) *it gives local public notice of the proposed disposition –*
 - (i) *describing the property concerned; and*
 - (ii) *giving details of the proposed disposition; and*
 - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
 - and*
 - (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by council or committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

Market Rental Value Assessment

The current annual rent payable in respect of Unit 3 is \$7,500.58 per annum plus GST, plus outgoings.

A new market rental valuation assessment was undertaken by an independent valuer on 11 August 2025. The assessment considered various economic factors as well as market rental evidence with the areas detailed above being part of the leased premises.

A market rental valuation of \$11,500 per annum plus GST, plus outgoings was determined as the current market rental value of Unit 3. Formal advice of the

change in market rental valuation was forwarded to the proponent who has responded seeking consideration for a reduced rental value being payable for the first year of the lease.

It is noted that the valuation presents what is termed a '*fair market value*' that recognises the quality and size of the amenity provided, the location within the industrial hub area of the townsite of Northampton and the nature of the premises.

Should Council consider the proponent's request for lower rent to be fair and reasonable, it is proposed that a graduated rent structure be adopted, whereby reduced rent is applied for the first year of the lease to 30 June 2026. The reduced market rent proposed by the proponent for the first year would support this local business as it adjusts to a graduated increase, eventually reaching the full valuation figure of \$11,500 per annum, commencing 1 July 2026 and ensuring the continued availability of an auto electrical business in town.

STATUTORY ENVIRONMENT:

Local Government Act 1995 - Section 3.58 Disposing of Property

Any private treaty negotiations to lease with the Proponent will be required to comply with section 3.58 *Disposing of Property* under the *Local Government Act 1995* which sets out the requirements for the disposal of property, including leased and licensed land and buildings.

The Local Government must give two weeks local public notice of the proposed lease. Any submissions must be considered by Council and the decision regarding those submissions recorded in the Council Minutes.

POLICY / STRATEGIC IMPLICATIONS:

The proposed lease terms and conditions will be in accordance with Council Policy 2.14 *Property Leasing*, including maintenance responsibilities as detailed in *Schedule 3 – Maintenance and Outgoings Schedule* within the lease document.

Council Policy 2.8 *Authority to Execute Documents on Behalf of Council* requires matters concerning the leasing of Shire managed land to be put before Council. For reference, copies of Council Policy 2.14 and Council Policy 2.8 are provided in Appendices 9.2.3(A) and 9.2.3(B) respectively.

Council's *Strategic Community Plan 2025 – 2035* outlines the community's long-term vision, aspirations and priorities and recognises that the Shire's performance strongly influences the liveability, productivity, wellbeing, connection and identity of the community. Central to achieving these outcomes is the effective development, maintenance and optimisation of the Shire's properties, assets and facilities to ensure they meet current and future community needs.

ORGANISATIONAL RISK MANAGEMENT:

Risk rating is considered moderate due to financial and social accountability pressures on public sector property management including missed opportunity to support services or businesses that benefit the community.

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 Proponent is seeking a graduated increase of lease fees in the first year from \$7,500.58 to \$9,600 (plus GST, plus outgoings) to enable the business to adjust financially to the proposed increased market rental valuation. In the second year, it is proposed to commence payment of \$11,500 plus GST, plus outgoings as of 1 July 2026.

The market rental valuation assessment undertaken by an independent valuer provided a valuation for four industrial units and has been paid by the Shire of Northampton. The assessment considered various economic factors as well as market rental evidence with the areas detailed within the 'Comment' section of this report being part of the leased premises.

Responsibility for outgoings, including building maintenance, is outlined in the lease agreement and in accordance with Council Policy 3.1 *Property Leasing*. Costs associated with the preparation, advertising and execution of the new lease may be recovered from the tenant/lessee.

Summary

The annual rental sought for the first year of the lease is proposed to be \$9,600 per annum plus GST, plus outgoings (or \$800 per month, plus GST, plus outgoings) to the 30 June 2026. An annual rental for Unit 3 of \$11,500 per annum, plus GST, plus outgoings will become payable as of 1 July 2026 with the annual rental increasing on a yearly basis in accordance with the rate of the Perth March quarter of the Consumer Price Index (CPI).

SUSTAINABILITY:

Environmental: Vacant properties can accelerate deterioration of an asset.

Economic: A lease will deliver financially sustainable ongoing income for the Shire of Northampton's ratepayers.

Social: A lease will deliver potential to engage with service providers capable of delivering essential and valued services to the local community.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council, in accordance with section 3.58 of the *Local Government Act 1995*:

- 1. Subject to point 4, agree to dispose of property Unit 3 (Lot 83) Kitson Circuit, Northampton to BF & TA Watson trading as Northampton Auto Electrics in accordance with Point 2;**
- 2. Undertakes a Local Public Notice process to dispose of Unit 3 (Lot 83) Kitson Circuit to BK & TA Watson trading as Northampton Tyres as outlined below:**
 - a) A Lease Agreement for a term expiring 30 June 2027, with a renewal option for a further term of three years;**
 - b) A discounted rental value of \$9,600 plus GST and outgoings is payable for the first year of business to 30 June 2026 and subject to indexation in accordance with terms of the Lease;**
 - c) That the market rental value payable under the Lease commencing 1 July 2026 be \$11,500 plus GST, per annum, plus outgoings in line with the independent market valuation dated 11 August 2025 and subject to indexation in accordance with terms of the Lease.**
- 3. That BK & TA Watson are responsible for lease preparation fees (as per the Shire of Northampton's Statutory Fees and Charges) and for stamping and registration charges with Landgate;**
- 4. Authorises the Chief Executive Officer to negotiate the commercial terms of the lease between the Shire of Northampton and BF & TA Watson; and**
- 5. Make final determination of the matter after considering any public submissions made arising from point 2 above.**

ATTACHMENTS

1 	Letter of Request - Lease Renewal Application	1 Page
2 	Letter of Advice - Change in Market Rental Valuation - U3 Kitson Circuit	2 Pages

ATTACHMENT

9.2.6 Proposed Commercial Lease of Unit 2 (Lot 83) Kitson Circuit, Northampton to RJ Hilzinger and DM De Rooy trading as The Wheel Aligners

PROPONENT	Roderick James Hilzinger and Debra Maria De Rooy trading as The Wheel Aligners
OWNER	Shire of Northampton
LOCATION / ADDRESS:	Unit 2 (Lot 83) Kitson Circuit, Northampton
ZONE:	General Industry
BUSINESS AREA:	Corporate and Financial Services
FILE REFERENCE:	9.1.3.1/A5039
LEGISLATION:	<i>Land Administration Act 1997</i> <i>Local Government Act 1995</i>
AUTHOR:	Michelle Allen
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	10 November 2025
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Shire of Northampton currently owns four light industrial units located on Lot 83 Kitson Circuit, Northampton. The industrial units are versatile spaces that have historically been leased to a variety of tenants, each conducting different light industrial operations.

Units 2 and 4 were operating on a combined lease to RJ Hilzinger and D De Rooy which commenced on 1 July 2020. The lease had a termination date of 31 December 2029, however, the proponents sold the business known as *Northampton Tyres* that was operating from Unit 4. Therefore, the lease for Unit 2 was extinguished and a new lease is required for Unit 2.

The current Lessee is seeking to negotiate a new commercial lease agreement for Unit 2. This agenda item specifically deals with a proposed commercial lease agreement for Unit 2 (Lot 83) Kitson Circuit, Northampton and the proponents Roderick James Hilzinger and Debra Maria De Rooy trading as *The Wheel Aligners*.

The purpose of this report is for Council to consider a new one-year lease agreement for Unit 2 (Lot 83) Kitson Circuit, Northampton.



Figure 1 – Lot 83 Kitson Circuit, Northampton (Parent lot)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

Officers have been in contact with the current Lessee on 3 September 2025 following receipt of the updated market rental valuation. As the proponents were working out of town, formal advice was only received on 6 November 2025 that the proponent was intending to continue operations at Unit 2 for a further year. Due to the late notice of the proponent's intention, a draft lease has not been forwarded to the proponent for consideration.

Unless exempt, any disposal of a lease by Council requires a current market valuation which has been completed. Formal advice of the change in market rental valuation was forwarded to the proponent who has responded seeking consideration as follows:

- A reduced lease term being for one year with an option for a further year; and
- A reduced rental value should be considered on the basis that Northampton has only 800 residents. Accordingly, a more reasonable rent would be \$8,000 per annum, plus GST, plus outgoings.

Copy of the letter advising of a change in market rental value and a copy of the proponent's email request is attached.

ATTACHMENT: 9.2.6 (1)

ATTACHMENT: 9.2.6 (2)

The Site

The legal description of the site is Lot 83 on Deposited Plan 70140, comprised in Certificate of Title Volume 2821 Folio 792.

The site is located within an established light industrial area, with Lot 83 serving as the parent site and encompassing a total area of 3012m² with immediate surrounds being low density residential to the north and rural residential to the north-east. The site is developed with four light industrial units, all owned by

the Shire of Northampton and located approximately 1.7km south-east of the Northampton townsite.



Figure 2 - Location of the existing lease area is shown below being Unit 2 (Lot 83) Kitson Circuit, Northampton

Zoning

The site is situated on land zoned 'General Industry' under Local Planning Scheme No. 10 (LPS10) with the objectives as follows:

- To provide for a broad range of industrial, service and storage activities which, by the nature of their operations, should be isolated from residential and other sensitive land uses.
- To accommodate industry that would not otherwise comply with the performance standards of light industry.
- Seek to manage impacts such as noise, dust and odour within the zone.

The Proponent (Lessee)

RJ Hilzinger and DM De Rooy trading as *The Wheel Aligners* is an owner operated business established on 18 February 2021 providing vehicle wheel alignments, minor mechanical repairs and suspension and steering component replacements. The proponents also operate in remote locations, thereby, not always present at Unit 2.

Lease Area and Improvements

Unit 2, the subject of this report, comprises a workshop and office building with a total floor area of 133m² and is attached to unit 1 with a common wall. At the front of the unit, there is an open, unsecured parking area of approximately 200m². A fenced hardstand area is located at the rear of the unit, enclosed with cyclone wire mesh and topped with barbed wire for security.

The building is constructed with a suspended concrete slab floor, steel-framed Colorbond-clad walls and roof and features manual vehicle roller doors at both the front and rear, as well as a pedestrian access door to the office.



Figure 3 – Front elevation of Unit 2 (Lot 83) Kitson Circuit Northampton.

Legislation

The Shire is bound under the *Local Government Act 1995* (the Act) with regard to the disposal of property. Section 3.58 of the Act enables a local government to dispose of a property to the highest bidder at a public auction; by way of a public tender process; or by giving local public notice of the proposed disposition and following the public consultation process as prescribed in subsection section 3.58 (3) of the Act. In this context disposing of a property means to ‘sell, lease or otherwise dispose of, whether absolutely or not.’

Local Government Act 1995 – Section 3.58(3) Disposing of Property

- (3) *A local government can dispose of a property other than under subsection (2) if, before agreeing to dispose of the property –*
 - (a) *it gives local public notice of the proposed disposition –*
 - (i) *describing the property concerned; and*
 - (ii) *giving details of the proposed disposition; and*
 - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
 - and*
 - (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by council or committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

Market Rental Value Assessment

The previous annual market rental value in respect of Unit 2 was listed in the associated lease agreement as \$6429.07 per annum plus GST, plus outgoings.

A current market rental valuation assessment was undertaken by an independent valuer on 11 August 2025. The assessment considered various economic factors as well as market rental evidence with the areas detailed above being part of the leased premises.

A market rental valuation of \$10,000 per annum plus GST, plus outgoings was determined as the current market rental value of Unit 2. Formal advice of the change in market rental valuation was forwarded to the proponent who has responded seeking consideration for a reduced rental value being payable.

It is noted that the valuation presents what is termed a '*fair market value*' that recognises the quality and size of the amenity provided, the location within the industrial hub area of the townsite of Northampton and the nature of the premises.

Should Council consider the proponent's request for a reduced rental rate to be fair and reasonable, it should also take into account that the proponent is proposing to lease Unit 2 for a term of one (1) year, concluding on 30 June 2026. A further one (1) year term is being proposed by Officers, to ensure consistency with other similar lease agreements and to provide an ongoing opportunity for renewal. It is also noted that the proposed one-year lease term is already at its midpoint, and by the time the lease agreement is stamped and registered, the term will be nearing completion.

This is a complex request, seeking both a significant reduction in the lease term (from five years to one year) and a substantial decrease in the market rental value (from \$10,000 to \$8,000). Furthermore, the business does not operate from Unit 2 on a continuous basis, as the proponents provide wheel alignment services in remote areas, which requires them to be away from Northampton. During these periods, the unit is primarily utilised for storage purposes.

STATUTORY ENVIRONMENT:

Local Government Act 1995 - Section 3.58 Disposing of Property

Any private treaty negotiations to lease with the Proponent will be required to comply with section 3.58 *Disposing of Property* under the *Local Government Act 1995* which sets out the requirements for the disposal of property, including leased and licensed land and buildings.

The Local Government must give two weeks local public notice of the proposed lease. Any submissions must be considered by Council and the decision regarding those submissions recorded in the Council Minutes.

POLICY / STRATEGIC IMPLICATIONS:

The proposed lease terms and conditions will be in accordance with Council Policy 2.14 *Property Leasing*, including maintenance responsibilities as detailed in *Schedule 3 – Maintenance and Outgoings Schedule* within the lease document.

Council Policy 2.8 *Authority to Execute Documents on Behalf of Council* requires matters concerning the leasing of Shire managed land to be put before Council. For reference, copies of Council Policy 2.14 and Council Policy 2.8 are provided in Appendices 9.2.3(A) and 9.2.3(B) respectively.

Council's *Strategic Community Plan 2025 – 2035* outlines the community's long-term vision, aspirations and priorities and recognises that the Shire's performance strongly influences the liveability, productivity, wellbeing, connection and identity of the community. Central to achieving these outcomes is the effective development, maintenance and optimisation of the Shire's properties, assets and facilities to ensure they meet current and future community needs.

ORGANISATIONAL RISK MANAGEMENT:

Risk rating is considered moderate due to financial and social accountability pressures on public sector property management including missed opportunity to support services or businesses that benefit the community.

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 Proponent is seeking a decreased lease fee of \$8000 per annum plus GST, plus outgoings and a drastically reduced lease term of one (1) year.

The market rental valuation assessment undertaken by an independent valuer provided a valuation for four industrial units and has been paid by the Shire of Northampton with Unit 2 being assessed with a current market rental value of

\$10,000 per annum plus GST, plus outgoings. The assessment considered various economic factors as well as market rental evidence with the areas detailed within the 'Comment' section of this report being part of the leased premises.

Responsibility for outgoings, including building maintenance, is outlined in the lease agreement and in accordance with Council Policy 3.1 *Property Leasing*. Costs associated with the preparation, advertising and execution of the new lease may be recovered from the tenant/lessee.

SUSTAINABILITY:

Environmental: Vacant properties can accelerate deterioration of an asset.

Economic: A lease will deliver financially sustainable ongoing income for the Shire of Northampton's ratepayers.

Social: A lease will deliver potential to engage with service providers capable of delivering essential and valued services to the local community.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council, in accordance with section 3.58 of the *Local Government Act 1995*:

- 1. Subject to point 4, agree to dispose of property Unit 2 (Lot 83) Kitson Circuit, Northampton to RJ Hilzinger and DM De Rooy trading as The Wheel Aligners in accordance with Point 2;**
- 2. Undertakes a Local Public Notice process to dispose of Unit 2 (Lot 83) Kitson Circuit to RJ Hilzinger and DM De Rooy trading as The Wheel Aligners as outlined below:**
 - a) A Lease Agreement for a term expiring 30 June 2026, with a renewal option for a further term of one year;**
 - b) A discounted rental value of \$8,000 plus GST and outgoings is payable for the first year to 30 June 2026 and is subject to indexation in accordance with terms of the lease; and**
 - c) That the market rental value payable under the Lease commencing 1 July 2026 be \$10,000 plus GST, per annum, plus outgoings in consideration of the independent market valuation dated 11 August 2025 and subject to indexation in accordance with terms of the Lease.**
- 3. That RJ Hilzinger and DM De Rooy are responsible for lease preparation fees (as per the Shire of Northampton's Statutory Fees and Charges) and for the costs of stamping and registration of the lease agreement with Landgate;**
- 4. Authorises the Chief Executive Officer to negotiate the commercial terms of the lease between the Shire of Northampton and RJ Hilzinger and DM De Rooy; and**

5. **Make final determination of the matter after considering any public submissions made arising from point 2 above.**

ATTACHMENTS

- | | | |
|-----|---|------------|
| 1 ➡ | Letter of Advice - Change in Market Rental Value - U2
Kitson Circuit | 2
Pages |
| 2 ➡ | Email Request - RHilzinger and D DeRooy - U2 Kitson
Circuit | 1 Page |

ATTACHMENT APPENDIX

9.2.7 Proposed License to Occupy - Portion of Reserve 25307 (Kalbarri Foreshore), 75 Grey Street, Kalbarri

PROPONENT	Maverick Marine (WA) Pty Ltd as trustee for Kalbarri Boat Hire Trust
OWNER	Shire of Northampton/State of Western Australia
LOCATION / ADDRESS:	Portion of Reserve 25307 (Kalbarri Foreshore)
ZONE:	Public Open Space
BUSINESS AREA:	Corporate and Financial Services
FILE REFERENCE:	9.1.3.1/A3535
LEGISLATION:	<i>Local Government Act 1995</i> <i>Land Administration Act 1997</i>
AUTHOR:	Michelle Allen
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	11 November 2025
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Shire of Northampton holds the Management Order for Reserve 25307, which provides public open space, playgrounds, riverfront and foreshore paths.

The proponents Jason Charles Deadman and Kathleen Michelle Deadman as legal entity Maverick Marine (WA) Pty Ltd trade as Kalbarri Boat Hire and Kalbarri Canoe Safaris. On 19 September 2018 the proponents purchased the business and the lease agreement at the time was reassigned. The business provides boat hire activity with a variety of craft for hire on the foreshore and riverfront including powerboats, dinghies, kayaks, canoes, pedal boats, stand-up paddle boards and more. They also run another experience called 'Canoe Safaris' which combines a 4WD drive up the Murchison River in a custom vehicle to a start-point, then paddling downstream, with a bush-BBQ meal included.

The current Lessee is seeking to renew the lease agreement, which expired on 22 January 2024, with the proponents remaining in-situ on a holding over period. It is considered that a lease agreement is not the correct legal instrument for this purpose as a lease gives exclusive control/possession of that portion of land and it would not be open to the public except by the lessee's permission.

Therefore, a Licence to Occupy Crown Land agreement will give permission to the proponent to use a defined area on public (Crown) land giving flexibility for short-term or seasonal use but not affording sole tenure or ownership. The area will remain public land and be available for others to use.

The purpose of this report is for Council to consider a new five-year License to Occupy agreement to the proponents to operate their commercial tourism business on a portion of Reserve 25307 on the Kalbarri Foreshore.



Figure 1 – Location of Reserve 25307



Figure 2 – Location of licensed Area 2800m²

The location of Reserve 25307 on the Kalbarri foreshore is shown at Figure 1 and the licensed area, being 2800m², is shown at Figure 2. The survey plan showing the Kalbarri Boat Hire License to Occupy area is attached.

ATTACHMENT: 9.2.7 (1)

PUBLIC CONSULTATION UNDERTAKEN:
Nil.

COMMENT (Includes Options):

Officers have been in contact with the current Lessee providing notice that the current lease had expired on 22 January 2024 and the proponents were operating on a holding over basis. Following confirmation that the proponents

were seeking to renew the lease arrangement, Officers obtained a market rental valuation of the portion of land from the Valuer General's Office. Landgate (the Western Australian Land Information Authority) conducted the valuation providing an increased market rental valuation, as outlined within this report in the 'Financial Implications' section.

The Site

The description of the site is portion of Crown Reserve 25307 which is vested with the Shire of Northampton and is situated on 75 Grey Street, Kalbarri. The dedicated license area is 2800m² in land area, irregular shaped, comprising of bare, sandy river beach foreshore as shown at Figures 1 and 2.

Zoning

The provisions of the Shire of Northampton's Local Planning Scheme No. 11 – Kalbarri (the Scheme) includes the subject land (Reserve 25307) as Public Open Space which is vested under Management Order with the Shire for the purposes of Parkland and Recreation.

The objectives of the zone are set out in Parts 2(Reserves) and Part 3 (Zones) as follows:

Public Open Space (Part 2)	- To set aside areas for public open space, particularly those established under the <i>Planning and Development Act 2005</i> s. 152. - To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.
Foreshore (Part 2)	- To set aside areas for foreshore reserved abutting a body of water or water course, particularly those required pursuant to State Coastal Planning Policy 2.6 - State Coastal Planning Policy and any other Commission policy. - To provide for the protection of natural values, a range of active and passive recreational uses, cultural and community activities, activities promoting community education of the environment and/or uses that are compatible with and/or support the amenity of the reservation.

The Proponents

Maverick Marine (WA) Pty Ltd is a family operated business established in September 2018 and owners Jason Charles Deadman and Kathleen Michelle Deadman provide a variety of craft for hire on the foreshore and riverfront. The proponents' activities over the previous seven years have demonstrated a high degree of care for the sustainable use of the reserve area.

License to Occupy area and improvements

Kalbarri Boat Hire operation has been operating for many years prior to the current proponents' acquisition of the business in 2018. They hire to members of the public permitted vehicles and appliances including powerboats, dinghies,

kayaks, canoes, pedal boats, stand-up paddle boards and more. They also run another experience called 'Canoe Safaris' which combines a 4WD drive up the Murchison River in a custom vehicle to a start-point, then paddling downstream, with a bush-BBQ meal included.

Legislation

The Shire is bound under the *Local Government Act 1995* (the Act) with regard to the disposal of property. Section 3.58 of the Act enables a local government to dispose of a property to the highest bidder at a public auction; by way of a public tender process; or by giving local public notice of the proposed disposition and following the public consultation process as prescribed in subsection section 3.58 (3) of the Act. In this context disposing of a property means to 'sell, lease or otherwise dispose of, whether absolutely or not.'

Local Government Act 1995 – Section 3.58(3) Disposing of Property

- (3) *A local government can dispose of a property other than under subsection (2) if, before agreeing to dispose of the property –*
- (a) *it gives local public notice of the proposed disposition –*
 - (i) *describing the property concerned; and*
 - (ii) *giving details of the proposed disposition; and*
 - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
 - and*
 - (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by council or committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

Market Rental Value Assessment

The current annual rent payable under the expired lease agreement in respect of the portion of Reserve 25307 is \$1,029 per annum plus GST, plus outgoings.

A new market rental valuation assessment was undertaken by the Valuer General's Office on 8 July 2025. The assessment considered various economic factors as well as market rental evidence with the areas detailed above being part of the license to occupy area.

A market rental valuation of \$4,000 per annum plus GST, plus outgoings was determined as the current market rental value for this portion of land. Formal advice of the change in market rental valuation was forwarded to the proponent who has responded seeking consideration for a reduced rental value being payable for the first year of the licence. A copy of the letter advising of change in market rental value and a copy of proponent's email request is attached.

ATTACHMENT: 9.2.7 (1)

ATTACHMENT: 9.2.7 (2)

It is noted that the valuation presents what is termed a '*fair market value*' that recognises the quality and size of the amenity provided, the location within the foreshore area of the townsite of Kalbarri and the seasonal nature of the operation. Market considerations for tenures such as licenses and leases which provide commercial utility and/or prospectivity are based on the principle of economic benefit. Therefore, it also recognised the trading ability of the business for tourism purposes and that the previous lease fee was considered to be conservative based on comparable agreed license fee transactions around the State.

Should Council consider the proponent's request for lower rent to be fair and reasonable, it is proposed that a graduated rent structure be adopted, whereby reduced rent is applied for the first year of the lease (with the scheduled increase to the market rental value rate as assessed on 8 July 2025) set to commence at the later date of 1 July 2026. This approach would assist the proponent in planning for and accommodating increases in market rental payable over time.

STATUTORY ENVIRONMENT:

Local Government Act 1995 - Section 3.58 Disposing of Property

Any private treaty negotiations to lease with the Proponent will be required to comply with section 3.58 *Disposing of Property* under the *Local Government Act 1995* which sets out the requirements for the disposal of property, including leased and licensed land and buildings.

The Local Government must give two weeks local public notice of the proposed lease. Any submissions must be considered by Council and the decision regarding those submissions recorded in the Council Minutes.

Each lease of Crown land requires the approval of the Minister for Lands in accord with section 18 of the *Land Administration Act 1997*.

POLICY / STRATEGIC IMPLICATIONS:

The proposed License to Occupy terms and conditions will be in accordance with Council Policy 2.14 *Property Leasing*, including maintenance responsibilities as detailed in *Schedule 3 – Maintenance and Outgoings Schedule* within the lease document.

Council Policy 2.8 *Authority to Execute Documents on Behalf of Council* requires matters concerning the leasing of Shire managed land to be put before Council. For reference, Council Policy 2.14 and Council Policy 2.8 are provided in Appendices 9.2.3(A) and 9.2.3(B) respectively.

Local Planning Policy – Commercial Recreational Tourism Activity

The objectives of the Policy are to:

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

A copy of the Policy is appended.

APPENDIX: 9.2.7 (A)

Council's *Strategic Community Plan 2025 – 2035* outlines the community's long-term vision, aspirations and priorities and recognises that the Shire's performance strongly influences the liveability, productivity, wellbeing, connection and identity of the community. Central to achieving these outcomes is the effective development, maintenance and optimisation of the Shire's properties, assets and facilities to ensure they meet current and future community needs.

ORGANISATIONAL RISK MANAGEMENT:

Risk rating is considered moderate due to financial and social accountability pressures on public sector property management including missed opportunity to support services or businesses that benefit the community.

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 proponent is seeking a one-year discounted License to Occupy period, retaining the current fee of \$1,029 plus GST, plus outgoings to 30 June 2026. It is then proposed that, from 1 July 2026, the proponent will commence payment of the current assessed market rental rate of \$4,000 per annum, plus GST, plus outgoings with the annual rental increasing on a yearly basis in accordance with the rate of the Perth March quarter of the Consumer Price Index (CPI).

The market rental valuation assessment was undertaken by the Valuer General's office with the assessment considering various economic factors as well as market rental evidence.

Responsibility for outgoings, including building maintenance, is outlined in the lease agreement and in accordance with Council Policy 3.1 *Property Leasing*. Costs associated with the preparation, advertising and execution of the new lease may be recovered from the tenant/lessee.

SUSTAINABILITY:

Environmental: Nil.

Economic: Provision of a reliable, professional and safe boat hire service that attracts tourists and encourages longer stays in the area will benefit the Kalbarri community.

Social: The ongoing operation of this business will foster respectful and cooperative relationships with all users and promote inclusive participation in a range of recreational activities.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council, in accordance with section 3.58 of the *Local Government Act 1995* and consent of the Minister for Lands:

1. Subject to point 4, agree to dispose of property a portion of Reserve 25307 (Kalbarri Foreshore), 75 Grey Street, Kalbarri to Maverick Marine (WA) Pty Ltd trading as Kalbarri Boat Hire and Canoe Safaris in accordance with Point 2;

2. Undertakes a Local Public Notice process to dispose of a portion of Reserve 25307 (Kalbarri Foreshore), 75 Grey Street, Kalbarri to Maverick Marine (WA) Pty Ltd trading as Kalbarri Boat Hire and Canoe Safaris as outlined below:
 - a) A License to Occupy Agreement for a term expiring 30 June 2030, with a renewal option for a further term of five years;
 - b) A discounted rental value of \$1,029 plus GST and outgoings is payable for the first year of business to 30 June 2026 and subject to indexation in accordance with terms of the Lease;
 - c) That the market rental value payable under the License to Occupy agreement will commence 1 July 2026 at a value of \$4,000 per annum plus GST, plus outgoings in line with the Landgate market valuation dated 8 July 2025 and subject to indexation in accordance with terms of the License to Occupy agreement.
3. Determines that JK and KM Deadman as Maverick Marine (WA) Pty Ltd are responsible for lease preparation fees (as per the Shire of Northampton's Statutory Fees and Charges) and for stamping and registration charges with Landgate;
4. Authorises the Chief Executive Officer to negotiate the commercial terms of the license to occupy agreement between the Shire of Northampton and Maverick Marine (WA) Pty Ltd; and
5. Make final determination of the matter after considering any public submissions made arising from point 2 above.

ATTACHMENTS

- | | | |
|------------|--|---------|
| 1 ➡ | Site Plan License to Occupy - R25307 Kalbarri Foreshore - Kalbarri Boat Hire | 1 Page |
| 2 ➡ | Letter of Advice - Change in Market Rental Value | 2 Pages |
| 3 ➡ | Email advice from Deadman - Change in Market Rental Value | 1 Page |

APPENDICES

- | | | |
|------------|--|---------|
| A ➡ | Local Planning Policy - Commercial Recreational Tourism Activity | 8 Pages |
|------------|--|---------|

ATTACHMENT

9.3.1 Proposed Funding for Shire Events/Activities and Northampton Bowling Club Lights Program

PROPONENT	Community Development Officers
OWNER	Shire of Northampton
LOCATION / ADDRESS:	Shire of Northampton
ZONE:	All
BUSINESS AREA:	Community Development and Regulations
FILE REFERENCE:	11.4.1
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Cresta Viellaris, Andrea Teakle & Brian Robinson
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	28 October 2025
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Since the launch of the Community Grant Fund in July 2024, Community Development Officers (CDOs) have collaborated closely with various community groups and organisations to support the successful execution of their events and projects. Over three grant cycles, two rounds were undersubscribed, resulting in a surplus in the grant funding pool.

On 16 October 2025 Council, having regard to the recommendation of the Community Grants Advisory Committee, allocated \$27,990 from the \$60,000 allocated to the first round pool for 2025/26 to a variety of community groups (Resolution 10/25-01). As part of that resolution, Council also resolved:

3. Await a detailed agenda item from Shire Officers regarding the following Community projects and programs, to be presented at the Ordinary Council Meeting schedule to be held on 20 November 2025:

- ***Northampton Story Harvest – Echoes of the Past;***
- ***Community Impact Incubator Hub;***
- ***JK Foundation Northampton Youth Program; and***
- ***Northampton Bowling Club Lights Program.***

The allocation of \$27,990 of grant funds results in a balance of \$32,010 for round 1 of the Community Grant budget allocation. A total of \$30,000 is allocated to round 2 and \$10,000 for discretionary allocation by Council. As a result, \$72,010 remains to be allocated within the 2025/26 financial year.

In addition, an amount of \$27,674 was carried forward from the 2024/25 Community Grant Program. The Shire's Community Development Officers

have advised that two grants within the carried forward allocation are to be likely to be returned, being:

1. A \$3,000 grant to JKF Foundation, which originally intended for Kalbarri, but never claimed; and
2. A grant of \$4,000 to Adjiko. As the event organiser has changed and the event timeline and style of event is now not clear, the funding may need to be returned. Discussions with the Shires Community Development Officers indicate the event, original planned for December is now more likely to occur in April 2026. There will be an opportunity for a revised application to be made for funding under the second round of 2025/26.

As a result of the two grant funds described above not being issued, a total of \$79,010 remains to be allocated in the 2025/26 financial year.

This Officer Report proposes allocating a portion of these funds to the Shire of Northampton initiatives as outlined overleaf.

- Northampton Story Harvest – Echoes of the Past
- Community Impact Incubator Hubs
- Josh Kennedy Foundation – Youth Program Northampton

PUBLIC CONSULTATION UNDERTAKEN:

Northampton Story Harvest – Echoes of the Past

Expressions of interest have been sought from representatives to present from the following:

- Northampton Historical Society
- Formerly Hutt River Province
- Chiverton House

Community Impact Incubator Hubs – Nil.

Josh Kennedy Foundation – Youth Program Northampton – Nil.

COMMENT (Includes Options):

Applications for the Shire's Annual Community Grants Program are assessed in accordance with Community Development Policy 5.1 – Community Grants Program. As outlined within the Policy, the objectives of the program are:

1. *To 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.*

Given the surplus in the funding pool, the Shire of Northampton has a unique opportunity to enhance its profile by redirecting underspent funds toward Shire-led projects and initiatives to support local projects that foster unity and collaboration, consistent with the Policy objectives.

Northampton Story Harvest – Echoes of the Past

Set to take place on Saturday, April 11, 2026, marking the 5-year anniversary of Cyclone Seroja, this event aims to bring together community members from diverse backgrounds to share their stories and experiences. By focusing on current and historical themes of resilience, we intend to highlight how our town has overcome challenges and thrived through cooperation, unity, and historical strength.

Further details on this proposed event are provided attached.

ATTACHMENT: 9.3.1 (1)

Community Impact Incubator

Establishing regional Impact Incubators will enable volunteer groups to embark on community projects and manage volunteer organisations effectively. These incubators will enhance awareness among individuals and groups about potential collaborations towards a common vision. This initiative will facilitate skill development and knowledge exchange, ultimately strengthening community resilience and reducing the risk of volunteer burnout.

Creating an environment of greater involvement with community groups, showcasing leadership and instilling confidence among these volunteer organisations. This initiative is intended to be delivered in stages over an 18-month period.

Further details on this proposed program are provided attached.

ATTACHMENT: 9.3.1 (2)

Josh Kennedy Foundation – Youth Programs Northampton

The proposed project aims to build on the successful implementation of Kalbarri's Youth Spaces pilot program by launching a 12-month initiative in Northampton. This program is designed specifically to engage youth ages 10 to 18 in the community, providing opportunities for personal development and positive social interaction. This investment in Northampton's youth is crucial for fostering a thriving community spirit and promoting healthy development among the youth cohort.

Further details on the program are provided attached.

ATTACHMENT: 9.3.1 (3)

Northampton Bowling Club

At its June 2025 meeting, Council was requested to consider an application from the Northampton Bowling Club for funding towards upgrading/replacement

of the existing lights over the clubs bowling rinks. As detailed in the June 2025, the Bowling Club are seeking to replace/upgrade the current lights for the following reasons:

- 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.

In response Council resolved (Resolution 06/25-74) to support upgrading the lights with energy efficient LED lighting, with the Shire to provide a co-contribution of \$4,000 being sourced from the 2025/26 budget. With \$72,010 of the Community Grants program remaining in the 2025/26 budget, it is appropriate for this grant to be formally allocated.

Proposed Funding Allocation

The proposed funding amounts are detailed below:

Event/Project	Funding Amount
Story Harvest: Echoes of the Past (community event)	\$19,300.00
Community Impact Incubators (stage one of an 18-month program)	\$6,060.00
JK Foundation 12-month program (one day per week)	\$20,000.00
Northampton Bowling Club	\$4,000
Total	\$49,000

The Shire CDO's will continue to seek external funding sources through Lotterywest and the Foundation for Rural & Regional Renewal (FRRR). Should Shire Officers be successful in obtaining external funding, full expenditure of the \$49,000 of Shire funds may not be required.

Potential Impact on Future Community Grants Program

Approval to allocate the funding as proposed will leave a balance of \$30,010 to be allocated. It is recommended that the whole amount be made available for round 2 of the Community Grants Program.

Allocation of community grant funds for Shire-led projects as opposed to those initiated by community members may be perceived as the Shire diminishing funding pool for external community-driven programs. However, allocation of the funding as proposed is consistent with the Shire of Northampton Community Development Policy 5.1 – Community Grant Fund.

STATUTORY ENVIRONMENT

Local Government Act 1995.

POLICY / STRATEGIC IMPLICATIONS:

Refer to comments on Council's Community Development Policy 5.1 - Community Grant Policy in comment section above.

Shire led initiatives to support local projects as proposed is consistent with the following Desired Outcomes contained in the Shire of Northampton Strategic Community Plan:

3.1 Socially connected and included

We feel supported to live well and prosper together, whatever our age or diversity of needs.

3.2 Outstanding recreation and tourism experiences

Community life and tourism is being enriched through a strong portfolio of events, activities, attractions and historical heritage.

ORGANISATIONAL RISK MANAGEMENT:

Allocation of community grant funds for Shire-led projects as opposed to those initiated by community members may be perceived as the Shire diminishing funding pool for external community-driven programs. Given community groups had opportunity to apply for the funding, the risk rating associated with reallocation of the funds as proposed is considered Insignificant (1).

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:

Allocation of the funding as proposed will effectively result in the allocation of Council's \$10,000 discretionary Community Grant budget being allocated for the 2025/26 financial year. The \$30,000 budget normally allocated for round 2 of the 2025/26 Community Grant funding will remain available.

As detailed the Shire's Community Development Officers continue to seek additional funding from external sources. Should additional funding be secured, the funds to be allocated under the Community Grants program for the three proposed events will reduce, increasing the balance of funding available for round 2 of the 2025/26 program.

SUSTAINABILITY:

Environmental: Nil

Economic: Reallocating funds from the Community grant pool to events and activities led by the shire will decrease the total overall funding for independent community groups. Increased trade/goods and service opportunities are expected for local businesses from these events/activities.

Social: Create opportunities for community members and individuals to connect and learn new skills that can strengthen capacity and thus establish a stronger social fabric.

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council:

- 1. Vary the standard allocations as outlined within the Shire of Northampton's Community Development Policy 5.1 – Community Grants program and allocate the following expenditure from the 2025/26 budget allocation for the Community Grants Fund:**

Event/Project	Funding Amount
Story Harvest: Echoes of the Past (community event)	\$19,300.00
Community Impact Incubators (stage one of an 18-month program)	\$6,060.00
JK Foundation 12-month program (one day per week)	\$20,000.00
Northampton Bowling Club	\$4,000
Total	\$49,000

2. The grant allocation for the Northampton Bowling Club shown in point 1, being subject to the Northampton Bowling Club obtaining a grant under the State of Western Australia's Club Night Light Program;
3. Consider the allocation the remaining balance of the 2025/26 Community Grants Program budget allocation, being estimated at \$30,010, under Round 2 of the Shire of Northampton Community Grants Program; and
4. Note that the allocation for round 2 of the Shire of Northampton Community Grants Program may increase from the figure stated in point 3 above, should applications for external funding be approved or grant funds previously awarded are returned to the Shire.

ATTACHMENTS

- 1⇒** Story Harvest - Echoes of the Past 6 Pages
- 2⇒** Community Impact Incubators 7 Pages
- 3⇒** JKF Youth Programme 3 Pages

ATTACHMENT

9.4.1 Proposed Retaining Wall and Alterations to Existing Contours at Lot 77 (No. 106) Mitchell Street, Horrocks

PROPONENT	G Kay & K Waters
OWNER	G Kay & K Waters
LOCATION / ADDRESS:	Lot 77 (No. 106) Mitchell Street, Horrocks
ZONE:	Residential R12.5
BUSINESS AREA:	Planning Services
FILE REFERENCE:	10.5.1.1; A859
LEGISLATION:	<i>Planning and Development Act 2005</i> <i>Local Government Act 1995</i>
AUTHOR:	Kaylene Roberts/Brian Robinson
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	29 October 2025
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Council is requested to consider an application for a retaining wall and alterations to existing contours at Lot 77 (No. 106) Mitchell Street, Horrocks. Portion of the works having been undertaken without approval, the application is retrospective in nature. A location plan is shown below.

LOCATION PLAN



The subject property has an area of 809m² and contains a dwelling with an garage attached and paved area to the left side of the property. The rear of the property is vegetated with a limestone embankment at the rear.

The applicant has commenced and is proposing to continue to excavate the rear of the property in order to increase the area of usable land, battering the bank to mitigate land slippage and erosion. A copy of the application is attached.

ATTACHMENT: 9.4.1 (1)

The following is a summary of the timeline of events around the excavation works:

- On the morning of 1 August 2025, an adjacent landowner contacted the Shire via email to express concern regarding an excavation occurring on Lot 77. The email expressed concern that the earthworks were to continue into the weekend, although the complainant was not able to get a clear understanding from the landowners as to what their intention was;
- On 1 August, the Shire's Planning Officer attended the site and took photos of some work that had been undertaken. Some of the photographs taken on the day are shown attached;

ATTACHMENT: 9.4.1 (2)

- On Saturday 2 August 2025, the adjacent landowner forwarded three additional emails advising that earthworks were continuing and stating that they did not feel safe at their residence as the home was trembling due to the extensive cliff cutting and deep earthworks. Also that no safety barricades had been put in place to address potential rock fall/landslip;
- On Sunday 3 August, the adjacent landowner advised that the excavation was set to continue on Monday 4 August and that the owners of Lot 77 and CAT operator requested to enter the adjacent landowners property. That email also provided the Shire with copies of correspondence to the contractor outlining their concerns with non-compliance with relevant legislation requesting that they cease and desist;
- The Executive Manager of Community, Development and Regulation returned from annual leave on Monday 4 August and received advice that the adjacent landowner had called asking for an urgent response;
- At approximately 2:40pm the Executive Manager attended Lot 77 and spoke to both the landowner and contractor advising them to cease the excavation and emphasising the need for prior approval to be obtained. Photographs taken by the Executive Manager are shown attached;

ATTACHMENT: 9.4.1 (3)

- At 4:20pm, the Executive Manager forwarded a formal written direction to cease the works under Section 214 of the *Planning and Development Act 20025*, and providing the landowner with a copy of the Development Application Pack. The applicant was required to provide existing and proposed contours, with the works to be certified by an appropriately qualified structural engineer;

- On 15 September, the Shire received a formal application for Development Approval relating to the proposed site works (including work undertaken). A copy of the information submitted is shown at Attachment: 9.4.1 (1);
- The proposal was referred to the adjacent landowners, with the comment period closing on 29 October 2025; and
- The adjacent landowner who raised the concerns regarding the earthworks was given an extension of time to submit their comments.

The application is referred to Council for their determination as Shire officers do not have the delegation to approve the works given the retrospective nature of the works undertaken to date and an objection being received in response to the consultation process.

PUBLIC CONSULTATION UNDERTAKEN:

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

The application was advertised for a 21 day period to two (2) adjoining landowner with one submission having no objection. The second submission received is an objection to the proposal raising concerns about the unauthorised works that have been carried out. The second submission being supported by correspondence from a Building Certifier/Practitioner.

A copy of the objection received is shown attached.

ATTACHMENT: 9.4.1 (4)

COMMENT (Includes Options):

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

Matters to be Considered

Clause 67(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015 – Deemed to Apply Provisions*, requires that in determining an application for Development Approval, local governments must have a regard to various matters, including:

- (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;
- (d) The compatibility of the development with its setting, including:
 - i) the desired future character of its setting;
 - ii) the relationship of the development to development on adjoining land or other land in the locality, but not limited to, the likely effect

- of the height, bulk, scale, orientation and appearance of the development;
- iii) the amenity of the locality including the character of the locality; and
- (e) Comments received in response to consultation on a proposal.

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

Zoning and Zone Objectives

The provisions of Local Planning Scheme No. 10 (the Scheme) include the subject land within the Residential Zone, with an applicable density of R12.5 in accordance with the Residential Design Codes of Western Australia (R-Codes).

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

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

As outlined in the balance of the agenda item, it is considered that the proposal as submitted is not consistent with the third objective stated above.

Amenity

In determining the potential impact a development may have on the Amenity of the area, consideration must be given to the following matters in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*:

- the desired future character of its setting;
- the relationship of the development to development on adjoining land or other land in the locality, including, but not limited to, the likely effect of the appearance of the development; and
- the amenity of the locality including the character of the locality.

Prior to commencement of the excavation, the bank at the rear of the subject land was well vegetated. With this vegetation having been removed, there is currently an issue with wind blown soil detrimentally impacting on the adjacent landowner. It is considered that soil stabilisation techniques, including revegetation of disturbed areas is required to prevent ongoing impacts on the amenity of the area.

Given the height and location of the proposed retaining wall, there is potential for overlooking of the adjacent property to occur.

Residential Design Codes (R-Codes)

Clause 5.3.7 of the R-Codes relates to Site Works states the under the Design Principles P7.3 states that retaining walls that result in land which can be effectively used for the benefits of residents and do not detrimentally affect adjoining properties and are designed, engineered and landscaped having due regard to visual privacy.

The proposed retaining wall is shown as a straight retaining has a height of 1.3m with a length of 20.1m and is to be constructed of reconstituted limestone blocks with a size of 350x240x1000 each. Whilst engineering details submitted in support of the application include a detail for the retaining wall to return along each side boundary, the site plan only shows a straight retaining wall. The site plans also shows another retaining wall to the northern side boundary, this is the adjoining landowners retaining wall and is not part of this application. The plans as submitted appear to rely on this retaining wall which is not acceptable.

An assessment against the R-Codes has identified that the proposal does not meet Deemed to Comply provisions relating to retaining walls and potential overlooking of the design principles part P7.1 and the deemed to comply notes (iii) visual privacy as detailed below.

Visual Privacy

Clause 5.4.1 – Visual Privacy states under Part P1.2 development needs to demonstrate that maximum visual privacy to side and rear boundaries through measures such as screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).

The deemed to comply part C1.1 states development with major openings and outdoor active habitable spaces, with a level of more than 0.5m above natural ground level and overlook any other residential property are to be provided with permanent screening to restrict views within the cone of vision from any major opening or outdoor active habitable space. Screening devices are to be at least 1.6m in height, permanently fixed, made of durable material and restrict view in the direction of overlooking into any adjoining property.

The plans as submitted do not detail how overlooking of the adjacent property will be achieved.

Structural Engineering

During the site inspection on 4 August 2025, the applicants were advised that the application for the proposed works would need to be accompanied by details certified by a practicing structural engineer.

Details submitted with the application (refer Attachment: 9.4.1 (1)), include structural details prepared by Flow Engineering in respect of both the revetment of the soil and relating to the proposed retaining wall. A cross section shown on Plan 2 of 5 from Flow Engineering details that further excavation is proposed upslope from the current works.

As shown on the plans the retaining wall does not have a retaining wall return on the side boundaries of the subject property. The adjacent landowner has a minor retaining wall on the boundary and has a length of 6m and height of 0.6m. In order to ensure that altered ground levels are wholly contained within the applicants property, the plans should detail retaining walls on both side boundaries. If approved, the plans should be revised to show retaining walls to both side boundaries.

In accordance with the Building Code of Australia, applications for the construction of retaining walls having a height of more than 600mm are required to be structurally certified. The application for a building permit will be required to be supported by a structural certification from a structural engineer. An advice note to this effect is recommended on any approval if granted.\

Drainage

Modification of land contours impacts on the management of stormwater. Comments received from the adjacent landowner indicates that there are now issues with stormwater entering her property.

Clause 5.3.9 of the R-Codes relates to stormwater management. Section P9.1 of the Design Principles states that stormwater should be managed on site wherever possible with either containment or infiltration, as permitted by the soil and other site conditions and which reduce the export of nutrients and sediments from the site into waterways or otherwise appropriately managed prior to off-site discharge.

The application as presented, does not address how the stormwater will be contained on the subject site and a stormwater management plan has not been submitted with the application.

Further Excavation of Slope

The works undertaken to date has resulted in the removal of both vegetation and soil and essentially destabilised the original bank. Prior to the commencement of the works in August, the entire bank was covered in native vegetation ensuring the slope was stable. As reflected within the adjacent landowner objection, the land is currently not stable and they are being impacted by wind blow topsoil.

As detailed above, Plan 2 of 5 prepared by Flow Engineering indicates that further excavation is proposed upslope in order to achieve a 33% gradient, ensuring the future stability of the bank.

Currently the remainder of the original bank contains a significant level of existing vegetation. Particularly given that the applicant has not demonstrated how exposed soil will be stabilised, it is recommended that further excavation of the bank should not be supported.

Landscaping

With the excavation and removal of native vegetation occurring on the subject property, the application does not show how the proposed earthworks are to be

stabilised to stop landslides etc. Landscaping of the destabilised works would contribute to the appearance and amenity of the development.

Submissions

As reflected above, two submissions were received, one supporting the proposal while the second one objected to the proposal on a wide range of grounds relating to stability of the bank, stormwater management, unlawful earthworks prior to gaining approval, changing of the natural landform and no demonstration of any boundary retaining of the existing landform located on No 108 Mitchell.

Supporting information from an accredited building surveyor states that the works carried out to date have been completed without due regard to the established common boundary. The current and proposed engineering does not adequately address site stabilisation, remediation or the preservation of the adjoining properties.

The building surveyor has, in his professional opinion, stated that the proposed design must include stormwater management measures, removal and structural independence of the existing garage or retaining wall elements, proposed privacy screen to the new development area be installed.

Potential Legal Action

Irrespective of Council's decision as to whether to approve or refuse the current application, it is open to Council to commence legal action against the landowner for the unlawful works undertaken without a prior Development Approval.

Additionally, as a result of information included within the submission it has been identified that there has been building work undertaken previously on an approved carport located (not by current owner) and the current owner has commenced marketing and use of the property for the purposes of Short Stay Residential without the prior approval of the Shire.

Item No 9.4.2 of this agenda deals with the potential for legal action to be commenced and/or further orders to be given to address the above issues.

Conclusion

Works undertaken to date on Lot 77 have resulted in the substantial alteration of contours, removal of vegetation and destabilisation of the embankment. Further works are required to ensure that soils are retained on the property, are stabilised to prevent loose rock or soil falls and for the purposes of preventing wind blown soil and to address drainage.

However, the application as submitted does not provide sufficient information in respect of:

- a) How exposed soils will be stabilised to prevent erosion and wind blown soil;
- b) How drainage will be contained on site; and

- c) Containment of soil within the property given that the design inappropriate relies on a minor retaining wall located on adjacent Lot 78.

In addition, Shire Officers do not support the further removal of vegetation and soil from the embankment, particularly in the absence of information on how the soils will be stabilised or any revegetation works.

Given the above, it is considered that the current application should be refused and the applicant be invited to make a revised application that does not include further clearing or alteration of soil on the embankment. Such an application to include revision of the retaining wall along with details relating to drainage, soil stabilisation and privacy.

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

Risk rating is considered Level 4 - Major given unlawful earthworks on the subject property and non-compliance with the Scheme.

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 standard application fee has been paid, but as the application is retrospective there is an outstanding amount which will need to be paid prior to any approval being granted.

SUSTAINABILITY:

Environmental: Due to the nature of works and the lack of retaining wall and stormwater plans, there is a potential that the works will result in significant erosion.

Economic: Nil.

Social: Works undertaken to date appear to have resulted in detrimental impacts on the owner of Lot 78 through windblown soil.

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

That Council:

1. Refuse to grant planning approval to the proposed development of Lot 77 (No. 106) Mitchell Street, Horrocks as shown at ATTACHMENT: 9.4.1 (1) for the following reasons:
 - (a) The Shire does not support the removal of further vegetation or soil from the existing bank due to the potential for erosion from water and wind;
 - (b) The application as submitted falls to demonstrate how top soil to erosion and detrimental impacts on the amenity of the adjacent land due to erosion will be avoided;
 - (c) Approval to the application as submitted is likely to detrimentally impact on the adjacent land through stormwater due to the lack of retaining between the subject land and Lot 78 to the north and the lack of information relating to how the stormwater will be managed on the property;
 - (d) Approval to the retaining wall as proposed being contrary to the provisions of the Residential Design Codes of Australia due to the potential for overlooking; and
 - (e) The submitted plans fail to demonstrate the method of retaining soil within the subject land with specific reference to the common boundary with Lot 108.

Advice Note:

- i) Should the applicant be aggrieved by Council's decision, an application for review of the decision may be lodged with the Western Australian State Administrative Tribunal.
2. Advise the applicant that Council is prepared to consider a revised application that complies with the following principles:
 - a) No further disturbance to the remaining embankment and associated vegetation;

- b) Demonstration as to how exposed soils on site will be stabilised to prevent water and wind based erosion;
- c) Demonstration as to how stormwater associated with the development of the subject land will be managed;
- d) Revision of the proposed retaining wall design to ensure disturbed soils are wholly contained within the subject land and do not rely on any structure located on adjacent properties; and
- e) Identification of an appropriate methods to prevent overlooking in accordance with the Residential Design Codes of Western Australia.

ATTACHMENTS

1 ➡	Attachment No 1 - Submitted Application Details	8 Pages
2 ➡	Attachment No 2 - Some of the Photographs Taken by Shire Planner	1 Page
3 ➡	Attachment No 3 - Photographs Taken on 4 August 2025	3 Pages
4 ➡	Attachment No 4 - Copy of objection received and supporting correspondence from Barron Surveying	13 Pages

ATTACHMENT

9.4.2 Unauthorised Development and Land Use at Lot 77 (106) Mitchell Street, Horrocks

PROPONENT	Shire of Northampton
OWNER	GA Kay & KA Waters
LOCATION / ADDRESS:	Lot 77 (106) Mitchell Street, Horrocks
ZONE:	Residential
BUSINESS AREA:	Planning Services
FILE REFERENCE:	10.8.1.1 & A859
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Brian Robinson
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	6 November 2025
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The subject land is an 809m² residential property located on the eastern side of Mitchell Street, approximately 625 north of the intersection between Mitchell Street and Glance Street within the Horrocks Townsite. As reflected within the location plan shown below, similar sized residential properties abut the land to the north and south, whilst the Horrocks Golf Course is located opposite.

Location Plan



The site is developed with a single dwelling, with a flat roof garage within the front setback and driveway access on the northern side boundary, which leads to a garage with nil setback to the side boundary. A substantial portion of the rear yard contains a secondary dune rising upward to the rear.

As detailed within Item No 9.4.1 of this agenda, it was brought to the attention of Shire Officers that the owners were undertaking unauthorised excavation. In response Shire Officers issued a formal stop work order and required the landowners to prepare an application for Development Approval which was to be supported by plans demonstrating the existing and proposed contours, with the designs to be certified by a Structural Engineer. Item No 9.4.1 relates to the development application.

In response to comments received objecting to the application, it has come to the attention of Shire Officers that:

- a) The property has and continues to be advertised on the accommodation platform AirBnb, being rented out for short stay accommodation. Whilst the property appears to have been registered with the State, approval has not been obtained from the Shire for this land use;
- b) At some point prior to 2009, being prior to the current landowners taking ownership of the property in late 2021, an approved carport abutting the northern side boundary was modified to be a garage via unauthorised works; and
- c) Two retaining walls being perpendicular to the front boundary have been constructed within the Mitchell Street road reserve.

Further details on these matters and the implications are provided within the Comment Section below. Council is requested to consider what action if any is to be taken with respect to the unauthorised works and land use.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

To assist Council in considering the issues identified within the Background Section of this agenda item, the following comments and advice are provided:

Short Stay Residential Use

In accordance with the provisions of the Shire's Local Planning Scheme No 11, prior Development Approval is required to utilise a dwelling for un-hosted short stay accommodation. Additionally Short Stay Accommodation is required to be registered through the State Government's Short Stay Residential Accommodation (STRA) Register.

In this case, the owners of Lot 77 contacted the Shires then Planning Officer – Michelle Allen regarding the potential use of the property for short stay accommodation. On 22 May 2024, the landowners were provided with an application form, copy of Council Policy and advised regarding the impending STRA registration requirement.

Despite ongoing contact from the Shire's Planning Officer, a completed application including nomination of a local property manager was never received.

Whilst the owners never made a complete application for approval to use the property for short stay accommodation, they have commenced the use, promoting the property through the AirBnb platform. They also listed the property on the STRA Register. As approval was never sought from the Shire of Northampton, Shire Officers have requested that the property be delisted from the STRA until such time as approval is obtained.

It is strongly recommended that the owners of Lot 77 be required to immediately cease use of the property for short stay accommodation purposes. Should the owners continue the use the property for this purpose without first obtaining prior approval, there is potential for:

- a) Legal Action to be commenced; or
- b) A modified penalty of \$500 being imposed for each day that the activity continues.

As the landowners were fully aware that the Shire's Development Approval was required prior to commencing the use of short stay accommodation, it is recommended that a \$500 modified penalty be issued for a breach of the Local Planning Scheme No 10.

Unauthorised Building Work

A search of Council records has identified that the following building permits have been issued in respect of building work on the subject land:

- a) The original building permit for the home in October 1984;
- b) A permit for retaining walls constructed adjacent to the front boundary of the property in January 2008; and
- c) In early 2009 a flat roof garage within the front setback and associated modifications to the home to provide a sunroom connected to a deck over the new garage.

Conversion of Carport to Garage

The 1984 approved plans for the home show a carport adjacent to the northern side boundary, with supporting posts abutting the boundary, but the roofing material being setback approximately 1 metre from the side boundary. A copy of the approved site plan is shown attached.

ATTACHMENT: 9.4.2 (1)

Subsequently the plans submitted for the 2009 application show the carport as an "existing garage". A copy of the site plan showing the now garage is shown attached.

ATTACHMENT: 9.4.2 (2)

As identified within Item No 9.4.1 of this agenda, the owner of Lot 78 to north lodged a submission opposed to that application (shown as Item 9.4.1 – Attachment No 4). The landowner's submission is accompanied by advice from Barron Building Services, who have made a number of recommendations, including the need for the existing garage on Lot 77 to be modified to ensure structural independence from the garage on Lot 78.

By way of summary the original carport was modified in a manner that relies on physical connection to the boundary wall associated with the approved garage on Lot 78.

It is acknowledged that the current landowner was not responsible for this work being undertaken and given this no action is proposed for unauthorised building work. However, the need to remove structural dependence on the garage on the adjoining property stands. For this reason, it is recommended that the Shire's Building Surveyor proceed to issue a notice of intent to issue an order to require modification of the current garage.

Retaining walls

The 2008 building permit for the retaining walls detailed two retaining walls that were to be constructed parallel to Mitchell Street. The first wall was shown as being setback 2.8m from the front boundary, with a second wall with a curved section abutting the driveway on the northern boundary at a setback of 3.8m. Retaining walls were also shown at right angle to Mitchell Street on the side boundaries, each having a length of 2.8m and stepping down in height adjacent to the front boundary.

A copy of the approved plans is shown attached.

ATTACHMENT: 9.4.2 (3)

While the approved plans for the retaining walls showed that the walls would be wholly contained within the property, aerial photography shows that the first retaining wall referred to above was at the front boundary and both retaining walls built perpendicular to Mitchell street extend well into the road verge as shown below:



The wall adjacent to the southern boundary extends approximately 3.3m into the verge but remains setback nearly 4 metres from the Mitchell Street road pavement. However, the retaining abutting the driveway on the northern side

of the property extends approximately 5.5 metres into the road verge and is less than 1.5m from the road pavement. At this distance, it is considered that the retaining wall is located within essential service alignments and its proximity to the road pavement is not acceptable from a road safety perspective.

In a similar situation at Lot 80 (112) Mitchell Street, the owner of that property was required by resolution at Council's July 2025 meeting (Resolution 07/25-97) to remove the existing retaining walls from within the Mitchell Street road verge within 6 months. A similar approach is recommended in this instance.

Unauthorised Earthworks

As stated by the adjacent landowner in their submission shown at Appendix 9.4.1(4), the owner of Lot 77 advised them via text on Sunday 3 August that they had attended Council during their last visit to Horrocks and *"spoke with the planner and showed him our intentions to excavate the back yard and what permissions I need. Which he replied only the neighbour which we intend to access the site from which I have done"*.

The author of this agenda item is the "planner" that the owner of Lot 77 is referring to. During their attendance at the front counter the author provided Mr Kay with an aerial photo of the property confirming the extent of the property and that they would be able to seek approval to alter the contours similar to other property owners in Mitchell Street. At no stage was the landowner advised that they could proceed without first obtaining approval.

During the site visit on Monday 4 August, the landowner and contractor were advised that works were required to cease immediately or a penalty of \$500 per day would apply. In response the landowner advised the contractor something to the effect that they may as well finish off the work. The contractor refused to complete further works once they were advised that they would also be committing an offence and be likely to be fined in addition to the landowner.

The way substantial works were undertaken without any form of approval is considered unacceptable. It is therefore recommended that action be taken in one of the following two ways:

- a) Imposition of a fine of \$500 per day that the works were undertaken without approval, being Friday 1 August, Saturday 2 August, Sunday 3 August and Monday 4 August (i.e. \$2,000) in modified penalties; or
- b) Commencement of legal action for a breach of the Scheme.

In accordance with the Environmental Protection (Clearing of Native Vegetation) Regulations 2004, a permit is required prior to clearing native vegetation unless that clearing is exempt. If prior Approval to the excavation and recontouring works has been obtained clearing of the native vegetation would have been exempt from the need to obtain a clearing permit.

As the removal of vegetation occurred without prior Development Approval, the clearing was not exempt from the need to obtain approval for the clearing of native vegetation was required. An offence has therefore also been committed

under the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 also.

Stabilisation of Soil

As a result of the stop work order issued on 4 August 2025, the recontouring works were ceased, leaving the area immediately behind the home uneven and the excavated embankment as it was. Due to the time taken for the landowner to seek approval, the exposed soils have been affected by wind and water. This has resulted in the adjacent landowner to the north being impacted by windblown soil.

To address the stability of the soils on Lot 77, it is recommended that the stop work order be suspended to:

- a) Allow the owner of Lot 77 to 'level off' the area immediately behind the home; and
- b) Implement suitable techniques to temporarily ensure the stabilisation of exposed soils whilst an amended application for Development Approval is prepared and processed. Such methods could include the use of shade cloth or other such material to cover or effectively screen the exposed areas.

The above said, no further excavation of soils should be permitted.

Conclusion

Despite being advised that prior Development Approval was required for both the Short Stay Accommodation and excavation/recontouring of the land, the owners of Lot 77 have proceeded without prior development approval. As a minimum it is recommended that the owners be issued modified penalties for:

- a) commencement of the short stay accommodation; and
- b) completion of unauthorised development over the first four days of August 2025.

If the landowner objects to or refuses to pay the modified penalties, legal action will be taken for non-compliance with Local Planning Scheme No 11.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005;
Local Government Act 1995.

POLICY / STRATEGIC IMPLICATIONS:

Clear breaches of the Shire's Local Planning Scheme No 11 have occurred. A failure to act would diminish the emphasis on the need to obtain prior Development Approval.

ORGANISATIONAL RISK MANAGEMENT:

Risk rating associated with no taking action is considered Moderate.

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

FINANCIAL IMPLICATIONS:

Should Council resolve to commence legal action, there will be a need to appoint solicitors to act on behalf of the Shire during legal proceedings. A reimbursement of legal costs would be sought if the action result in a successful prosecution.

SUSTAINABILITY:

Environmental: The stability of the limestone embankment at the rear of Lot 77 has been impacted by the works undertaken.

Economic: Nil.

Social: The works undertaken on Lot 77 have impacted on the adjacent landowner to the north's quite enjoyment of their property.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

- 1. Request the Chief Executive Officer issue the following modified penalties to the owners of Lot 77 (106) Mitchell Street, Horrocks for failure to obtain the Shire of Northampton's prior Development Approval as required by the provisions of Local Planning Scheme No 11:**

- a) A \$500 penalty for commencing the use of the subject land for short stay accommodation purposes; and
 - b) A total of four \$500 modified penalties for completing unauthorised works on the property during the period of 1 August to 4 August 2025;
2. Advise the owner of Lot 77 that failure to pay the modified penalties outlined in point 1 will result in formal legal action being commenced for multiple breaches of the Shire of Northampton's Local Planning Scheme No 10;
 3. Request the Chief Executive Officer to arrange for the Shire's Building Surveyor to proceed with a Building Order to require the modification of the garage abutting the northern boundary on Lot 77 to ensure structural independence from the parapet wall located on the adjacent Lot 76;
 4. Require removal of the retaining walls located within the Mitchell Street road reserve within a period of six (6) months;
 5. Take no further action in respect of the unauthorised retaining walls referred to within point 4 above, provided that the requirements of point 4 are met;
 6. Suspend the Written Direction to Cease Work on Lot 77 issued on 4 August 2024 to that extent necessary to allow the owner of Lot 77 to:
 - a) Level and stabilise the soil immediately at the rear of the existing home; and
 - b) To temporarily stabilise the exposed soil associated with the limestone embankment to prevent wind and soil erosion of that embankment.
 7. The owner of Lot 77 be advised that point 6 should not be construed as authority to proceed with any additional excavation or works associated with the alteration of existing contours on the property.

ATTACHMENTS

- 1** ➡ Attachment No 1 - 1984 Approved Plans for Carport 1 Page
- 2** ➡ Attachment No 2 - Show carport as existing garage 1 Page
- 3** ➡ Attachment No 3 - Approved Retaining Walls 2 Pages

ATTACHMENT**9.4.3 Executive Manager of Community, Development & Regulation
Quarterly Report for period 1 July 2025 to 30 September 2025**

PROPONENT	Shire of Northampton
OWNER	N/A
LOCATION / ADDRESS:	Whole of Shire
ZONE:	N/A
BUSINESS AREA:	Community, Development & Regulation
FILE REFERENCE:	N/A
LEGISLATION:	Various
AUTHOR:	Brian Robinson
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	30 October 2025
DECLARATION OF INTEREST:	Nil

BACKGROUND:

This agenda item has been prepared to assist Councillors in their understanding of the activities undertaken by the Executive Manager of Community, Development and Regulation and their business area for the period of 1 July to 30 September 2025. A copy of the report is shown attached.

ATTACHMENT: 9.4.3 (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 the period.

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:

Due to additional works required to facilitate construction of the Pedestrian Access Ramp at Northampton Community Centre, the total cost of construction exceeded the specific budget funding. The additional costs were able to be sourced from alternative general accounts associated with the maintenance of Shire property, ensuring overall compliance with the budget is maintained.

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 July 2025 to 30 September 2025 as shown at ATTACHMENT: 9.4.3 (1).

ATTACHMENTS

1 	Executive Manager Community Development & Regulation Quarterly Report for July to September 2025	7 Pages
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ATTACHMENT

9.4.4 Delegated Planning Decisions for October 2025

PROPONENT	Shire of Northampton
OWNER	Various
LOCATION / ADDRESS:	Various
ZONE:	Various
BUSINESS AREA:	Planning Services
FILE REFERENCE:	10.4.1
LEGISLATION:	<i>Planning and Development Act 2005</i> <i>Local Government Act 1995</i>
AUTHOR:	Kaylene Roberts
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	31 October 2025
DECLARATION OF INTEREST:	Nil

BACKGROUND:

To ensure the efficient and timely process of planning related applications, Council delegated 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 Schemes) 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 Development Approvals, detailing those decisions made by both Council and delegated authority in October 2025.

ATTACHMENT: 9.4.4 (1)**PUBLIC CONSULTATION UNDERTAKEN:**

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

COMMENT (Includes Options):

During October 2025 a total of six (6) applications were determined under delegated authority. **Table 1b** shows the number and value of development applications determined under both delegated authority and by Council for October 2025 compared to October 2024.

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

	October 2024	October 2025
Delegated Decisions	8 - \$89,286 **4	6 - \$851,703 **2
Council Decisions	2 - \$0.00	2 - \$2,500,000 *1
Total	10 - \$89,286	8 - \$3,351,703

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

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

	YTD 2024	YTD 2025
Delegated Decisions	58 - \$3,264,449 **23	63 - \$7,409,417 **22
Council Decisions	27 - \$5,184,517 **2	16 - \$3,226,412 **3 2 Refusals
Total	85 - \$8,448,966	79 - \$10,635,829

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

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 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 by all applicants 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 Planning Decisions for October 2025 as detailed in ATTACHMENT: 9.4.4 (1).

ATTACHMENTS

1 ➡ Attachment No.1: - Planning Decisions October 2025 1 Page

ATTACHMENT

9.4.5 Proposed Shed with Reduced Front Setback - Lot 292 Forrest Street, Northampton

PROPONENT	Norwest Building Group (Aussie Sheds)
OWNER	Mr C Crudeli
LOCATION / ADDRESS:	Lot 292 Forrest Street, Northampton
ZONE:	Rural
BUSINESS AREA:	Planning Services
FILE REFERENCE:	10.8.1.1 & A5323
LEGISLATION:	<i>Planning and Development Act 2005</i> <i>Planning and Development (Local Planning Scheme) Regulations 2015</i>
AUTHOR:	Brian Robinson
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	30 October 2025
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The subject land is a 1.1281ha property located on the corner of Forrest Street and Stone Street in the northeastern area of the Northampton townsite. The site is located in an area of similar lot sizes as shown on the location plan below.

Location Plan



As shown on the location plan above, the land is currently developed with a single dwelling and water tank, with the dwelling being in close proximity to Forrest Street. Approval is now being sought for the construction of a 7m wide, 12m deep skillion roof outbuilding with a maximum wall height of 4.612m. Plans

submitted with the application indicate it is proposed to be located 14m south of the existing dwelling with an 11m setback to Forrest Street. The outbuilding will be clad in ironstone coloured sheet metal. Copies of the submitted plans are shown attached.

ATTACHMENT: 9.4.5 (1)

Council is requested to determine the application as Shire Officers do not currently have delegated authority for relaxation of the front setback as proposed.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The provisions of the *Planning and Development (Local Planning Scheme) Regulations 2015* impose deemed to apply provisions for all local planning schemes in Western Australia. In accordance with clause 67 of the deemed to apply provisions, various matters must be taken into account when considering an application for development approval. Such matters include, but are not limited to:

- The aims and provisions of the Scheme;
- Any local planning policy for the Scheme area; and
- The compatibility of the development with its setting, including:-
 - (i) The compatibility of the development with the desired future character of its setting; and
 - (ii) The relation of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development.

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

Zoning

The provisions of the Shire's Local Planning Scheme No 10 (the Scheme) include the land within the Rural Zone.

Setbacks

As prescribed by clause 32(19) of the Scheme, development within the Rural Zone is required to comply with the following setbacks:

Front/Street:	20m;
Side:	10m;
Rear:	20m

Whilst the application complies with the side and rear setbacks, approval to the 11m setback to the front/street boundary may only be granted through a relaxation of the Scheme requirements.

Maximum Size/Height

In accordance with clause 32(23) of the Scheme, outbuildings located on land being less than 20ha within, or abutting a townsite boundary is required to comply with the following maximum sizes:

Maximum Size	240m ² ;
Maximum Wall Height:	4.0m
Total Maximum Height:	6.5m

Whilst the proposed shed complies with the maximum size requirements, a wall height of 4.612m exceeds the maximum wall height under the scheme. Notwithstanding this, as the proposed outbuilding is to be constructed using a skillion roof, the proposal complies with the maximum total height.

Relaxation of Standards

As prescribed by clause 34 of the Scheme, *“The local government may approve an application for development approval that does not comply with an additional site and development requirements, except for development of which the R-Codes apply or variations to land use permissibility contained in the zoning table”,* provided it is satisfied that:

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

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

Streetscape/Amenity

Forrest Street, north of Stone Street is currently constructed as a narrow (approximately 4m wide) unsealed road. The road provides access to three properties being Lots 292 (subject land), 293 and a larger rural property to the north (Lot 168).

The existing home on Lot 292 is setback just over 8 metres from the front/street boundary. Immediately north of Lot 292, the home on Lot 293 is setback approximately 12m from Forrest Street. Given the existing setbacks, it is considered that the proposed setback of 11m will not detrimentally impact on the current streetscape.

With respect to the proposed height, given that the skillion roof outbuilding will comply with the overall maximum height the scale of the development will not detrimentally impact on the amenity of the area. Conditional approval is therefore recommended.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005.

POLICY / STRATEGIC IMPLICATIONS:

The Shire of Northampton's Outbuildings Local Planning Policy (the Policy) identifies that outbuildings proposed on Rural land (generally less than 20ha) adjacent to settlements are to be determined in accordance with clause 3.5 of the Policy. The provisions of clause 3.5 are consistent with the requirements outlined within the Scheme.

ORGANISATIONAL RISK MANAGEMENT:

Risk rating is considered Insignificant.

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

FINANCIAL IMPLICATIONS:

The required application fee has been paid in accordance with the Shire of Northampton Schedule of Fees and charges as adopted by Council in association with the 2025-2026 annual budget.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Currently Lot 292 does not contain an outbuilding. Approval of the outbuilding as proposed will facilitate ongoing residential use and maintenance of the property.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council in accordance with Local Planning Scheme No 10 – Northampton, grant Development Approval in accordance with the plans and specifications shown at ATTACHMENT: 9.4.5 (1), subject to the following conditions:

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

Reference	Document Title	Date Received
1.	Site Plan	2 October 2025
2.	Floor Plan	3 October 2025
2.	Building Elevations	3 October 2025

2. The approved outbuilding is only to be used for general storage purposes associated with the predominant use of the land and unless otherwise approved by the Shire of Northampton shall NOT be used for habitation, commercial or industrial purposes;
3. Installation of a vehicle crossover is to be in accordance with the standards and specifications of the local government; and
4. All stormwater is to be disposed of on-site to the specifications and approval of the local government.

Advice Notes:

- a) This development approval is NOT a building permit. A building permit must be formally applied for and obtained from Building Services BEFORE the commencement of any site and/or development works.

ATTACHMENTS

- 1 ➡ Attachment No 1 - Copies of Submitted Plans 4 Pages

ATTACHMENT APPENDIX

9.4.6 Application for Stallholders Licence - Kalbarri Burger Van

PROPONENT OWNER	S & B McKillop Crown Land (Shire Holds Management Order)
LOCATION / ADDRESS:	Part Reserve 25307 Grey Street Roadside Parking Area Red Bluff Road
ZONE:	Local Recreation
BUSINESS AREA:	Community, Development and Regulation
FILE REFERENCE:	7.1.9
LEGISLATION:	<i>Planning and Development Act 2005 & Local Government Act 1995</i>
AUTHOR:	Brian Robinson
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	30 October 2025
DECLARATION OF INTEREST:	Nil

BACKGROUND:

An application has been received seeking approval to operate a mobile food van, being the “Kalbarri Burger Van” within Kalbarri. Initially approval was being sought to operate from Sally’s Tree, Corner of Grey and Clotworthy Street and Chinaman’s Beach during the following hours:

- i) Thursday and Friday – 4pm to 9pm; and
- ii) Saturday and Sunday – 11am to 2pm and 4pm to 9pm.

A copy of the documentation submitted in support of the application is shown attached.

ATTACHMENT: 9.4.6 (1)

Shire Officers discussed the application with the proponents and advised that the proposed locations of Sally’s Tree and Chinaman’s Beach were not consistent with the applicable Local Planning Policy and were unlikely to be supported. As a result, the applicants have advised a preference for the two locations reflected within the Policy and the carpark adjacent to the intersection of Grey and Clotworthy Streets.

Information provided by the applicants has identified that:

- a) They have just moved to Kalbarri and *“Not ready to retire yet we bought a food van hoping to operate in Kalbarri. We make, bake and pickle and cook whatever possible. Our sauces are all ours made with years of experience and passion and love”; and*
- b) *“We hope to be mainly stationed in town but also to be able to expand our operating base to include Caravan Parks (Red Bluff and Anchorage,*

Horrocks Beach, Port Gregory), the Bowling and Golf Club and also private residences re parties.”

Council is requested to determine the proposal as the application is not consistent with the provisions of Local Planning Policy – Mobile Food Vehicles.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

Within the Shire of Northampton, the following approvals are required to be obtained prior to the commencement of a mobile food vehicle business:

- a) Approval under the Shire’s relevant Local Planning Scheme (10 or 11);
- b) A Permit under the Shire’s Activities in Thoroughfares and Public Places and Trading Local Law 2017; and
- c) Approval under the Food Act 2008.

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

Local Planning Policy – Mobile Food Vehicles

Council adopted Local Planning Policy – Mobile Food Vendors (the Policy) at its Ordinary Meeting held on 15 March 2019. A copy of the Policy as adopted is appended.

APPENDIX: 9.4.6 (A)

Policy Objectives

As shown at Appendix: 9.4.6 (A), the policy objectives as follows:

- 2.1 *Provide guidance on the requirements for the operation of mobile food vehicles within the Shire of Northampton;*
- 2.2 *Allow mobile food vehicles to operate in locations which support the activation of underutilised public spaces;*
- 2.3 *Ensure mobile food vehicles operate in a way which complements existing food businesses within town sites;*
- 2.4 *Ensure mobile food vehicles are of a temporary nature;*
- 2.5 *Ensure mobile food vehicles do not unreasonably compromise the amenity of the surrounding residential area; and*
- 2.6 *Ensure mobile food vehicle operators practise safe food handling in accordance with the Food Act 2008.*

Approved Locations and Siting

The Policy states that the Shire may approve up to two (2) applications upon each of the following locations for mobile food vehicles to operate at one time in Kalbarri:

- Reserve 52436, adjacent to the Kalbarri Land-Backed Wharf (Site c); and
- Red Bluff Road (site D).

The applicant is proposing to operate from both of these locations.

Alternative locations may be considered if they meet the purpose of the policy. An assessment of the alternative locations is provided within the balance of this agenda item.

Alternative Locational Criteria

As outlined in clause 3.4.3 the following location requirements apply to all applications for a mobile food vehicle permit:

- a) *Mobile food vehicle permit holders are only permitted to trade in an approved location, which is to be at least 50m from an established food or beverage business and 500m from a business selling the same, or similar, food product during that business' trading hours;*
- b) *Mobile food vehicles are only permitted to trade at the locations detailed on their permits; and*
- c) *Mobile food vehicles will be located so as not to obstruct pedestrian flow or vehicular traffic.*

With respect to the alternative location of the carpark adjacent to the Grey Street and Clotworthy Street intersection, the following comments are offered:

- i) The Shire has already approved the operation of a seafood van and Wild Ocean Indonesian Cuisine from this location; and
- ii) Whilst there is a food premises location less than 200m north (The Gorges Café), that premises currently does not operate Monday or Tuesday and closes at 2pm on other days.

Provided that the operation of the food van is restricted to those hours when the Gorges Café is closed, the location will comply with the Policy provisions.

With respect to the original locations of Sally's Tree and Chinaman's beach, whilst these have been effectively withdrawn, it should be noted that these locations are not supported for the following reasons:

- i) The Sally's Tree location is within 150 metres of the Kalbarri Motel and Little Leaf Restaurant both of which sell the same or similar food products, being open during the proposed operating hours. This area is also regularly used for events. Approval to the location could compromise the level of parking available for general use and event activities; and
- ii) Chinaman's Beach area is within 500m of Little Leaf Restaurant which sells the same or similar food products during the proposed operation hours. Additionally, the current Chinaman's beach gravel carpark provided limited parking which is regularly subject to extremely high demand.

Although consideration could be given to allowing a Mobile Food Van at Chinaman's Point, carparking is also limited in this area.

Operation from Caravan Parks

As detailed within the background section of this agenda item, the applicant also indicated a desire to operate at a number of caravan parks within Kalbarri, Horrocks and Port Gregory. In accordance with clause 3.3.4 of the Policy, *“the trading of a mobile food van may be considered upon privately owned land (e.g. within caravan parks) on a case by case basis and will be subject to the requirements set out within the provisions of this policy”*.

As a result, permission may be granted to operate from a caravan park, provided that the location is more than 500m from a business selling the same or similar food. With general stores located in both Horrocks and Port Gregory, operation of a mobile food van in Horrocks or Port Gregory Caravan Park cannot be permitted during the operation hours of those general stores. Further detail is required however in terms of where the van would be operating from and the operating hours.

Conclusion

Approval to operate the Kalbarri Burger Van from the Kalbarri Wharf and the carpark adjacent to the intersection of Clotworthy and Grey Streets would be consistent with the provisions of the policy, provided that the activity occurs only outside of the Gorges Café official hours of trading. Approval to operate from the Red Bluff location as detailed in the policy would also comply with the policy.

It is therefore recommended that conditional approval be granted.

In terms of operating from the list of caravan parks, further details are required with respect to the caravan park operator’s permission, the proposed location and hours of operation. It is recommended that the applicants be invited to make further application once these details are known.

STATUTORY ENVIRONMENT:

In accordance with the Shire of Northampton Activities in Thoroughfares and Public Places and Trading Local Law 2017, a permit is required prior to a mobile food van trading within the Shire.

The provisions of the *Planning and Development Act 2005* also apply as detailed in the Comment Section above.

POLICY / STRATEGIC IMPLICATIONS:

Refer to Comment Section of agenda item.

ORGANISATIONAL RISK MANAGEMENT:

Risk rating associated with granting conditional approval as recommended is considered Minor.

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

FINANCIAL IMPLICATIONS:

The required application fee associated with the Development Approval has been paid. If approved, the applicant will be required to pay additional fees to operate under the Shire's Activities in Thoroughfares and Public Places and Trading Local Law 2017.

SUSTAINABILITY:

Environmental: Appropriate conditions of approval are required to ensure that the operation of a mobile food vehicle does not impact on the environmental or aesthetic aspects of an area.

Economic: Approval to the application will provide an economic opportunity to the applicant.

Social: The proposed operating hours are located outside of the normal business hours for business operating near the Kalbarri Wharf or the carpark adjacent to the Clotworthy and Grey Street intersection and will provide both residents and tourists with a different food opportunity. Operation of the vehicle at the Red Bluff Road site will provide beachgoers in that area will an opportunity to acquire food and drink.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

Grant Development Approval in accordance with the provisions of the Shire of Northampton's Local Planning Scheme No 11 subject to compliance with the following conditions:

- 1. Permission is granted to operation of the Kalbarri Food Van for the following locations:**
 - a) At the Kalbarri Land Backed Wharf;**
 - b) The carpark located adjacent to the intersection of Clotworthy Street and Grey Street; and**
 - c) Red Bluff Road (Site D) as contained within Local Planning Policy – Mobile Food Vehicles.**
- 2. Approval to operate at sites a) and b) as identified in condition number 1 shall restricted hours outside of the normal operating hours of food premises located within 500m of the site that sell like products;**
- 3. Unless otherwise approved by the Shire of Northampton the preparation of all food products shall be undertaken within the Mobile Food Vehicle and/or a kitchen approved for commercial production of food;**
- 4. The applicant is required to provide adequate rubbish disposal facilities, remove all rubbish associated with the operation and maintain a clean and sanitary conditions at all times;**
- 5. Any additions to, or change to the approved use (not the subject of this consent/approval) requires further application and planning approval for that use/addition;**
- 6. The Development Approval and Mobile Food Vehicle Permit is valid until 30 June 2026, after which further renewal of the approval by the local government is required annually. It is the responsibility of the operator to apply in good time before expiration, and the local government will not automatically re-issue approvals;**
- 7. The Mobile Food Vehicle Permit issued shall be displayed on the dash or another prominent visible location of the approved vehicle at all operating times;**
- 8. The approval is for one (1) Mobile Food Vehicle only and this approval is issued only to S & B McKillop and is NOT transferrable to any other person or to any other land parcel, without further application and approval of the Shire of Northampton. Should there be any change in respect of which this development approval is issued this approval shall no longer be valid;**

9. The Mobile Food Vehicle and associated services shall at no time interfere or obstruct the operations and activities of Reserve 25307 or any approved users of the Reserve and shall at no time cause obstruction to the access or traffic flow of the car parking area to the satisfaction of the local government;
10. Should substantiated ongoing complaints be received in relation to Condition No. 8 the Shire of Northampton reserves the right to review and/or revoke this Development Approval;
11. The applicant shall obtain Public Liability Insurance coverage to a minimum of \$20 million, and forward a copy of this certificate to the Shire of Northampton to comply with the provisions of the Shire of Northampton's Local Planning Policy – *Mobile Food Vehicles*;
12. The land use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibrations, waste product or otherwise; and
13. The Mobile Food Vehicle is required to be removed from the area at the close of business each day. The Mobile Food Vehicle is not to be stored within the approved operating area;

Advice Notes:

- a) Prior to commencement of the operation the proposed food vehicle is to be inspected and approved for use in accordance with the provisions of the Food Act 2008;
- b) Further to condition No 1 above, the applicant is invited to apply for additional locations, including on private land within caravan parks. Such applications shall be accompanied by details of the exact location and proposed operation hours to the satisfaction of the Shire of Northampton;
- c) This approval does not limit operation of the Food Vehicle at approved events; and
- d) The applicant is advised that Council determines the application renewal fee in accordance with the Shire of Northampton's *Schedule of Fees and Charges*;

ATTACHMENTS

1 ➡ Attachment No 1 - Copy of supporting details 6 Pages

APPENDICES

A ➡ Appendix A - Local Planning Policy - Mobile Food Vehicles 12 Pages

ATTACHMENT**9.5.1 Building Approvals Report September and October 2025**

PROPONENT	Shire of Northampton
OWNER	N/A
LOCATION / ADDRESS:	Whole of Shire
ZONE:	Northampton and Kalbarri
BUSINESS AREA:	Building
FILE REFERENCE:	N/A
LEGISLATION:	<i>Local Government Act 1995</i> <i>Building Act 2011</i> <i>Building Registrations 2012</i>
AUTHOR:	Michaela Simpson
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	10 November 2025
DECLARATION OF INTEREST:	Nil

BACKGROUND:

This report has been produced to assist Council understand the Building and Demolition Permits approved and issued for the period of 01 September 2025 to 30 September 2025, and 01 October 2025 to 31 October 2025. Spreadsheets detailing these permits are shown attached.

ATTACHMENT: 9.5.1 (1)

ATTACHMENT: 9.5.1 (2)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

During September 2025, eight (8) and October 2025, thirteen (13) building and demolition applications were determined under delegated authority.

STATUTORY ENVIRONMENT:

Nil.

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

Risk rating is considered insignificant.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response
Minor (2)	First aid injuries	\$1,001 - \$10,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response
Moderate (3)	Medical type injuries	\$10,001 - \$50,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Short term non-compliance but with significant regulatory 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 September 2025 and October 2025 in accordance with ATTACHMENT: 9.5.1 (1) and ATTACHMENT: 9.5.1 (2)

ATTACHMENTS

1 ➡ Building Approvals Report September 2025 1 Page

2 ➡ Building Approvals Report October 2025 1 Page

9.7.1 Proposed Honorarium for Chief Bush Fire Control Officer

PROPONENT	Shire of Northampton
OWNER	N/A
LOCATION / ADDRESS:	N/A
ZONE:	N/A
BUSINESS AREA:	Community, Development and Regulation
FILE REFERENCE:	5.1.1
LEGISLATION:	<i>Local Government Act 1995 & Bush Fire Act 1954</i>
AUTHOR:	Brian Robinson
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	31 October 2025
DECLARATION OF INTEREST:	Nil

BACKGROUND:

On 16 October 2025, Council resolved to appoint Ms Tatiana Vafiades as the Shire's Chief Bush Fire Control Officer (CBFCO). As Councillors are aware, the Shire's previous CBFCO was an employee of the Shire, and utilised resources such as telephone and vehicle provided by the Shire. Whilst a member of the Yallabatharra Bush Fire Brigade, Ms Vafiades is a private citizen.

As a volunteer, it is anticipated Ms Vafiades will incur personal costs whilst performing the duties of Chief Bush Fire Control Officer. Recognising the need to cover these costs, Councillors indicated a preference during the October 2025, for Ms Vafiades to be paid an honorarium. The payment of an honorarium to a volunteer CBFCO is common practice in Western Australia.

The purpose of this agenda item is to request that Council consider and endorse the payment of an honorarium for the balance of 2025/26 financial year.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

Honorariums are generally defined as a discretionary payment for voluntary services. In the case of an honorarium for a CBFCO, such a payment is usually made to cover costs associated performance of the duties associated with the position. Such costs are likely to include:

- Attendance at the Annual General Meeting of each Bush Fire Brigade
- Responding to bush fire incidents both in terms of attendance at management of the brigades' resources;
- Co-ordinating and attending Bush Fire Brigade Training Courses;
- Assisting the Shire in the identification of Personal Protective Clothing for brigades;

- Assisting the Shire co-ordinate a range of other matters relating to the operation of Bush Fire Brigades; and
- Monitoring fire conditions multiple times per day during the fire season and liaising with brigade captains and relevant Shire Officers over potential declaration harvest vehicle movement bans.

As Councillors are aware, the Shire's previous Chief Bush Fire Control Officer was an employee of the Shire, and utilised resources such as telephone and vehicle provided by the Shire.

Other Local Government Approaches

The role and responsibilities of a Chief Bush Fire Control Officer varies between local authorities and this effects the level of experience and qualifications required. Given these and other factors including the size of the local authority, the number of brigades and the number of brigade members, the level of honorarium paid varies significantly.

Below are some examples of honorariums being paid to CBFCO's in Western Australia for the 2025/26 financial year.

Shire of Capel	\$3,300
Shire of Manjimup	\$5,500
Shire of Merredin	\$1,000
Shire of Nannup	\$1,500
Shire of Jerramungup	\$3,850

It should be noted that a small number of other local governments pay a significantly larger honorarium, but the circumstances are greatly different from those at the Shire of Northampton. For example, the Shire of Northam previously advertised the position of Volunteer CBFCO with an honorarium of \$10,000 per annum. However, the Shire was seeking to appoint a person with an extensive range of qualifications and experience including Structural Fire Fighting and Machine Supervision.

Recommended Approach

Having regard to the costs that the Shire of Northampton's CBFCO is likely to incur and the range it is considered that an honorarium in the vicinity of \$4,000 per annum (pro rata) would be appropriate.

In the case of the 2025/26 financial year, it is noted that Ms Vafiades was appointed at the October 2025 Council meeting. Ms Vafiades will therefore by serving as CBFCO for a period of approximately 9 months, essentially including the full 2025/26 fire season. It is therefore recommended it would be appropriate for an honorarium of \$3,000 to be paid this financial year.

Similar to elected member payments, it is recommended that the honorarium should be paid in quarterly instalments of \$1,000, paid retrospectively. This will avoid any overpayments should the term of CBFCO be cut short for whatever reason. On this basis, the first instalment of the honorarium will be due at the end of December 2025.

Conclusion

Costs associated with the activities associated with a CBFCO have previously been met by the Shire given that the incumbent was a Shire employee. With a volunteer CBFCO now appointed, it is appropriate that the new incumbent is paid an honorarium. It is recommended that the Shire's annual budget for the 2025/2026 financial year be amended to allocate three payments of \$1,000 being one for each quarter of the financial year remaining.

STATUTORY ENVIRONMENT:

Local Government Act 1995.

POLICY / STRATEGIC IMPLICATIONS:

Recognising and meeting costs incurred by Volunteer CBFCO will ensure that the CBFCO does not have to personally meet costs associated with the position.

ORGANISATIONAL RISK MANAGEMENT:

Risk rating associated with payment of an honorarium to the CBFCO is considered minor.

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

FINANCIAL IMPLICATIONS:

Council's adopted 2025/26 annual budget does not contain an allocation for the payment of an honorarium to the CBFCO. In order to pay the proposed honorarium an amendment to the budget is required.

Through liaison with the Shire's Chief Executive Officer (CEO) it has been identified that there will be significant savings relating to the change over of the CEO's vehicle. It is therefore recommended that the funds required for the honorarium be sourced from this budget allocation.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: In order to retain a volunteer CBFCO it is important to ensure that they do not incur costs associated with the role.

VOTING REQUIREMENTS: ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. Agree to the payment of an annual honorarium to the Volunteer Chief Bush Fire Control Officer of \$4,000 per annum (pro rata), based on the payment of \$1,000 at the end of each quarter within the financial year to ensure that the volunteer does not incur costs associated with performance in the position; and
2. Amend the 2025/2026 budget, as adopted as follows:

Budget Item	Adopted Budget	Amended Budget	Variation
CEO Vehicle Replacement	\$96,700	\$93,700	\$3,000
Volunteer Chief Bush Fire Control Officer Honorarium	\$0	\$3,000	\$3,000
Net (\$)	\$96,700	\$96,700	\$0

9.7.2 Proposed Budget Amendment - Flight for Inspection of Annual Fire Break Compliance

PROPONENT	Shire of Northampton
OWNER	Various
LOCATION / ADDRESS:	Whole of Shire
ZONE:	Rural Zone
BUSINESS AREA:	Community, Development & Regulation
FILE REFERENCE:	5.1.1
LEGISLATION:	<i>Local Government Act 1995; and Bushfires Act 1954</i>
AUTHOR:	Brian Robinson
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	5 November 2025
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Enforcement of the fire mitigation requirements prescribed within the Shire's Annual Fire Break and Fuel Reduction Notice is extremely important in order to minimise the threat of fire to the community. Within the Rural area, the primary requirement is the establishment of external firebreaks around property boundaries.

Due to the nature and size of some rural land holdings and limited road access, the ability to undertake individual property inspections using a Shire vehicle is often extremely time consuming and, in some cases, difficult to arrange due to biosecurity restrictions.

This has resulted in many properties not being inspected for multiple years. Anecdotally, Shire Officers have been informed some of the larger rural landowners regularly do not comply with the Firebreak Notice requirements. Given the information received, Shire Officers now propose that an inspection be undertaken via a commercial plane service.

Council is requested to support an amendment to the current Shire budget to facilitate inspection of the rural areas by aircraft in order to complete compliance checks over substantial areas of the Shire.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

Within the 2025/26 adopted Budget, an allocation of \$65,000 was made for the purchase of new vehicle for the Shire Ranger together with an estimate of \$10,000 for trade of the original vehicle.

The purchase allocation was based on estimates including the need for a custom tray to ensure sufficient room to accommodate a fire slip on unit in

addition to a dog cage and other Ranger requirements. It was also assumed that a steel tray would be required. During the purchase of the vehicle, it was identified that the car manufacturer (Isuzu) had increased the size of the standard tray and that a new steel tray would not be required.

As a result, the total purchase price of the vehicle, slip on unit, livery and other requirements has resulted in a total spend of \$51,394.10, being \$13,605.90 below the budget allocation. It should also be noted that the Shire has deferred trading the original Ranger utility, allocating the utility to the grant funded position of Bushfire Risk Planning Co-ordinator. The Shire provision of a vehicle being a condition of the grant.

Given the above, \$3,605.90 of the budget allocation remains unspent. It is recommended that these funds be used to meet the cost of inspecting the district by aircraft.

Proposed Participants

It is proposed that three representatives will participate in the flight being:

- a) Shire Ranger – Brock Lucev, also a Deputy Chief Bush Fire Control Officer;
- b) The Shire's Chief Bushfire Control Officer – Tatiana Vafiades; and
- c) One of the other two Deputy Chief Bush Fire Control Officers being familiar with the rural area and farm structures.

The participation of two officers in addition to the Shire Ranger is supported as the additional two officers are detailed knowledge of farms/landholdings in the district. This will greatly assist the Shire Ranger in the identification of properties where non-compliance with the notice is observed.

Quotes Received

Preliminary quotes for the association flights have been sought from two operators in the Midwest, being Shine Aviation and Nationwest Aviation. The quotes received for a 3 hour flight are summarised as follows:

- a) Shine Aviation – a four seater aircraft (Cessna 172RG) out of Geraldton at a cost of \$1,925; and
- b) Nationwest Aviation – an 8 seater aircraft (Cessna 207) out of Kalbarri at a cost of \$3,300.

Although cost is a primary consideration, other factors are required to be considered such as:

- i) Payload of the aircraft,
- ii) Flight speed as too fast may result in properties being missed; and
- iii) Maximising the time completing the audit.

Information provided by Shine Aviation indicates that the four seater aircraft has a payload of 240kg. This payload weight may not be adequate for three adults to take part in the inspection program.

Nationwest Aviation have suggested a larger aircraft with a larger payload. The larger payload will apparently cater for not only the three officers, but additional fuel, allowing the aircraft to fly at a slower pace, which will provide additional time to identify and document non-compliance.

Finally, initiating the flight from Kalbarri will allow the audit to commence immediately after take-off. In comparison taking off from and landing in Geraldton will result in portion of the flight time being over adjacent local authorities.

Regional Price Preference

As detailed within Council's Corporate Policy 2.5 – Regional Price Preference in order to support local business, a regional price preference of 5.0% is applied to quotations provided by businesses located within the Shire, where the value of the quote is less than \$20,000. This ensures that the local business is awarded the contract where comparable quotes are received.

Prior to issuing a purchase order for the flight, a secondary quote will be sought from Shire Aviation for a larger aircraft.

Conclusion

At this stage of the fire season, it appears that there is a high level of non-compliance by private landowners. To facilitate inspections of larger rural properties, inspection using an aircraft is recommended. Whilst the need for a chartered flight to complete inspection of larger/remote properties was not recognised at the time of the budget formation, there is an opportunity to amend the budget given savings achieved on the replacement Ranger Vehicle.

STATUTORY ENVIRONMENT:

Local Government Act 1995 and Bushfires Act 1954.

POLICY / STRATEGIC IMPLICATIONS:

Enforcement of the annual Fire Break and Fuel Reduction notice is consistent with Desired Outcome 3.3 of the Shire's Strategic Community Plan 2025-2035, which is that *"we feel safe in our Shire and reliable access to services that support our health and wellbeing"*.

ORGANISATIONAL RISK MANAGEMENT:

The risk rating associated with not inspecting Rural and remote areas would be considered Major in the event of a Bushfire incident.

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 per comment section.

SUSTAINABILITY:

Environmental: Failure to install firebreaks has an impact on the ability to effectively respond to a fire incident. This can result in unnecessary environment impacts including the loss of native vegetation.

Economic: Bush Fire can have devastating impact on rural land and the associated rural economy.

Social: Bush Fire incidents and their associated impacts have the potential to impact on the social fabric of the community.

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council, in order to facilitate the inspection of rural and remote areas of the Shire to ensure compliance with the Shire of Northampton Annual Firebreak and Fuel Hazard Reduction Notice, amend the 2025/2026 budget, as adopted as follows:

Budget Item	Adopted Budget	Amended Budget	Variation
Ranger Replacement Vehicle	\$65,000	\$61,700	(\$3,300)
Chartered Flight for Annual Firebreak Inspection	\$0	\$3,300	\$3,300
Net (\$)	\$65,000	\$65,000	\$0

9.7.3 Request for Budget Amendment - Recognition of Local Government Grant Scheme Allocations for Kalbarri SES

PROPONENT	Shire of Northampton
OWNER	N/A
LOCATION / ADDRESS:	N/A
ZONE:	N/A
BUSINESS AREA:	Community, Development & Regulation
FILE REFERENCE:	5.1.5
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Brian Robinson
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	6 November 2025
DECLARATION OF INTEREST:	Nil

BACKGROUND:

As part of the Local Government Grant Scheme (LGGS), the Department of Fire and Emergency Services approved an allocation for the purchase of a new All-Terrain Vehicle (ATV) and associated trailer to replace a previously damaged unit.

Whilst the majority of the approved LGGS grant was incorporated into the Shire's 2025/26 budget, advice of the successful grant allocation was forwarded to the Kalbarri State Emergency Services unit. As a result, Shire Officers did not include reference to this aspect of the grant within the budget as adopted by Council.

As the Department of Fire and Emergency Services are now seeking to proceed with the there is a need to proceed with the order and purchase of the new trailer and ATV, an amendment of the budget is required to allow Shire Officers to issue the associated Purchase Orders. Council is therefore requested to amend the adopted 2025/26 annual budget to reflect the income and associated expenditure associated with this plant and equipment.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The Department of Fire and Emergency Services (DFES) has approved a grant for the acquisition of a replacement ATV and Trailer based on the following costs:

1. ATV at a cost of \$45,795 ex GST; and
2. 3.5 tonne Plant Trailer at a cost of \$10,980 (ex GST).

Following payment of invoices associated with above equipment, DFES will reimburse the Shire. As a result, both the purchase of the equipment and the

receipt of income must be reflected within the Shire's 2025/2026 Annual Budget.

STATUTORY ENVIRONMENT:

Local Government Act 1995.

POLICY / STRATEGIC IMPLICATIONS:

The acquisition of a new ATV and associated trailer will ensure that the Kalbarri SES are able to continue to provide rescue services where an ATV is required due to topography or access restrictions. Such plant and equipment contributes to the health and safety of the community and visitors, consistent with Desired Outcome 3.3 in the Shire of Northampton's Strategic Community Plan.

ORGANISATIONAL RISK MANAGEMENT:

Risk rating associated with amending the budget is considered insignificant.

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

FINANCIAL IMPLICATIONS:

With the costs being re-imbursed by the State of Western Australia, there are no financial implications.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Acquisition of the new equipment at the cost of the state ensures that Kalbarri State Emergency Service can provide their full suite of rescue services.

VOTING REQUIREMENTS: ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council in order to facilitate the purchase of a new/replacement All Terrain Vehicle and Trailer for the Kalbarri State Emergency Service, amend the 2025/26 annual budget as follows:

Budget Item	Adopted Budget	Amended Budget (ex GST)	Variation
New All Terrain Vehicle	\$0	\$45,795	\$45,795
New 3.5 Tonne Plant Trailer	\$0	\$10,980	\$10,980
DFES Grant for purchase of new SES All Terrain Vehicle and Plant Trailer	\$0	(\$56,775)	(\$56,775)
Net (\$)	\$0	\$0	\$0

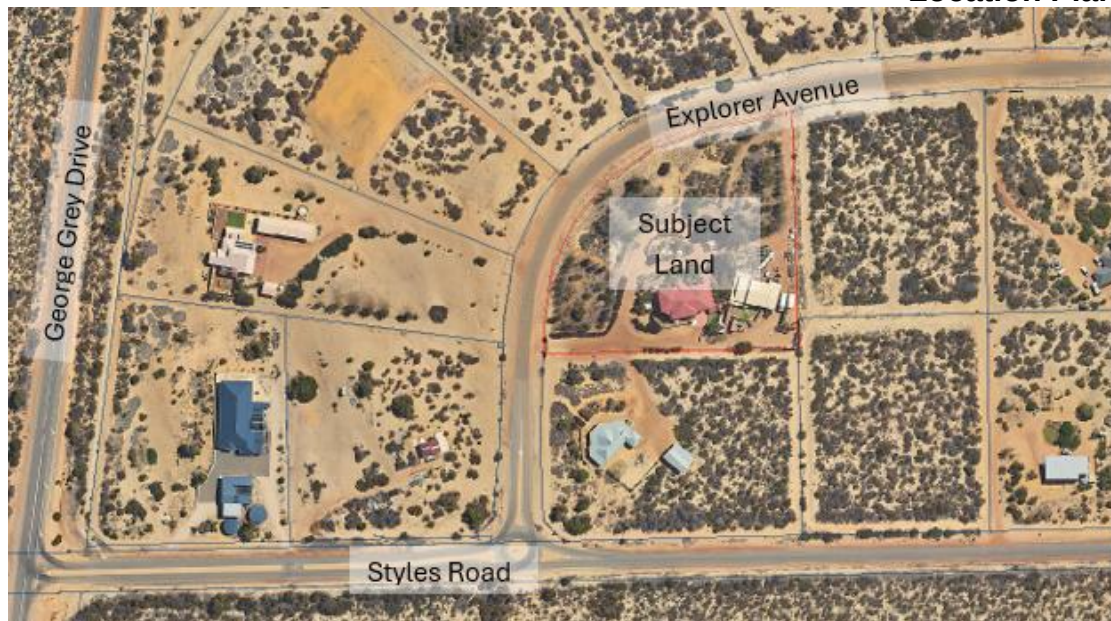
9.7.4 Application to Keep More Than Two Dogs - Lot 299 (24) Explorer Avenue, Kalbarri

PROPONENT	Y Hunt
OWNER	JC & YE Hunt
LOCATION / ADDRESS:	Lot 299 (24) Explorer Avenue, Kalbarri
ZONE:	Rural Residential
BUSINESS AREA:	Ranger Services
FILE REFERENCE:	5.3.1 & A3177
LEGISLATION:	<i>Dog Act 1976, Planning & Development Act 2005 & Local Government Act 1995.</i>
AUTHOR:	Brian Robinson
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	9 November 2025
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The subject land is a Rural-Residential lot located on the eastern side of Explorer Avenue as shown on the location plan below. The property which has an area of 1.3124ha is developed with a single dwelling and substantial outbuilding located on the southeast corner of the property.

Location Plan



An application has been received seeking an exemption to allow the keeping of more than two dogs on the property. As detailed in the correspondence, the applicant is a breeder of a rare breed of dog, the “*Bedlington Terrier*”, being one of only two in Western Australia. A copy of the correspondence received is shown attached.

ATTACHMENT: 9.7.4 (1)

As detailed in the correspondence received, the applicant is seeking to keep the following Bedlington Terriers:

Microchip Number (last 5 digits)	Description	Age	Sex	Sterilised
07903	Colour – Blue For breeding and showing.	4yrs 2 months	Male	No
75995	Colour – Sandy For breeding and showing	4 years 7 months	Female	No
72728	Colour – Liver For showing	7 years 9 months	Male	Yes
63319	Colour – Blue For showing	8 years 8 months	Female	Yes

The applicant has indicated that the dogs are kept within a fenced enclosure with access to an air-conditioned room on hot days. This is both to prevent them escaping and protect them from snakes. Puppies are kept in a separate yard to the adult dogs until they leave for their new homes.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The maximum number of dogs permitted on a property within the Shire is regulated by provisions of the *Dog Act 1976* and the Shire of Northampton Dog Local Law. To assist Council in assessing this application, the following comments are offered:

Dog Act 1976

In accordance with Section 26 of the *Dog Act 1976 (Act)*, a local government may, by local law made under the *Act*, limit the number of dogs over the age of three months that may be kept at premises in the district, or limit the number of dogs of a breed that may be kept.

Under Section 26(2) of the *Act*, any local law may “*limit the number of dogs that can be kept in or at a premises to 2, 3, 4, 5 or 6 only*” The Local Law cannot prevent the keeping in or at a premises of one or 2 dogs over the age of 3 months and any pup of those dogs under the age. There is therefore an “as of right” ability to have 2 dogs in or at a premises.

An exemption to the specified maximum number may be granted subject to conditions, including the approval being tied to the dogs for which approval is sought. An approval may not be granted for more than 6 dogs over the age of 3 months. An exemption may be revoked or varied at any time under clause 26(3)(c) of the *Act*.

Dog Local Law 2017

Part 3.2 of the Shire of Northampton's *Dogs Local Law 2017* states:

- (2) *The limit on the number of dogs which may be kept on any premises is for the purpose of section 26(4) of the Act –*
 - (a) *2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situation within a townsite;*
or
 - (b) *4 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated out of a Townsite.*

As the subject land is located within the Kalbarri townsite, the keeping of four dogs as proposed may only be granted through an exemption from the Local Law limitation under clause 26(3) of the *Act*.

Shire of Northampton Policy

In order to guide the assessment of applications to keep more than two dogs, Council adopted Ranger Policy 11.1.1 – Application to Keep Additional Dogs or Cats at its Ordinary Meeting held on 17 October 2024. In accordance with the Policy, the following outlines that applications shall only be supported in the following circumstances:

- a) A maximum of three (3) dogs being approved on a single premises within a townsite;
- b) A maximum of five dogs (5) dogs being approved on a single premises outside of a townsite;
- c) The reason for requesting more than the number of dogs/cats prescribed by the local laws is as a result of:
 - i. To replace an elderly or sick dog in the family that it is not expected to live;
 - ii. Sudden family emergency and dog inherited;
 - iii. Merging of two households;
 - iv. Where the applicants have had approved to keep more than prescribed number in another local authority.
- d) The existing dogs/cats on the premises are registered.
- e) The application does not relate to a restricted or declared breed.
- f) The property has been inspected and deemed suitable by Shire Officer's authorised under the Dog Act 1976 and/or Cat Act 2011.

It should be noted that the policy provisions were drafted so as to apply to all properties in a townsite, including residential premises of a range of sizes. In this case given that the landholding is larger than 1.3ha, an increase from the maximum number set out in point a) above.

The premises have been inspected by a Shire Ranger who has advised that the kennels and associated yard are in an immaculate condition. A search of Council records indicates that no noise or other dog related complaints have been received regarding dogs on the property.

Kennel Licensing

A kennel is generally defined as any structure or land used for the boarding or breeding of dogs. In this instance, requiring the applicant to register as a kennel is not considered to be required on the grounds that the owner only has two dogs capable of being bred. Under the *Act* any premises may have dog dogs that are capable of being bred “as of right”.

Local Planning Scheme Provisions

The provisions of the Shire’s Local Planning Scheme No 11 (the Scheme) define an Animal Establishment as *premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry – intensive or veterinary centre*. It should be noted that an Animal Establishment is a prohibited use within the Rural-Residential Zone.

Given that the keeping of dogs which are capable of being bred is permitted “as of right”, the land use should not be categorised as an “Animal Establishment”.

Conclusion

The applicant is a dog breeder who is keeping two unsterilised dogs for the purposes of breeding. The other two older dogs are no longer capable of being bred but have been kept for showing and companionship.

Given the size of the property, the manner in which the dogs are to be kept and the fact that no complaints have been received regarding dogs on the property, it is recommended that conditional approval be granted.

STATUTORY ENVIRONMENT:

Dog Act 1976 and Planning and Development Act 2005.

POLICY / STRATEGIC IMPLICATIONS:

Refer to comment section of agenda item.

ORGANISATIONAL RISK MANAGEMENT:

The risk rating associated with granting an exemption to the maximum number of dogs as proposed is considered insignificant given that the exemption may be revoked in accordance with section 26 of the *Dog Act 1976* at any time.

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 registration for all dogs' subject of this approval must be maintained.

SUSTAINABILITY:

Environmental: Nil.

Economic: Approval to the application will permit the landowner to continue breeding dogs whilst keeping the two older sterilised dogs.

Social: The showing of dogs has potential to provide economic and socialising opportunity for the applicant.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council under Clause 26(3) of the *Dog Act 1976* grant an exemption to the maximum number of dogs to be kept at or in any premises as prescribed by the Shire of Northampton Dog Local Law 2017 and grant approval to the keeping of four dogs on Lot 199 (24) Explorer Avenue Kalbarri, subject to compliance with the following conditions:

1. This approval relates the keeping of the following dogs and pups from those dogs not exceeding 3 months of age only:

Microchip Number (last 5 digits)	Description	Age	Sex	Sterilised
07903	Colour – Blue For breeding and showing.	4yrs 2 months	Male	No
75995	Colour – Sandy For breeding and showing	4 years 7 months	Female	No
72728	Colour – Liver For showing	7 years 9 months	Male	Yes

63319	Colour – Blue For showing	8 years 8 months	Female	Yes
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2. The owner ensuring that the registration and registration details relating to each dog/cat are kept up to date at all times; and
3. The animals hereby approved shall be managed so as not to create a nuisance as defined by the Dog Act 1976 in the case of Dogs or the clause 5.2.4 of the Shire of Northampton Health Local Laws 2007 in the case of cats.

Advice to Applicant:

- a. The applicant is advised that the Shire of Northampton reserves the right to revoke this approval should any of the above conditions be met, or any complaints and/or nuisance results from the keeping of the additional dogs/cats on the premises.
- b. The applicant is advised that this approval is not transferrable to other dogs or another property.
- c. The keeping of more than two unsterilised dogs for the purposes of breeding is defined as an “Animal Establishment” in accordance with the provisions of Local Planning Scheme No 11 – Kalbarri Townsite. An “Animal Establishment” is a currently a prohibited use on the land.

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

PROPONENT	Executive Manager of Works and Technical Services
OWNER	N/A
LOCATION / ADDRESS:	Whole of Shire
ZONE:	All
BUSINESS AREA:	Works and Technical Services
FILE REFERENCE:	N/A
LEGISLATION:	N/A
AUTHOR:	Tina Souroup
APPROVING OFFICER:	Neil Broadhurst
DATE OF REPORT:	6 November 2025
DECLARATION OF INTEREST:	Nil.

BACKGROUND:

The following works, in addition to routine maintenance work, 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 –Sudlow, Chilimony, Trevenson, Ogilvie West, Jackson, Pigeon Well, Bowes Spring, Wundi, Chisholms, Elliot, Teakle, Isachar, Little Bay, Willigully, Rose Hill, Bowes River, Larrard, Suckling, Hosken, Johnson, Cripps, Bandy, Frosty Gully, Mitchell, Gill, James, Elliot Street, Carson, Blank, King, Rose, Percy, Olivier, and Kalbarri Tip Road/s.
- Other Roads, Pothole repairs - Unsealed Roads Gravel Sheeting / Verge work undertaken on – Isseka Back, Chilimony, Johnson, Ogilvie East, Balla Whelarra, Binnu East, Elliot, James, Isseka East and Hutt River Road/s.
- Culvert repairs and clean out undertaken on – Bishop Gully, Johnson, Hatch, Harvey, Isseka East, Jackson and Wundi Road/s.
- Verge Cleanup work undertaken on – Harvey, Bowes Spring, Ogilvie West and Explore 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 preparation and cleanup works.

A copy of the Executive Manager for Works and Technical Services – Program and Progress Report, October/ November 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 October / November 2025. In accordance with ATTACHMENT 9.8.1 (1).

ATTACHMENTS

1 ➡ Works Program and Progress Report 4 Pages

9.8.2 Consideration of Request for Tender 01-2026 Fifth Avenue Drainage Upgrade Works

PROPONENT	Shire of Northampton
OWNER	State of Western Australia
LOCATION / ADDRESS:	Fifth Avenue, Northampton
ZONE:	N/A
BUSINESS AREA:	Works and Technical Services
FILE REFERENCE:	RFT 01-2026
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Andrew Campbell
APPROVING OFFICER:	Andrew Campbell
DATE OF REPORT:	11 November 2025
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Fifth Avenue Drainage Upgrade Works has been part of the Shire's capital program since 2023/24. Delays from staff in progressing this project for various reasons has culminated in the Request for Tender (RFT) 01-2026 Fifth Avenue Drainage Upgrade Works (the project) in an attempt to meet grant funding deadlines of 30 January 2026.

Three Tenders were received as part of the process however one of those three Tenders was rejected due to failure to submit a response before the closing time. The purpose of this agenda report is for Council to consider awarding of the Tender.

PUBLIC CONSULTATION UNDERTAKEN:

The project was advertised under Statewide Public Notice in the West Australian on Saturday 4 October 2025 and locally through the Geraldton Guardian and on the Shire website soon after. The close of RFT was 21 October 2025 and this matter is being presented to the next available Council meeting which is 20 November 2025.

COMMENT (Includes Options):

Funding for the project includes the following amounts:

Source	Amount
Roads to Recovery	\$342,983
Municipal Funding	\$187,191
Total	\$530,174

WALGA Preferred Supplier, Greenfields Technical Services was engaged to produce detailed design drawings, specifications and the RFT package. They were also engaged to complete the Tender assessment on behalf of the Shire of Northampton. Funding for this consultancy engagement comes directly from

the project which currently totals \$15,130. An additional \$8,852 has been spent with Quantum Surveys plus \$200 on signage for a total spent to date of \$24,182. This will leave a project balance of \$505,992.

During the Tender assessment two Tenderers were assessed:

1. Oaks Civil and Rail was deemed non-conforming due to significant departures from the Special Conditions of Contract and specification requirements.
2. Polecat Civil provided a conforming Tender. Their price submitted was \$649,200 (ex GST) and they stated that it would not be fully completed until March 2026.

Polecat Civil's conforming Tender submission presents two issues for the Shire. It is \$143,208 more than the remaining allocated Shire budget, and the completion date of 30 March 2026 does not meet the grant funding deadline of 30 January 2026.

To overcome these matters, it is recommended that Council not award Request for Tender 01-2026 Fifth Avenue Drainage Upgrade Works at this time and instead:

1. Seek an extension from Roads to Recovery until 30 June 2026 on the basis of significant project cost escalation;
2. Subject to receiving approval to point 1, revise/reduce the RFT scope; and
3. Re-Tender the project based on the revised RFT scope.

If the extension to the deadline for the Roads to Recovery funding is not provided, the Shire will have to return the grant funds in its entirety.

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 Level 2 Minor based on the recommendation to Council. If the grant funding timeline cannot be extended and the Shire has to hand back the money, potentially reputational damage at a higher level will occur.

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 detailed in the report.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. Not award RFT 01-2026 01-2026 Fifth Avenue Drainage Upgrade Works on the basis of total cost and grant funding deadlines not able to be achieved;
2. Request the Chief Executive Officer to apply for a timeframe extension to 30 June 2026 for the Roads to Recovery grant funding applicable to the project;
3. Subject to obtaining approval extending the timeframe of the grant to 30 June 2026, revise and/or reduce the project scope to make the project more affordable; and
4. Subject to completion of point 2. and 3. above, re-Tender the project as soon as practicable.

10. LATE REPORTS:

11. QUESTIONS FROM MEMBERS:

11.1 Response to questions from members taken on notice.

11.2 Questions from members.

12. MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING:

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

14. APPLICATIONS FOR LEAVE OF ABSENCE:

15. CLOSURE:

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