MINUTES

COUNCIL MEETING

21 SEPTEMBER 2026

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SHIRE OF NORTHAMPTON

Minutes of the Ordinary Meeting of Council held in the Council Chamber, Hampton Road, Northampton, Monday, 21 September 2026..

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS:

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

2. ANNOUNCEMENTS BY THE PRESIDENT:

Acknowledgement of Country

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

3. ATTENDANCE:

PRESENT:

Councillors

Cr Liz Sudlow (Shire President)
Cr Richard Burges (Deputy President)
Cr Karl Suckling
Cr Roslyn Suckling
Cr Chad Smith

Staff

Mr Kenn Donohoe (Temporary Chief Executive Officer)
Mr Brian Robinson (Executive Manager of Community, Development and Regulation)
Mr Jamie Muir (Executive Manager Works and Technical Services)
Mrs Leanne Rowe (Manager Financial Services)
Mrs Michelle Allen (Manager Corporate Services)
Mrs Kaylene Roberts (Planning Officer)

Gallery

Margaret Clancy, Helen Allen

3.1 Apologies: Nil

3.2 Leave of Absence:

Cr D Pike was granted a Leave of Absence at the Ordinary Meeting of Council held on Thursday 20th August 2026.

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.]

Temporary Chief Executive Officer, Kenn Donohoe, declared a financial interest in relation to item 14.1 – Chief Executive Recruitment, Performance and Termination Panel – Consideration of Contractual Negotiations and Future Options – as he holds a contract with the Shire of Northampton as Temporary Chief Executive Officer and knows candidates personally.

Cr Liz Sudlow declared a financial interest in relation to item 9.8.1 - Proposed Policy – Sourcing and Use of Gravel for Road Construction and Maintenance – as she currently supplies gravel to the Shire of Northampton.

Cr Karl Suckling declared a financial interest in relation to item 9.8.1 - Proposed Policy – Sourcing and Use of Gravel for Road Construction and Maintenance – as he currently supplies gravel to the Shire of Northampton.

Cr Chad Smith declared a financial interest in relation to item 9.4.5 - Proposed Temporary Accommodation at Lot 9000 Settlers Loop, Northampton – as the applicant is a client of Cr Smith.

5. PUBLIC QUESTION TIME:

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

Due to equipment failure, there is no recording available.

Margaret Clancy and Helen Allen attended the meeting in relation to Item 9.4.4 Application to Keep More than Two Dogs – Stephen Street Northampton.

Margaret Clancy spoke seeking Council to give her more time to reduce the number of dogs on her property.

6. PRESENTATIONS:

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

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

- 26/08/2026 - Northampton Economic Development Project (NEDP) Control Meeting with RDA, MWDC and Main Roads WA
- 01/09/2026 – Andrea Teakle and Cresta Viellaris Ten4Ten Project via Teams.

- 01/09/2026 – Horrocks Community Foreshore Public Meeting at Horrocks.
- 02/09/2026 – WALGA Forum and State Council Meeting, Metro Council Meeting at Council House Perth.
- 02/09/2026 – Neil Douglas, McLeods Lawyers at Claremont, Perth.
- 04/09/2026 – Kalbarri Arts and Craft Group 50th Year Anniversary Exhibition.
- 11/09/2026 – Audit, Risk and Improvement Committee (ARIC) meeting at Northampton Chambers.
- 11/09/2026 – Special Meeting of Council at Northampton Chambers.
- 11/09/2026 – Informal meeting to discuss medical services in Shire of Northampton at Northampton Chambers.
- 12/09/2026 – Shire of Northampton trade stand at the Northampton Show.
- 14/09/2026 – Funeral of Mr Bill Henville, pioneer of Balla district.
- 14/09/2026 – Ten4Ten meetings with Andrea Teakle (CDO), Northampton Lions Club, Ellen and Martin Nightingale, Kalbarri Development Association.
- 16/09/2026 – Mayors and Presidents' Forum at WALGA Convention, including Mayors and Presidents Head of Agency Lunch in Perth.
- 17-18/09/2026 – WALGA Convention, Perth.

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

- 07/09/2026 – Kalbarri Visitor Centre meeting.
- 11/09/2026 – Audit, Risk and Improvement Committee (ARIC) meeting at Northampton Chambers.
- 11/09/2026 – Special Meeting of Council at Northampton Chambers.
- 11/09/2026 – Informal meeting to discuss medical services in Shire of Northampton at Northampton Chambers.
- 16/09/2026 – Mayors and Presidents' Forum at WALGA Convention, including Mayors and Presidents Head of Agency Lunch in Perth.
- 17-18/09/2026 – WALGA Convention, Perth.

Since the last Council meeting **Cr C Smith** reported on his attendance at:

- 26/08/2026 - Northampton Economic Development Project (NEDP) Control Meeting with RDA, MWDC and Main Roads WA.
- 07/09/2026 – Kalbarri Visitor Centre meeting.
- 11/09/2026 – Audit, Risk and Improvement Committee (ARIC) meeting at Northampton Chambers.
- 11/09/2026 – Special Meeting of Council at Northampton Chambers.
- 11/09/2026 – Informal meeting to discuss medical services in Shire of Northampton at Northampton Chambers.
- 16/09/2026 – Mayors and Presidents' Forum at WALGA Convention, including Mayors and Presidents Head of Agency Lunch in Perth.
- 17-18/09/2026 – WALGA Convention, Perth.

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

- 01/09/2026 – Bush Fire Advisory Committee meeting at Northampton Chambers.

- 11/09/2026 – Audit, Risk and Improvement Committee (ARIC) meeting at Northampton Chambers.
- 11/09/2026 – Special Meeting of Council at Northampton Chambers.
- 11/09/2026 – Informal meeting to discuss medical services in Shire of Northampton at Northampton Chambers.

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

- 26/08/2026 - Northampton Economic Development Project (NEDP) Control Meeting with RDA, MWDC and Main Roads WA.
- 01/09/2026 – Horrocks Coastal Erosion meeting at Horrocks.
- 11/09/2026 – Audit, Risk and Improvement Committee (ARIC) meeting at Northampton Chambers.
- 11/09/2026 – Special Meeting of Council at Northampton Chambers.
- 11/09/2026 – Informal meeting to discuss medical services in Shire of Northampton at Northampton Chambers.
- 12/09/2026 – Shire of Northampton trade stand at the Northampton Show.
- 17/09/2026 – Ten4Ten Project via Teams.

6.5 Conference reports:

Cr L Sudlow reported that four Councillors, being Cr R Burges, Cr D Pike, Cr C Smith and Cr L Sudlow had attended the WALGA Annual Convention. The annual event provides an opportunity for networking and engagement across the local government sector.

Highlights of this year's Convention included the keynote address by Australian swimming champion Ariarne Titmus and her coach, Dean Boxall. Councillors also considered their visit to Parliament House and meeting with the Shadow Minister for Local Government, Kirrilee Warr, to be a highlight of the event.

7. CONFIRMATION OF MINUTES:

MOVED: Burges, R **SECONDED: Suckling, K**
09/26-181

That the Minutes of the Ordinary Meeting of the Council held on 20 August 2026, and the Minutes of the Special Meeting of the Council held on 1 September 2026, and the Minutes of the Special Meeting of the Council held on 11 September 2026 be confirmed.

MOTION CARRIED 5/0

FOR	**AGAINST**
Cr L Sudlow	
Cr R Burges	
Cr K Suckling	
Cr R Suckling	
Cr C Smith	

8. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:

Nil

9. OFFICERS' REPORTS:

9.2.1	2025 Compliance Audit Return
9.2.2	Monthly Financial Statements for the Period Ending 31 July 2026
9.2.3	Proposed August 2026 List of Accounts for Endorsement on 21 September 2026
9.3.1	Analysis of Shire of Northampton Freehold Land - Potential for Land Disposal
9.3.2	Kalbarri Open Air Music Festival proposed dates for 2027
9.3.3	Proposed Budget Amendment to Recognise State Library Grant Funding
9.4.1	Retrospective Approval to Proposed Retaining Wall at Lot 29 (No. 5) Phelps Loop, Kalbarri
9.4.2	Planning Decisions for August 2026
9.4.3	Proposed Dwelling and Outbuilding including Ancillary Accommodation with Reduced Setbacks on Lot 26 (No. 6) Amber Vista, Kalbarri
9.4.4	Application to Keep More Than Two Dogs - Stephen Street, Northampton
9.4.5	Proposed Temporary Accommodation at Lot 9000 Settlers Loop, Northampton
9.4.6	Proposed Change of Use from a 'Dwelling' to a 'Holiday House" at Lot 1 (No. 52) Smith Street, Kalbarri
9.5.1	Building Activity Report August 2026
9.6.1	Application for Stallholders Licence - Trading Location Variation - Scotty's Burger Van
9.6.2	Application to Operate a Mobile Food Vehicle - Pilbara Fish Truck
9.8.1	Proposed Policy - Sourcing and Use of Gravel for Road Construction and Maintenance

ATTACHMENT

9.2.1 2025 Compliance Audit Return

PROPONENT	Shire of Northampton
OWNER	Shire of Northampton
LOCATION / ADDRESS:	Whole of Shire
ZONE:	All
BUSINESS AREA:	Office of CEO
FILE REFERENCE:	1.1.3
LEGISLATION:	*Local Government Act 1995*
AUTHOR:	Michelle Allen
APPROVING OFFICER:	Kenn Donohoe
DATE OF REPORT:	17 August 2026
DECLARATION OF INTEREST:	Nil

BACKGROUND:
Each year, the Chief Executive Officer (CEO) is required to prepare and submit a Compliance Audit Return (CAR) to the Department of Local Government, Sport and Cultural Industries (DLGSC) through a prescribed online questionnaire.

In accordance with Regulation 14 of the *Local Government (Audit) Regulations 1996*, the CEO is responsible for preparing the CAR, which is to be reviewed by the Audit, Risk and Improvement Committee (ARIC) before being presented to Council for adoption, with or without amendment.

Following the departure of the former CEO, Andrew Campbell, the Temporary CEO, Kenn Donohoe, oversaw the completion of the 2025 CAR. At the time of preparing this report, the CAR was to be presented to ARIC for review at its meeting held on 11 September 2026. Following review by ARIC, the CAR is presented to Council for adoption.

Subject to Council's adoption, the CAR will be submitted to the DLGSC by 30 September 2026, in accordance with legislative requirements.

A copy of the completed CAR is attached for Council's consideration.

ATTACHMENT: 9.2.1 (1)

PUBLIC CONSULTATION UNDERTAKEN:
Nil.

COMMENT (Includes Options):

The Western Australian Government introduced significant reforms to the local government audit and governance framework through the *Local Government Amendment Act 2024*. The reforms amended the *Local Government Act 1995*

to establish a new framework for Audit, Risk and Improvement Committees (ARICs).

The new framework broadened the role of audit committees beyond traditional financial and audit matters to include risk management, governance, compliance and continuous improvement. It also strengthened requirements relating to committee independence, including the appointment of an independent presiding member.

The new ARIC provisions commenced on 1 January 2026, with a six-month transition period provided for local governments to implement arrangements that complied with the new requirements. The transition period concluded on 30 June 2026.

Transition at the Shire of Northampton

In preparation for the legislative changes, the Shire reviewed its existing Audit and Risk Management Advisory Committee arrangements.

At the Special Council Meeting held on 20 October 2025, Council resolved to change the title of the committee to the Audit, Risk and Improvement Committee and adopted revised membership arrangements and Terms of Reference.

The final meeting of the Shire's Audit and Risk Management Advisory Committee was held on 1 August 2025. The first meeting of the newly established Audit, Risk and Improvement Committee (ARIC) was subsequently held on 16 December 2025, in preparation for the commencement of the new statutory framework on 1 January 2026.

The Shire subsequently implemented the new ARIC arrangements, including the appointment of an Independent Presiding Member. A Council report considered in April 2026 confirmed that the Shire had met the new ARIC requirements.

The establishment of the Shire's ARIC represents the continuation and development of its longstanding audit and risk governance arrangements in response to the State Government's legislative reforms. The new framework provides a broader focus on audit, risk management, governance, compliance and continuous improvement, together with increased independence in committee membership and leadership.

STATUTORY ENVIRONMENT:
The *Local Government Act 1995* requires every Local Government in Western Australia to submit a Compliance Audit Return annually by 31 March however the Local Government Inspector deferred the 2025 CAR deadline to 30 September 2026.

POLICY / STRATEGIC IMPLICATIONS:
Nil.

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

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

FINANCIAL IMPLICATIONS:
Nil.

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

VOTING REQUIREMENTS: **SIMPLE MAJORITY**

OFFICER RECOMMENDATION:

That Council:

1. **Notes the Audit, Risk and Improvement Committee's review and adoption of the Compliance Audit Return for the period 1 January to 31 December 2025, as contained in ATTACHMENT 9.2.1(1);**

2. **Acknowledges that the Audit, Risk and Improvement Committee has considered the Compliance Audit Return and is satisfied with**

its contents, with no further recommendations arising from its review;

3. **Resolves to adopt the Compliance Audit Return for the period 1 January to 31 December 2025, as presented in ATTACHMENT 9.2.1(1), in accordance with regulation 14 of the *Local Government (Audit) Regulations 1996*; and**
4. **Provides a certified copy of the Compliance Audit Return for the period 1 January to 31 December 2025 to the Local Government Inspector.**

COUNCIL RESOLUTION:

MOVED: Smith, C SECONDED: Suckling, R

09/26-182
That Council:

1. **Notes the Audit, Risk and Improvement Committee's review and adoption of the Compliance Audit Return for the period 1 January to 31 December 2025, as contained in ATTACHMENT 9.2.1(1);**
2. **Acknowledges that the Audit, Risk and Improvement Committee has considered the Compliance Audit Return and is satisfied with its contents, with no further recommendations arising from its review;**
3. **Resolves to adopt the Compliance Audit Return for the period 1 January to 31 December 2025, as presented in ATTACHMENT 9.2.1(1), in accordance with regulation 14 of the *Local Government (Audit) Regulations 1996*; and**
4. **Provides a certified copy of the Compliance Audit Return for the period 1 January to 31 December 2025 to the Local Government Inspector.**

MOTION CARRIED 5/0

FOR	**AGAINST**
Cr L Sudlow	
Cr R Burges	
Cr K Suckling	
Cr R Suckling	
Cr C Smith	

ATTACHMENT

9.2.2 Monthly Financial Statements for the Period Ending 31 July 2026

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:	*Local Government (Financial Management) Regulation 1996, Local Government Act 1995*
AUTHOR:	Leanne Rowe
APPROVING OFFICER:	Kenn Donohoe
DATE OF REPORT:	28 August 2026
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 July 2026, 2026, are detailed from page 1 to page 23 per the attached Monthly Financial Report.

A copy of the Monthly Financial Report is attached.

ATTACHMENT: 9.2.2 (1)

PUBLIC CONSULTATION UNDERTAKEN:
Nil.

COMMENT (Includes Options):
A summary of the 31 July 2026 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 $508,241 (84.08%). Variance due to timing as the financial year progresses.

- Operating expenditure was below year-to-date budget by $959,795 63.43% due to timing as the year progresses with budgeted works.

- The 2025/26 final position was being ascertained in preparation for the 2026/27 Budget.

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

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 July 2026 as detailed in ATTACHMENT: 9.2.2(1).

COUNCIL RESOLUTION:

MOVED: Suckling, K SECONDED: Smith, C

09/26-183
That Council receives the Monthly Financial Report for the period ending 31 July 2026 as detailed in ATTACHMENT: 9.2.2(1).

MOTION CARRIED 5/0

FOR	**AGAINST**
Cr L Sudlow	
Cr R Burges	
Cr K Suckling	
Cr R Suckling	
Cr C Smith	

ATTACHMENT

9.2.3 Proposed August 2026 List of Accounts for Endorsement on 21 September 2026

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:	*Local Government (Financial Management) Regulation 1996, Local Government Act 1995*
AUTHOR:	Leanne Rowe
APPROVING OFFICER:	Kenn Donohoe
DATE OF REPORT:	28 August 2026
DECLARATION OF INTEREST:	Nil

BACKGROUND:
A full list of August 2026 payments is submitted to Council on 21 September 2026 for consideration.

A copy of the Payment List is attached.

ATTACHMENT: 9.2.3 (1)

PUBLIC CONSULTATION UNDERTAKEN:
Nil.

COMMENT (Includes Options):
Council is requested to endorse the payments as presented.

STATUTORY ENVIRONMENT:
Local Government (Financial Management) Regulation 1996 Section 13.
Local Government Act 1995 Section 6.10.

POLICY / STRATEGIC IMPLICATIONS:
Council delegation allows the CEO to make payments from the Municipal bank accounts. These payments are required to be presented to Council each month in accordance with the *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 Shire's due diligence to ensure payments are presented as required. Risk rating is considered Level 3 - Moderate.

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

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

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

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council note Municipal EFT payments numbered EFT29567 to EFT29662 totalling $2,096,458.19; Municipal Fund Cheques 22681 to 22683 totalling $871.90; Direct Debit payments numbered GJ0201 to GJ0207 inclusive of credit cards; payroll and superannuation totalling $316,511.32; and itemised fuel card purchases, be declared authorised expenditure as detailed in ATTACHMENT: 9.2.3 (1).

COUNCIL RESOLUTION:

MOVED: Suckling, R SECONDED: Smith, C
09/26-184

That Council note Municipal EFT payments numbered EFT29567 to EFT29662 totalling $2,096,458.19; Municipal Fund Cheques 22681 to 22683 totalling $871.90; Direct Debit payments numbered GJ0201 to GJ0207 inclusive of credit cards; payroll and superannuation totalling $316,511.32; and itemised fuel card purchases, be declared authorised expenditure as detailed in ATTACHMENT: 9.2.3 (1).

MOTION CARRIED 5/0

FOR	**AGAINST**
Cr L Sudlow	
Cr R Burges	
Cr K Suckling	
Cr R Suckling	
Cr C Smith	

ATTACHMENT
APPENDIX

9.3.1 Analysis of Shire of Northampton Freehold Land - Potential for Land Disposal

PROPONENT	Shire of Northampton
OWNER	Shire of Northampton
LOCATION / ADDRESS:	Various
ZONE:	Residential
BUSINESS AREA:	Community, Development and Regulation
FILE REFERENCE:	9.2.3
LEGISLATION:	*Local Government Act 1995*
AUTHOR:	Brian Robinson
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	24 August 2026
DECLARATION OF INTEREST:	Proximity – Manager of Financial Services has a residence adjacent to 96 Mitchell St, Horrocks but has not participated in the preparation of this agenda item.

BACKGROUND:
Council was previously presented with an analysis of the freehold land owned by the Shire of Northampton in May 2024 with the view to identifying properties that may be suited to the establishment of additional staff housing. This resulted in the purchase of two modular dwellings on No 134 (Lot 7) Stephen Street, Northampton and Lot 514 Wood Street, Kalbarri.

Since that time the Shire has rationalised its land assets by:

a) Selling vacant residential lots at No 1 (Lot 22) and No 2 (Lot 29) Rake Place, Northampton;
b) Selling an existing dwelling at 78 Robinson Street, Northampton; and
c) Selling the previous Caretakers Residence at Halfway Bay/Lucky Bay.

The Shire has also entered an offer and acceptance relating to the purchase of Lot 2 Second Avenue (being the balance of the Settlers Hill Estate). At its June 2026 meeting, Council resolved (Resolution 06/26-104) to fund the purchase using the revenue raised from the sale of the Caretakers Residence at Halfway Bay.

In order to direct additional funds towards the Shire's Strategic Opportunities Reserve, Council is requested to consider the disposal of several freehold land parcels as detailed in the Comment Section below.

PUBLIC CONSULTATION UNDERTAKEN:
Nil.

COMMENT (Includes Options):
The Shire owns approximately 60 lots in freehold title within the Shire. This includes 35 properties in Northampton townsite, 8 properties in Horrocks, 8 properties within Kalbarri, 1 in Ajana townsite, 2 within the Binnu townsite and 6 within the rural areas of the Shire. A spreadsheet detailing the properties held in freehold title is shown attached.

ATTACHMENT: 9.3.1 (1)

Strategic Analysis
As reflected within the attached spreadsheet, the Shire owns several strategic land parcels that are capable of subdivision and/or development for urban purposes within the Horrocks townsite and Lot 514 Woods Street in Kalbarri. In addition, the Shire is in the process of settling Lot 2 Second Avenue, being the balance of the Settlers Hill Estate having an area of more than 14.5ha.

Each of the parcels mentioned above represent strategic opportunities for the Shire to facilitate new urban development within the communities in which they are located. However, there is a need to obtain funds from budget, rates revenue, grants or other sources in order to progress subdivision and/or development of the land.

The above said, Shire Officers consider that the three primary project opportunities are as follows:

a) Subdivision and/or development of land in Horrocks, with vacant lots being limited and highly valued in the Horrocks Townsite;
b) Subdivision and/or development of the Settlers Hill Estate; and
c) Lot 514 Wood Street for additional workers accommodation.

Shire Reserves
As Councillors are aware Strategic reserves held by the Shire for strategic land use investment and other purposes such as plant replacement are relatively low by Western Australian Local Government standards. In order to raise additional funds for the Shire's Strategic Reserves, it is recommended that consideration be given to the sale of lower priority assets, or assets that are unlikely to be developed at this point.

An analysis of freehold land that should be considered for disposal is provided below.

Potential Sales
The Shire Officers analysis has identified a number of land parcels that could be sold in the short term in order to contribute additional Shire Funds to the Shire's Strategic Opportunity Reserves or other cash reserves as Council may choose. The following is a summary of those land parcels:

1. No 165 (Lot 65) Hampton Road, Northampton
   This property is 3,364m² in area, located opposite Chiverton House. Historically the area has been used for additional parking associated with Chiverton House events.

2. No 118 (Lot 1) Onslow Street, Northampton
   Previously the site of the Agricultural Protection Board, this 1,618m² site is located on the western side of Onslow Street. The property contains a shed with some other material stored externally. It is understood that the Men's Shed has use of the property under an informal arrangement, as no lease is in place.

3. No 135 (Lot 30) Wannerenooka Road, Northampton
   This vacant property has an area of 4,996m², contains a significant level of native vegetation and is classified as Bush Fire Prone. The provisions of Local Planning Scheme No 10 include the land within the Residential Zone and applies a maximum density of R10 (minimum lot size of 1,000m²). In the absence of reticulated sewerage, a minimum lot size of 2,000m² is required. On this basis there is potential for the site to be subdivided into two lots.

4. No 133 (Lot 38) Wannerenooka Road, Northampton
   This property is also vacant, contains a significant level of vegetation and is classified as Bush Fire Prone. With an area of 2.5506ha, the site is accessed from Wannerenooka Road via what has clearly been planned as a future road reserve. The access would be required to be dedicated as a road if the land is further subdivided.

   The land has potential for subdivision but is constrained by the Bush Fire Prone classification associated with native vegetation on-site and on adjacent lots.

5. Lot 51 Hampton Road (Cnr Stephen Street), Northampton
   Lot 51 is a 572m² lot located on the southeast corner of the intersection between Hampton Road and Stephen Street. The site contains a railway carriage and mine poppet head.

   The land essentially appears to be part of the adjacent caravan park, with the carriage used as an office. A hardstand abutting the carriage is used for overflow/late night caravan arrivals, connecting to the carriage electrical network.

6. No 1 (Lot 80) Kitson Circuit, Northampton
   The property is a vacant Industrial lot with an area of 2,262m². The land is currently being advertised for sale.

7. No 3 (Lot 81) Kitson Circuit, Northampton
   The property is a vacant Industrial lot with an area of 2,070m². The land is currently being advertised for sale.

8. Lot 31 (No 18) Guide Street
   Located on the corner of Guide and Lavender Streets, the Shire's records indicate that this property contains the wastewater disposal system for an adjacent property/business. This being the case, the land

is not of use to the general public. It is recommended that the property be offered for sale to the owners of the system.

9. No 96 (Lot 172) Mitchell Street, Horrocks
   Being an elevated vacant residential lot with an existing outbuilding, the property has significant views over the Horrocks Golf Course to the ocean. The sale of this property has potential to raise significant funds, noting that a smaller property, not overlooking the golf course is currently being marketed for $350,000.

10. Lots 23 and 24 Lauder Avenue, Binnu
    Both properties are vacant and contain significant vegetation. Despite a lack of urban services, these residential properties may be of interest on the open market.

Legislation

Western Australian Local Governments looking to dispose of property are bound by the provisions of the *Local Government Act 1995* (the Act). 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.

In this case, it is recommended that valuations be obtained and the identified properties be placed on the open market. Following the receipt of an offer on the properties, Council will be requested to further consider the sale by resolving to give public notice of the proposed disposition via private treaty. This practice was previously adopted by the sale of vacant lots in Rake Place, Northampton.

Conclusion
The Shire holds title in freehold over numerous properties throughout the Shire. As outlined within section titled Strategic Analysis, there are three primary landholdings with significant development potential that could impact on the availability of residential land/development within the Shire. Funding will be required to facilitate the subdivision and/or development.

It is recommended that Council proceed with market valuations and list the properties for sale on the open market.

STATUTORY ENVIRONMENT:
Local Government Act 1995 - Section 3.58 *Disposing of Property*

Any private treaty negotiations to dispose of property 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 sale. Any submissions must be considered by Council and the decision regarding those submissions recorded in the Council Minutes.

POLICY / STRATEGIC IMPLICATIONS:
The disposal of free hold property as proposed will be in accordance with Council Policy 4.1 *Disposal of Shire of Northampton Property.*

Council Policy 2.8 *Authority to Execute Documents on Behalf of Council* requires matters concerning the disposal Shire property to be put before Council. For reference, Council Policy 4.1 and Council Policy 2.8 are provided in Appendices 9.3.1(A) and 9.3.1(B).

APPENDIX: 9.3.1 (A & 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 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 and the high level of statutory compliance required.

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 sale of land will result in income not anticipated in the preparation of the 2026/27 annual budget.

SUSTAINABILITY:
Environmental: Sale of vacant land allows for planning and managed development that incorporates sustainable practices, reduces environmental risks and supports responsible land use.
Economic: Sale of land will provide immediate revenue that can be applied to existing Shire financial reserve accounts, making them available for subdivision and/or development or other initiatives/financial requirements of the Shire.
Social: Sale of vacant land as proposed allows the local government to consider future project funding.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council request the Temporary Chief Executive Officer

1. **Proceed to obtain current market valuations for the following properties held in freehold title by the Shire of Northampton:**
   - **a) No 165 (Lot 65) Hampton Road, Northampton;**
   - **b) No 118 (Lot 1) Onslow Street, Northampton;**
   - **c) No 135 (Lot 30) Wannerenooka Road, Northampton;**
   - **d) No 133 (Lot 38) Wannerenooka Road, Northampton;**
   - **e) Lot 51 Hampton Road (Cnr Stephen Street), Northampton;**
   - **f) Lot 31 (No 18) Guide Street, Northampton**
   - **g) No 96 (Lot 172) Mitchell Street, Horrocks**
   - **h) Lots 23 and 24 Lauder Avenue, Binnu**

2. **Continue with the marketing of Lots 80 and 81 Kitson Circuit, Northampton;**
3. **To liaise with the owner of the Northampton Caravan Park following the valuation of the land referred to in point 1 (e) above over potential purchase of that land;**
4. **To liaise with the owner of the effluent disposal system following the valuation of the land referred to in point 1(f) above;**
5. **The Temporary Chief Executive Officer be requested to dispose of properties in accordance with Council Policy 4.1 - Disposal of Shire of Northampton Property; and**
6. **Await further reports requiring decisions on the potential disposal of land in accordance with section 3.58 of the *Local Government Act 1995* and the allocation of resulting funds to be held in Council's Reserve fund accounts.**

COUNCIL RESOLUTION:

MOVED: Burges, R SECONDED: Suckling, K
09/26-185

That Council request the Temporary Chief Executive Officer

1. **Proceed to obtain current market valuations for the following properties held in freehold title by the Shire of Northampton:**
   a) **No 165 (Lot 65) Hampton Road, Northampton;**
   b) **No 118 (Lot 1) Onslow Street, Northampton;**
   c) **No 135 (Lot 30) Wannerenooka Road, Northampton;**
   d) **No 133 (Lot 38) Wannerenooka Road, Northampton;**
   e) **Lot 51 Hampton Road (Cnr Stephen Street), Northampton;**
   f) **Lot 31 (No 18) Guide Street, Northampton**
   g) **No 96 (Lot 172) Mitchell Street, Horrocks**
   h) **Lots 23 and 24 Lauder Avenue, Binnu**
2. **Continue with the marketing of Lots 80 and 81 Kitson Circuit, Northampton;**
3. **To liaise with the owner of the Northampton Caravan Park following the valuation of the land referred to in point 1 (e) above over potential purchase of that land;**
4. **To liaise with the owner of the effluent disposal system following the valuation of the land referred to in point 1(f) above;**
5. **The Temporary Chief Executive Officer be requested to dispose of properties in accordance with Council Policy 4.1 - Disposal of Shire of Northampton Property; and**
6. **Await further reports requiring decisions on the potential disposal of land in accordance with section 3.58 of the *Local Government Act 1995* and the allocation of resulting funds to be held in Council's Reserve fund accounts.**

MOTION CARRIED 5/0

FOR	**AGAINST**
Cr L Sudlow	
Cr R Burges	
Cr K Suckling	
Cr R Suckling	
Cr C Smith	

ATTACHMENT

9.3.2 Kalbarri Open Air Music Festival proposed dates for 2027

PROPONENT	Music on Murray – Ms Kimberley Zehra
OWNER	Shire of Northampton
LOCATION / ADDRESS:	Kalbarri Oval and Kalbarri Sport & Recreation Centre
ZONE:	Local Recreation
BUSINESS AREA:	Community Services
FILE REFERENCE:	11.1.2
LEGISLATION:	*Local Government Act 1995 & Environmental Protection (Noise) Regulations 1997*
AUTHOR:	Cresta Viellaris
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	24 August 2026
DECLARATION OF INTEREST:	Nil

BACKGROUND:
The Kalbarri Open Air Festival has been operating in Kalbarri for three (3) years and has become an established event within the Kalbarri Community.

A request has been received to hold the 2027 festival on 7 and 8 May 2027, one week later than the 2026 event. The change is proposed to avoid a clash with the Annual Kalbarri Offshore Fishing Classic, as both events utilise the Kalbarri Sport and Recreation Centre. The festival has previously been held in March, April and May, and event organisers undertake noise and event management measures to minimise impacts on neighbouring properties and the broader community.

A copy of the email request is shown attached.

ATTACHMENT: 9.3.2 (1)

PUBLIC CONSULTATION UNDERTAKEN:
Nil.

COMMENT (Includes Options):
The proposed dates are a week later than the 2026 event. For 2026 the festival date clashed with the Annual Kalbarri Offshore Fishing Classic held by the Kalbarri Offshore Angling Club. Both organisations utilize the Kalbarri Sport and Recreation centre to hold their event.

With there being no apparent conflict with other planned events, Council is requested to consider granting approval to the revised dates.

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

Past Event Dates
The Kalbarri Open Air Festival has been held on the Kalbarri Recreational Oval for the past three years on the following dates:

- 2024 – 15 & 16 March;
- 2025 – 4 & 5 April; and
- 2026 – 1 & 2 May.

Consistent timing of Event
As detailed in the June 2025 agenda item, feedback obtained from adjacent accommodation business owners indicated a preference for the event to be held on the same date each year. This would allow the accommodation providers to ensure potential customers were aware of the event and potential impacts such as noise. Should Council support the proposed dates, it is recommended adjacent accommodation businesses are advised.

Potential for Impact
Any music event has the potential to impact on the amenity of an area through noise and the actions of participants entering and leaving the venue. These impacts can be minimised through event management and the preparation and implementation of a noise management plan. Whilst the potential for noise impacts is increased by holding such events outdoors, no suitable indoor venues are available within the community. The Shire's Environmental Health Officer has conducted noise testing for the last two years, and the levels have been compliant with the submitted noise management plan.

Proposed 2027 KOA Event
In setting a date for an open-air event there are many considerations such as the timing of other planned events in the community, nearby potentially competing events, availability of venue, artists, typical/expected weather patterns and available accommodation to name a few.

That said, the organisers have now proposed the second weekend in May. This timing could be consistent each year and is outside of the school holiday period. The Kalbarri Offshore Fishing Classic is generally held on the first weekend in May and the proposed new date will not put pressure on Kalbarri's recreational facilities.

Economic Benefit
In the absence of a detailed economic analysis, it is impossible to determine how much Kalbarri Open Air Festival adds to the local economy. Whilst there is no doubt that some attendees visited Kalbarri specifically for the event, some may have visited Kalbarri in any event and local residents also attended. Organisers, performers and some participants directly contribute to the hospitality industries in Kalbarri. The event also provides a fund-raising opportunity to the venue managers.

Social Benefit
In addition to potential economic benefit, the holding of outdoor music events provides Kalbarri residents with an opportunity to attend a local

concert/festival. With such opportunities being limited within the Kalbarri community, KOA positively contributes to social opportunities for the community members.

Conclusion
Given that the previous events have been held consistent with the approved Noise Management Plan and the fact the new date would allow for the event to be held at a consistent time each year, outside of the school holidays, it is recommended that the applicants request be approved.

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

POLICY / STRATEGIC IMPLICATIONS:
Approval to the proposed dates would be consistent with the following desired outcomes as outlined within the Shire of Northampton 2025-2035 Strategic Community Plan:

Our Economy
1.2 Diverse and prosperous
We are driving balanced and sustainable growth by embracing new opportunities for our economy, people, and culture to thrive, whilst ensuring primary industries remain profitable into the future.

1.3 Attractive and popular
Our reputation as a prime visitor destination is strong and we are optimising an ecologically friendly tourism industry.

Our People
3.2 Outstanding recreation and tourism experiences.
Community life and tourism is enriched through a strong portfolio of events, activities, attractions, and historical heritage.

Support of events that attract regional and local visitors, increase visitor numbers and add to the local economy would be consistent with the Strategic Community Plan recommendations.

ORGANISATIONAL RISK MANAGEMENT:
Risk rating associated with approving the dates is considered to be minor.

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

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

FINANCIAL IMPLICATIONS:
As detailed in the comment section above.

SUSTAINABILITY:
Environmental: Nil.
Economic: Refer to comment section.
Social: Refer to comment section.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

1. **That Council approve the applicants proposed event dates of 7 and 8 May 2027 subject to submission and approval of Event Application including Event Management and Noise Management Plans; and**
2. **The adjacent accommodation businesses on Porter Street be advised of Council's decision accordingly.**

COUNCIL RESOLUTION:

MOVED: Burges, R SECONDED: Suckling, R
09/26-186

1. **That Council approve the applicants proposed event dates of 7 and 8 May 2027 subject to submission and approval of Event Application including Event Management and Noise Management Plans; and**

2. The adjacent accommodation businesses on Porter Street be advised of Council's decision accordingly.

MOTION CARRIED 5/0

FOR	**AGAINST**
Cr L Sudlow	
Cr R Burges	
Cr K Suckling	
Cr R Suckling	
Cr C Smith	

9.3.3 Proposed Budget Amendment to Recognise State Library Grant Funding

PROPONENT	Shire of Northampton
OWNER	Shire of Northampton
LOCATION / ADDRESS:	Kalbarri Library
ZONE:	N/A
BUSINESS AREA:	Community Services
FILE REFERENCE:	1.1.1
LEGISLATION:	Local Government Act 1995
AUTHOR:	Cresta Viellaris
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	1 September 2026
DECLARATION OF INTEREST:	Nil

BACKGROUND:
After receiving feedback regarding the success of the Build-a-Mind Robotics Program held in the January school holidays, families have stated that they would like to see similar projects held in the library in Kalbarri. Currently there are limited programs suited to the age groups of 5 to 10 years old that are not sport related.

In 2025, Community Development Officers applied for the State Library Digital and Technology Grant to fund the Kalbarri Library Lego Science, Technology, Engineering and Mathematics (STEM) Club and was successful at receiving the grant for $4,760.

For the 2026 State Library funding round, Shire's Community Development Officers made application for two grants, which are summarised as follows:

1. Bird Watching

The Kalbarri region is a haven for wildlife enthusiasts, boasting 200 animal species within the park, 400 in the broader area, and 170 species of bird. The Community Development Officers identified a State Library Grant, Encouraging Promising Practices and applied for funding to assemble 5 bird watching packs. Each pack will feature premium binoculars, locally detailed maps, and an illustrated bird chart highlighting species commonly found at marked locations.

By offering these kits for loans through the library, we aim to make birdwatching accessible and appealing to all ages. This initiative's success will be strengthened through close collaboration with the Department of Biodiversity, Conservation and Attractions, WA birdlife and the Kalbarri Visitor Centre. The grant application was successful, and the Kalbarri Library will receive $1,422 to facilitate this initiative.

2. Lego Stem Project
The Kalbarri Library Lego STEM Club will commence on the 1 September 2026. This program will run for 10 weeks and feature a family showcase at the conclusion.

Council is requested to amend the current budget to recognise the funding and associated expenditure of both successful grants having a total of $6,182.

PUBLIC CONSULTATION UNDERTAKEN:
Nil.

COMMENT (Includes Options):
The Shire's Community Development Officers play a key role in identifying and making application for grant funding to undertake various community-based activities, events and programs that are consistent with the aspirations and objectives of the Shire of Northampton's Strategic Community Plan.

With two successful grant applications, two additional community programs are able to be provided within the Kalbarri Community at no cost to the Shire of Northampton, other than staff members time.

STATUTORY ENVIRONMENT:
The *Local Government Act 1995* establishes the statutory process to undertake budget amendments. Amending an adopted local government budget in Western Australia requires formal approval of Council by Absolute Majority in accordance with section 6.8 of the *Local Government Act 1995.*

POLICY / STRATEGIC IMPLICATIONS:
Both initiatives are identified as being consistent with the following Desired Outcomes detailed within the Shire of Northampton Strategic Community Plan 2025-2035:

Our Economy
1.3 Attractive and popular
Our reputation as a prime visitor location is strong and we are optimizing an ecologically friendly tourism industry.

Our Natural Environment
2.3 Nature-based aesthetic appeal
The natural beauty of our Shire is conserved for our residents and to attract visitors.

Our People
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:
Risk rating is considered Minor due to the level of funding involved.

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:
Amendment of the budget as proposed has nil impact given that the received funding meets all costs associated with program.

SUSTAINABILITY:
Environmental: Nil
Economic: Nil
Social: Identification and obtainment of suitable grant funding builds on the Shire's capacity to facilitate and/or hold events that positively contribute to education and the sense of inclusion and wellbeing of the community.

VOTING REQUIREMENTS: ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. **Acknowledge the receipt of $6,182 from the State Library for the delivery of Bird Watching and the Lego Stem projects in Kalbarri; and**
2. **Amend the 2026/2027 annual budget as follows:**

Budget Item	Adopted Budget	Amended Budget (ex GST)	Variation
State Library Grant – Encouraging Promising Practices – Bird is the Word	$0	($1,422)	($1,422)
State Library Grant – Digital and Technology Inclusion- Kalbarri Library Lego STEM Club	$0	($4,760)	($4,760)
Encouraging Promising Practices Bird Watching Program	$0	$1,422	$1,422
Kalbarri Library Lego STEM Club	$0	$4,760	$4,760
Net ($)	$0	$0	$0

COUNCIL RESOLUTION:

MOVED: Suckling, R SECONDED: Smith, C

09/26-187
That Council:

1. **Acknowledge the receipt of $6,182 from the State Library for the delivery of Bird Watching and the Lego Stem projects in Kalbarri; and**
2. **Amend the 2026/2027 annual budget as follows:**

Budget Item	Adopted Budget	Amended Budget (ex GST)	Variation
State Library Grant – Encouraging Promising Practices – Bird is the Word	$0	($1,422)	($1,422)
State Library Grant – Digital and Technology Inclusion- Kalbarri Library Lego STEM Club	$0	($4,760)	($4,760)

Encouraging Promising Practices Bird Watching Program	**$0**	**$1,422**	**$1,422**
Kalbarri Library Lego STEM Club	**$0**	**$4,760**	**$4,760**
Net ($)	**$0**	**$0**	**$0**

MOTION CARRIED BY ABSOLUTE MAJORITY 5/0

FOR
Cr L Sudlow
Cr R Burges
Cr K Suckling
Cr R Suckling
Cr C Smith

AGAINST

ATTACHMENT

9.4.1 Retrospective Approval to Proposed Retaining Wall at Lot 29 (No. 5) Phelps Loop, Kalbarri

PROPONENT	SAD Lewis
OWNER	SAD Lewis
LOCATION / ADDRESS:	Lot 29 (No. 5) Phelps Loop, Kalbarri
ZONE:	Residential R17.5
BUSINESS AREA:	Planning Services
FILE REFERENCE:	10.6.1.1 & A4577
LEGISLATION:	*Planning and Development Act 2005* *Local Government Act 1995*
AUTHOR:	Kaylene Roberts
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	31 August 2026
DECLARATION OF INTEREST:	Nil

BACKGROUND:
Council is requested to consider an application for retrospective approval to retaining walls on the subject property, being a 717m² residential property as shown on the location plan below.

Location Plan



The applicant has constructed four (4) retaining walls, one to the rear being 17.93m in length, the side boundary wall has a length of 25.01m, the front corner has a length of 8.5m and there is a 1.0m section at the front of the property. The wall height for all the retaining walls is a maximum of 1.3m. The walls have been constructed of limestone blocks – 4 course high.

A copy of the plans submitted with the application are shown attached.

ATTACHMENT: 9.4.1 (1)

The application is referred to Council for determination as Shire officers do not have delegation to approve retrospective applications.

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

The application was advertised for a 14 day period to one (1) adjacent landowner located to the rear of the property. No comment or objection was received.

COMMENT (Includes Options):
To guide Council on determination of the application, the following comments are offered:

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

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

Any assessment against the above criteria is provided in the balance of this report.

Scheme Assessment
The property is zoned Residential under the Shire's Local Planning Scheme No. 11 – Kalbarri (the Scheme) with a density of R17.5. The proposed development is required to comply with the requirements relating to R17.5 under the State Planning Policy Residential Design Codes Volume 1 (the R-Codes) and Scheme No. 11.

Siteworks
The retaining wall, as constructed, is not consistent with the Deemed to Comply provisions of the R-Codes provisions relating to site works and retaining walls, as forward of the setback line, the wall exceeded more than 0.5m above the

natural ground level. The application must therefore be assessed against the Design Principles outlined in clause 5.3.7.

Prior to construction of the retaining wall, the property in question was relatively low lying and subject to wash outs. By retaining the property this will solve the issue of washouts occurring and stormwater will wholly be contained on the property. Given this, the application is consistent with clause P7.3 - Design Principles which identifies that retaining walls that result in land which can be effectively used for the benefit of residents and do not detrimentally affect adjoining properties and are designed, engineered and landscaped are acceptable.

Visual Privacy

Clause 5.4.1 of the R-Codes outlines the need to address visual privacy where outdoor living spaces are created with a floor level of more than 0.5m above the natural ground level. With respect to the current application, the rear retaining wall is setback 9.0m from the boundary and a shed is to be established within that setback. Given this and the fact the property is to be fenced at the new level, overlooking of the adjacent properties will not occur.

Retrospective Nature of Works

As stated above, the application before Council is retrospective in nature, with the applicant already having constructed the retaining walls without the necessary planning approval in place. Applications for retrospective approval may be approved in accordance with the *Planning and Development Act 2015.* They are however subject to fees equivalent to the normally required fee, plus by way of penalty, twice that fee.

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

Building Act 2011

In addition to obtaining Development Approval (where required), prior to the construction of retaining walls more than 500mm high, a Building Permit is required to be obtained. Additionally retaining walls over 600mm require structural certification.

A search of Council records indicate that a Building Permit was not sought prior to the landowner constructing the retaining walls. As a result, the now existing retaining walls have been constructed in contravention of the *Building Act 2011*.

Potential Legal Action

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

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

In this instance, it is considered that the offence is not significant enough to warrant commencement of legal action. However, as the applicant/landowner constructed the retaining walls without the prior development approval, it is appropriate that a modified penalty of $500 be imposed.

Action may also be taken for a breach of the Building Act 2011, namely completing the construction without the required building permit.

Conclusion
The now existing retaining walls will not have a detrimental impact on the surrounding area. Given this and the fact that no objections were received during the advertising period, therefore it is recommended that the application as submitted be conditionally approved.

Given the works undertaken to date have occurred without the prior Development Approval or a Building Permit, it is recommended that a modified penalty of $500 be issued under the *Planning and Development Act 2005* in addition to the retrospective application fees. No action is proposed with respect to non-compliance with the *Building Act 2011*.

STATUTORY ENVIRONMENT:
Planning and Development Act 2005 and the Shire of Northampton *Local Planning Scheme No. 11 - Kalbarri*

POLICY / STRATEGIC IMPLICATIONS:
The Shire of Northampton's Local Planning Policy – Compliance and Enforcement of Planning Laws sets out the process and procedures for dealing with compliance and enforcement issues related to planning laws.

Here, the Shire's Planning Officer identified that the retaining wall construction had been completed without the landowner applying for Development Approval, nor a building permit. The landowners were contacted and requested to rectify the situation by obtaining a retrospective planning approval. As stated by clause 3.2.3:

"The making of an application for retrospective planning approval will not necessarily preclude the local government from commencing formal enforcement proceedings in relation to the breach".

The policy provisions set out that in determining whether formal enforcement proceedings are appropriate, there are a number of matters that should be considered. These matters include, but are not limited to:

(a) It is in the public interest or the proper and orderly development and use of land that planning law should generally ne complied with. It is expected that normally, those who carry out development or subdivision, or use land, should comply with the planning legislation and applicable approval, licence or authorisation in relation to that activity;
(b) The impact of the contravention on the affected locality and environment;

(c) The factual circumstances in which the contravention took place; and
(d) The strength of the evidence available to support any prosecution.

As set out in clause 3.3.6 of the policy, as an alternative to commencing prosecution proceedings, an offender may be given an infringement notice as a form of 'on the spot' modified penalty for minor planning offences. The imposing of a modified penalty is used where the local government considers prosecution proceedings are not warranted.

In this case, it is recommended that as the applicant has co-operated with Shire Officers and sought retrospective approval, it is considered that formal proceedings are not warranted. It is however recommended that a modified penalty be imposed given the construction was in clear breach of both the Local Planning Scheme and *Building Act 2011*.

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 retrospective development application fee has been paid in accordance with the Shire of Northampton's 2026/2027 Fees and Charges Schedule.

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

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council

A. In accordance with Local Planning Scheme No. 10 - Northampton grant Development Approval in accordance with the plans and specifications at ATTACHMENT: 9.4.1 (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	22 July 2026
2.	Retaining Wall Plans	22 July 2026
3.	Elevations	22 July 2026

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

3. All stormwater and drainage run off is to be retained on the subject property to the satisfaction of the Shire of Northampton; and

4. Any soils disturbed or deposited on site shall be stabilised to the satisfaction of the Shire of Northampton.

Advice Notes:

a) This development approval is NOT a building permit. A building permit must be formally applied for and obtained from Building Services BEFORE the commencement of any site and/or development works. (Land clearing to facilitate development and BAL report is permitted).

b) Any retaining walls more than 500mm in height required in connection with development shall be so constructed as to accord with plans and specifications prepared by a practising structural engineer to the satisfaction of the Shire of

Northampton and details and particulars of the certified plans and specifications shall be provided to the Shire of Northampton as part of any application for a building permit.

c) The applicant is advised that compliance with any and all governmental legislation and regulations, including but not limited *Health (Miscellaneous Provisions) act, 1911,* the National Construction Code of Australia and the relevant *Aboriginal Cultural Heritage Act*, is required at all times.

d) If the applicant is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application to be made within 28 days of determination.

B. Request that a modified penalty of $500 for breach of Local Planning Scheme No. 11 with respect to the unauthorised works (subject of Point A above), being completed without the required prior development approval having been obtained; and

C. No formal action be taken over the completion of the construction without the first obtaining the required building permit under the *Building Act 2011.*

COUNCIL RESOLUTION:

MOVED: Burges, R SECONDED: Suckling, R
09/26-188

That Council

A. In accordance with Local Planning Scheme No. 10 - Northampton grant Development Approval in accordance with the plans and specifications at ATTACHMENT: 9.4.1 (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	22 July 2026
2.	Retaining Wall Plans	22 July 2026
3.	Elevations	22 July 2026

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

3. **All stormwater and drainage run off is to be retained on the subject property to the satisfaction of the Shire of Northampton; and**
4. **Any soils disturbed or deposited on site shall be stabilised to the satisfaction of the Shire of Northampton.**

Advice Notes:

a) **This development approval is NOT a building permit. A building permit must be formally applied for and obtained from Building Services BEFORE the commencement of any site and/or development works. (Land clearing to facilitate development and BAL report is permitted).**

b) **Any retaining walls more than 500mm in height required in connection with development shall be so constructed as to accord with plans and specifications prepared by a practising structural engineer to the satisfaction of the Shire of Northampton and details and particulars of the certified plans and specifications shall be provided to the Shire of Northampton as part of any application for a building permit.**

c) **The applicant is advised that compliance with any and all governmental legislation and regulations, including but not limited *Health (Miscellaneous Provisions) act, 1911,* the National Construction Code of Australia and the relevant *Aboriginal Cultural Heritage Act*, is required at all times.**

d) **If the applicant is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application to be made within 28 days of determination.**

B. **Request that a modified penalty of $500 for breach of Local Planning Scheme No. 11 with respect to the unauthorised works (subject of Point A above), being completed without the required prior development approval having been obtained; and**

C. **No formal action be taken over the completion of the construction without the first obtaining the required building permit under the *Building Act 2011.***

MOTION CARRIED 5/0

FOR	**AGAINST**
Cr L Sudlow	
Cr R Burges	
Cr K Suckling	
Cr R Suckling	
Cr C Smith	

ATTACHMENT

9.4.2 Planning Decisions for August 2026

PROPONENT	Shire of Northampton
OWNER	Various
LOCATION / ADDRESS:	Various
ZONE:	Various
BUSINESS AREA:	Planning Services
FILE REFERENCE:	10.4.1
LEGISLATION:	*Planning and Development Act 2005* *Local Government Act 1995*
AUTHOR:	Kaylene Roberts
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	31 August 2026
DECLARATION OF INTEREST:	Nil

BACKGROUND:
To ensure the efficient and timely process of planning related applications, Council delegated authority to the Temporary 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 sue of this delegation. The updated statistics are shown below.

A register of Delegated Development Approvals, detail those decisions made under delegated authority in August 2026.

ATTACHMENT: 9.4.2 (1)

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

COMMENT (Includes Options):
During August a total of six (6) applications were determined under delegated authority, and three (3) applications were determined by Council.

Table 1 shows the number and value of development applications determined under delegated authority and by Council for August 2026 compared to August 2025

Table 1: Planning Decisions made in August 2025 and August 2026

	August 2025	August 2026
Delegated Decisions	4 - $484,110 **1	6 - $376,495.45 **4
Council Decisions	2 - $210,000	3 - $5,000 **1 - $0 **1 Refusal (-$50,000)
Total	**6 - $694,110**	**9 - $381,495.45**

Table 2 compares the Year-To-Date statistics for delegated authority and Council decisions for 2025-26 compared to previous Financial Year.

Table 2: Planning Decisions Made Year-To-Date 2025 and 2026

	YTD 2025	YTD 2026
Delegated Decisions	50 - $3,225,945 **19	46 - $2,614,946.45 **23
$2,614,946.45	13 - $719,412 **2 2 Refusals	21 - $6,327,200 **4 4 Refusals
Total	**63 - $3,113,767.09**	**67 - $8,942,146.45**

***includes administrative applications which are attributed to no value in Delegated and Council decisions and include Commercial Recreational Tourism Licence and Temporary and Exemption Approval applications.*

STATUTORY ENVIRONMENT:

The *Local Government Act 1995* creates and gives powers to Local Governments. The Act then empowers the local government to delegate its powers on behalf of the local government. The Shire's Local Planning Schemes, made in accordance with the *Planning and Development Act 2005* and associated regulations, set out procedures for the assessment and determination of development applications.

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

POLICY / STRATEGIC IMPLICATIONS:

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

Each application is determined under delegated authority has been processed and advertised, where require in accordance with the Local Planning Scheme provisions and Shire of Northampton adopted policies.

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

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

VOTING REQUIREMENTS: **SIMPLE MAJORITY**

OFFICER RECOMMENDATION:

That Council receive the report on Delegated Development Approvals for August 2026 as detailed in ATTACHMENT: 9.4.2 (1).

COUNCIL RESOLUTION:

MOVED: Smith, C SECONDED: Suckling, R
09/26-189

That Council receive the report on Delegated Development Approvals for August 2026 as detailed in ATTACHMENT: 9.4.2 (1).

MOTION CARRIED 5/0

FOR	**AGAINST**
Cr L Sudlow	
Cr R Burges	
Cr K Suckling	
Cr R Suckling	
Cr C Smith	

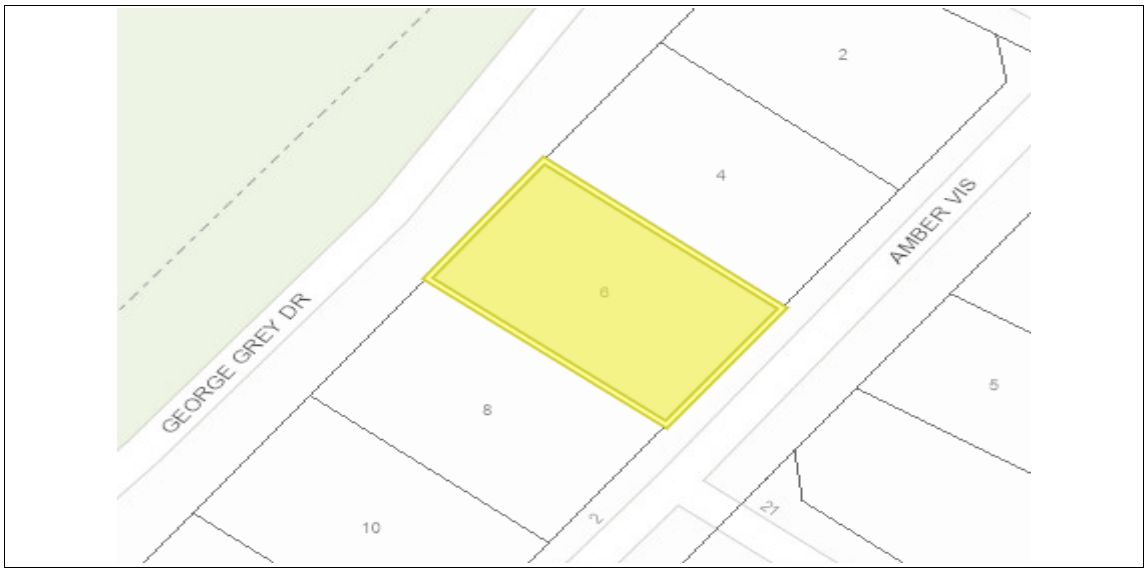
ATTACHMENT

9.4.3 Proposed Dwelling and Outbuilding including Ancillary Accommodation with Reduced Setbacks on Lot 26 (No. 6) Amber Vista, Kalbarri

PROPONENT	LC Steyn
OWNER	LC Steyn
LOCATION / ADDRESS:	Lot 26 (No. 6) Amber Vista, Kalbarri
ZONE:	Residential R20
BUSINESS AREA:	Planning Services
FILE REFERENCE:	10.6.1.1; A4426
LEGISLATION:	*Planning and Development Act 2005* *Local Government Act 1995*
AUTHOR:	Kaylene Roberts
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	1 September 2026
DECLARATION OF INTEREST:	Nil

BACKGROUND:
Council is requested to consider an application for a Dwelling and an Outbuilding including Ancillary Accommodation. The property is currently vacant and has an area of 1.000m². A copy of the location plan is shown below.

Location Plan



Approval is being sought for the construction of:

a) A two-storey dwelling comprising:
   - A kitchen, laundry, dining, lounge areas as well as a toilet and outdoor living area on the ground floor; and

- A master bedroom and ensuite, four bedrooms, 2 bathrooms, open plan living/study as well as a balcony to the front and rear on the first floor;

b) A 12m by 9m (108m²) outbuilding to be located forward of the proposed dwelling. With a wall height of 4.9m and an overall height of 5.79m and with a setback of 1m to the side boundary and 3m from the front.

The outbuilding will have a section for the parking of a boat and vehicles as well as workshop with a mezzanine storage area above. The rear of the outbuilding contains an ancillary accommodation being 4m by 9m (36m²) and contains an office, kitchen, laundry/bathroom, toilet while the upstairs contains a bed, living area and storage area; and

The applicant has stated that the ancillary accommodation is to be used for family members only and will not be used for short stay accommodation.

c) A 6m by 5m below ground swimming pool.

Copies of the submitted plans are shown attached.

ATTACHMENT: 9.4.3 (1)

Council is requested to determine the application as approval to the development involves the relaxation of the maximum wall and ridge heights as specified by Council adopted Local Planning Policy. Approval to the application would also require a relaxation of side setbacks prescribed by the Residential Design Codes of Western Australia (R-Codes).

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 four (4) adjacent landowners with no submissions received in response.

COMMENT (Includes Options):
To guide Council on the determination of the application, the following comments are offered:

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

(a) The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;

(b) Any approved State planning policy;
(c) Any policy of the Commission;
(f) Any local planning strategy for this Scheme endorsed by the Commission;
(g) Any local planning policy for the Scheme area; and
(n) The amenity of the locality.

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

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

Front Setback
With an applied density of R20, Table B of the R-Codes identifies an average front setback requirement of 6m. In accordance with clause C2.1 of the R-Codes, the front setback can be reduced by up to 50% provided the average setback is maintained. With a proposed setback of 3m to Amber Vista, the proposed development complies with this requirement.

Rear Setback
The rear of the proposed dwelling is 22.5m in width, with the elevation containing major openings to bedrooms and a balcony and having a height of 5.5m. Table 2B of the R-Codes specifies a minimum setback of 5.0m would normally be required from the rear of the dwelling in order to be Deemed to Comply.

As the proposal does not comply with the Deemed to Comply, the application must be assessed against the Design Principles outlined within clause 5.1.3 provisions of the R-Codes. The application as submitted is considered consistent with the Design Principles given that the rear of the property backs onto George Grey Drive and as result, approval to the reduced setback does not have advised impact on the amenity of the adjoining property.

Side Setback
The applicants are proposing to setback the proposed two storey residence and the outbuilding a distance of 1m from the northern side boundary and 1.5m from the southern boundary. In accordance with Table 2 of the R-Codes, the following setbacks would be required in order for the development to meet the Deemed to Comply:

a) For the Dwelling, with a wall height of 5.5m and length of 11.39m, a minimum setback of 2.5m would normally be required to both side boundaries if the wall had no major openings to habitable rooms or balconies; and

b) For the outbuilding having a wall height of 4.9m and a wall length of 16m, without a major opening, a minimum setback of 1.8m would normally be required.

It should be noted that the design as submitted shows a window facing the northern side boundary on the second floor of the outbuilding. This window is to a "storeroom" attached to the living area of the ancillary accommodation. As the R-Codes identify that such rooms are not habitable rooms this window is not considered a major opening.

As the side setbacks do not comply, this aspect of the application must also be assessed against the Design Principles outlined within clause 5.1.3 of the R-Codes, which require buildings to setback from lot boundaries so as to:

- *reduce impact of building bulk on adjoining properties;*
- *provide adequate sunlight and ventilation to the building and open spaces on the site and adjoining properties; and*
- *minimise the extent of overlooking and resultant loss of privacy on adjoining properties."*

In this case, a relaxation of the side setback to the northern side boundary will not impact on future sunlight and variation of the adjacent property (Lot 25) given it is it the southern boundary of Lot 25. With respect to the southern side boundary, the adjacent property is already developed, and the landowner has raised no objection to the design. It is also noted that dwellings on Amber Vista will likely be designed to position homes to the rear to maximise coastal views at the rear of the property.

Given the above, conditional approval is recommended subject to any potential overlooking from the balcony being addressed.

Visual Privacy

Where rooms with major openings or outdoor habitable spaces are created with a floor level of more than 0.5m above the natural ground level, there is potential for the development to overlooking adjacent property. To minimise the overlooking of adjacent properties (behind the front setback), the R-Codes identify the following setbacks for areas elevated more than 0.5m:

- 4.5m from major openings to bedrooms;
- 6m from major openings to habitable rooms other than bedrooms; and
- 7.5m from outdoor active habitable spaces (i.e. a balcony).

Alternatively, permanent screening devices can be used to restrict views. As specified by the R-Codes screening devices include "*obscure glazing, timber screens, external blinds, window hoods and shutters"* that are more than 1.6m in height.

The first-floor balcony / outdoor living area at the rear of the home is setback 1.0m from the side and rear boundaries. To ensure compliance with Visual Privacy requirements, the submitted plans depict a solid wall being added to

the 1st floor verandah with a height of 1650mm. This ensures that the design complies with visual privacy requirements.

A second balcony projecting toward the street is setback 1.5m from the side boundary. As the submitted plans detail an appropriate screen wall, the proposal meets the Deemed to Comply provisions relating to privacy.

Street Surveillance
Clause 5.2.3 of the R-Codes identifies that in order to meet the Deemed to Comply provisions for street surveillance, development must satisfy the following:

C3.1 The street elevation(s) of the dwelling to address the street with clearly definable entry points visible and accessed from the street.

C3.2 At least one major opening from a habitable room of the dwelling faces the street and the pedestrian or vehicular approach to the dwelling.

As reflected in the plans shown at Attachment: 9.4.3 (1), the north side of the entry door will be setback 8m from the side boundary. With the proposed outbuilding 9m wide and setback 1m from the northern boundary, the front door will be at least partially obscured from the street. To ensure a clear definable entry, the applicants are proposing a paved area between the outbuilding and swimming pool, generally leading to the front door.

With the submitted plans detailing major openings from the proposed open plan living area on the first floor and open plan living/study on the second floor it is considered that the proposal complies with the requirements for street surveillance.

Clause 5.3.2 – Landscaping
In order to meet the R-Code Deemed-to-Comply provisions with reference to landscaping, single dwelling development must:

(i) provide at least one tree within a minimum tree planting area of 2m by 2m in the front of the property; and
(ii) Ensure not more than 50% of the street setback area consists of impervious surfaces.

The applicant proposes approximately 50% of the street setback area to be planted with lawn, incorporating three trees to be planted. Two of these trees being located within the setback to the proposed outbuilding, assisting to soften the appearance of the outbuilding as viewed from the street.

It is recommended that a condition be imposed to require planting of the three trees prior to occupation and ongoing maintenance of the trees from that point.

Outbuilding Policy Assessment
The provisions of the Shire's Planning Policy – Outbuildings varies the provisions of the R-Codes 5.4.3 of the R-Codes for outbuilding development within the Shire. Generally speaking, the policy allows a greater floor area and

heights than those considered appropriate in the metropolitan area. For development within areas of R10 and higher density, the Policy prescribes:

- A maximum total area of outbuildings of 120m², or 20% of the site area, whichever is the lesser; and
- A maximum wall height of 3m and a total maximum height of 4.5m measured from natural ground level.

As prescribed within clause 3.3.3 increases in total maximum height of 5m may be considered where all of the following criteria can be met:

3.3.3 Increases in total maximum height to a maximum of 5m may be considered where all of the following criteria can be achieved:
a) The outbuilding must be constructed in the same materials and finish to the existing (or approved) dwelling.
b) The roof pitch of the outbuilding is to match the roof pitch of the existing (or approved) dwelling.
c) The overall total maximum height of the outbuilding is not to be any higher than the highest part of the existing (or approved) dwelling.
d) The outbuilding is not within the primary or secondary street setback area.
e) The outbuilding footprint is not greater than the existing (or approved) dwelling footprint.
f) The aggregate floor area is not greater than the maximum area prescribed in clause 3.3.2 (the intent is if higher outbuildings are approved, the footprint of the outbuilding is reduced, thereby reducing building bulk).
g) Setbacks to comply with the R-Codes.
h) Consultation with adjoining properties is required.

In this case, it is proposed that the outbuilding will have a floor area of 144m². However, 36m² is to be used for the ancillary accommodation. The outbuilding therefore complies with the 120m² maximum prescribed by the policy.

With respect to heights, however, the wall height at 4.9m is significantly greater than the 3m height specified by the Policy. The proposed ridge height of 5.79m is also significantly greater than the total maximum heights.

Approval to the application therefore requires a variation of both Scheme and Local Planning Policy Provisions. The applicant has provided justification for the additional height with the outbuilding intending to house a boat and caravan, as well as it incorporating the two-storey ancillary accommodation.

Whilst not all of the criteria identified in clause 3.3.3 of the Policy are met, the outbuilding construction material and the proposed roof pitch will complement the home, the outbuilding will not exceed the highest point of the home, and the outbuilding footprint is significantly smaller than the proposed home.

Variations to Site and Development Standards and Requirements
In accordance with clause 34 of the Scheme, approval may be granted to a development that does not comply with an additional site and development requirements, except for development in respect of which the R-Codes apply or variations to land use permissibility contained in the zoning table.

The local government may only approve an application for development approval under this clause if the local government is satisfied that:

> "*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."*

As the proposed outbuilding complies with the majority of the requirements for an increase in wall height, and no objections were received in response to the consultation process, conditional approval is recommended.

Conclusion
Approval to the development as proposed requires a relaxation of the standard side setback requirements and a variation of Council Policy requirements with respect to maximum height. As reflected within the Comment Section of this agenda item, it is recommended that approval to the application be conditionally approved.

STATUTORY ENVIRONMENT:
Planning and Development Act 2005
Shire of Northampton Local Planning Scheme No. 11 - Kalbarri

POLICY / STRATEGIC IMPLICATIONS:
Local Planning Policy – Outbuildings and Draft Local Planning Policy – Outbuildings.

ORGANISATIONAL RISK MANAGEMENT:
Risk rating is considered Moderate.

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

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

FINANCIAL IMPLICATIONS:
The development application fee in accordance with the Shire of Northampton's 2025/2026 Fees and Charges Schedule has been paid.

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

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council in accordance with Local Planning Scheme No. 11 – Kalbarri granted planning approval for a Proposed Dwelling and Outbuilding including Ancillary Accommodation and Reduced Front and Side Setbacks at Lot 26 (No. 6) Amber Vista, Kalbarri in accordance with plans and specifications at ATTACHMENT: 0.0(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 from the Shire of Northampton:**

Reference	Document Title	Date Received
1.	Proposed Site Plan	2 June 2026
2.	First Floor Plan	2 June 2026
3.	Ground Floor Plan	2 June 2026
4.	Elevations – Southeast with Shed, Pool Fence & Gate	2 June 2026
5.	Elevations – North West with boundary fence cut away	2 June 2026
6.	Elevations – Southwest	2 June 2026
7.	Shed Floor Plans	2 June 2026
8.	Shed Elevations	2 June 2026

2. **Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and development approval for that use/addition;**
3. **Any soils disturbed or deposited onsite shall be stabilised to the approval of the Shire of Northampton;**
4. **All stormwater and drainage runoff is to be retained on the subject property and disposed of to the satisfaction and approval of the Shire of Northampton;**
5. **The proposed development shall be clad or coloured to complement either the surroundings in which it is located or adjoining developments to the satisfaction of the Shire of Northampton, but the use of reflective materials and colours is not permitted;**
6. **Screening devices such as obscure glazing, timber screens, external blinds etc, fixed to the sides of the proposed balconies are to be at least 1.6m in height, at least 75% obscure, permanently fixed, made of durable material and to restrict view in the direction of any adjoining properties;**
7. **Any external lighting proposed on the subject property must be installed as to not have a detrimental impact upon traffic in the vicinity or upon the general amenity of the neighbouring properties to the satisfaction of the Shire of Northampton;**
8. **Prior to commencement, a vehicle crossover between the subject land and Amber Vista is to be located, designed, constructed, sealed, and drained to the specification of the Shire of Northampton;**
9. **All parking of vehicles (including boats and trailers) associated with the property is to be provided for within the property boundary, and the street verge area is to be kept free of such vehicles;**
10. **Bin storage and clothes drying areas shall be provided and appropriately screened such that they are not visible from the view from the street/s to the approval of the local government;**
11. **Unless otherwise approved, construction of the proposed shed shall not commence until the residence has been completed up to and including the pouring of the house slab – a variation to this is permitted where the slabs for the residence and outbuilding are poured concurrently;**
12. **A single dwelling is to be substantially completed within 2 years of the date of this approval unless otherwise extended by the Shire of Northampton; and**
13. **Prior to occupation of the development, the applicant/owner shall plant the trees within the front setback as shown on the submitted plans and from thereon maintain those trees to the satisfaction of the Shire of Northampton.**

Advice Note:

a) **Further to condition No. 6 above, the applicant is advised that the screening being required given that the proposed balconies will overlook the adjacent property.**

b) **This development approval is NOT a building permit. A building permit must be formally applied for and obtained from Building Services BEFORE the commencement of any site and/or development works. (Land clearing to facilitated development and BAL report is permitted).**

c) **If the development/use the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.**

d) **Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.**

e) **The applicant is advised that compliance with any and all governmental legislation and regulations, including but not limited to *Health (Miscellaneous Provisions) Act, 1911*, the National Construction Code of Australia and the relevant *Aboriginal Cultural Heritage Act,* is required at all times.**

f) **If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal is accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of determination.**

COUNCIL RESOLUTION:

MOVED: Suckling, R SECONDED: Smith, C
09/26-190

That Council in accordance with Local Planning Scheme No. 11 – Kalbarri granted planning approval for a Proposed Dwelling and Outbuilding including Ancillary Accommodation and Reduced Front and Side Setbacks at Lot 26 (No. 6) Amber Vista, Kalbarri in accordance with plans and specifications at ATTACHMENT: 0.0(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 from the Shire of Northampton:**

Reference	Document Title	Date Received
1.	Proposed Site Plan	2 June 2026
2.	First Floor Plan	2 June 2026
3.	Ground Floor Plan	2 June 2026
4.	Elevations – South East with Shed, Pool Fence & Gate	2 June 2026
5.	Elevations – North West with boundary fence cut away	2 June 2026
6.	Elevations – South West	2 June 2026
7.	Shed Floor Plans	2 June 2026
8.	Shed Elevations	2 June 2026

2. **Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and development approval for that use/addition;**
3. **Any soils disturbed or deposited onsite shall be stabilised to the approval of the Shire of Northampton;**
4. **All stormwater and drainage runoff is to be retained on the subject property and disposed of to the satisfaction and approval of the Shire of Northampton;**
5. **The proposed development shall be clad or coloured to complement either the surroundings in which it is located or adjoining developments to the satisfaction of the Shire of Northampton, but the use of reflective materials and colours is not permitted;**
6. **Screening devices such as obscure glazing, timber screens, external blinds etc, fixed to the sides of the proposed balconies are to be at least 1.6m in height, at least 75% obscure, permanently fixed, made of durable material and to restrict view in the direction of any adjoining properties;**
7. **Any external lighting proposed on the subject property must be installed as to not have a detrimental impact upon traffic in the vicinity or upon the general amenity of the neighbouring properties to the satisfaction of the Shire of Northampton;**
8. **Prior to commencement, a vehicle crossover between the subject land and Amber Vista is to be located, designed, constructed, sealed, and drained to the specification of the Shire of Northampton;**
9. **All parking of vehicles (including boats and trailers) associated with the property is to be provided for within the property boundary, and the street verge area is to be kept free of such vehicles;**

10. Bin storage and clothes drying areas shall be provided and appropriately screened such that they are not visible from the view from the street/s to the approval of the local government;

11. Unless otherwise approved, construction of the proposed shed shall not commence until the residence has been completed up to and including the pouring of the house slab – a variation to this is permitted where the slabs for the residence and outbuilding are poured concurrently;

12. A single dwelling is to be substantially completed within 2 years of the date of this approval unless otherwise extended by the Shire of Northampton; and

13. Prior to occupation of the development, the applicant/owner shall plant the trees within the front setback as shown on the submitted plans and from thereon maintain those trees to the satisfaction of the Shire of Northampton.

Advice Note:

a) Further to condition No. 6 above, the applicant is advised that the screening being required given that the proposed balconies will overlook the adjacent property.

b) This development approval is NOT a building permit. A building permit must be formally applied for and obtained from Building Services BEFORE the commencement of any site and/or development works. (Land clearing to facilitated development and BAL report is permitted).

c) If the development/use the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.

d) Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.

e) The applicant is advised that compliance with any and all governmental legislation and regulations, including but not limited to *Health (Miscellaneous Provisions) Act, 1911*, the National Construction Code of Australia and the relevant *Aboriginal Cultural Heritage Act,* is always required.

f) If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal is accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of determination.

MOTION CARRIED 5/0

FOR	**AGAINST**
Cr L Sudlow	
Cr R Burges	
Cr K Suckling	
Cr R Suckling	
Cr C Smith	

ATTACHMENT

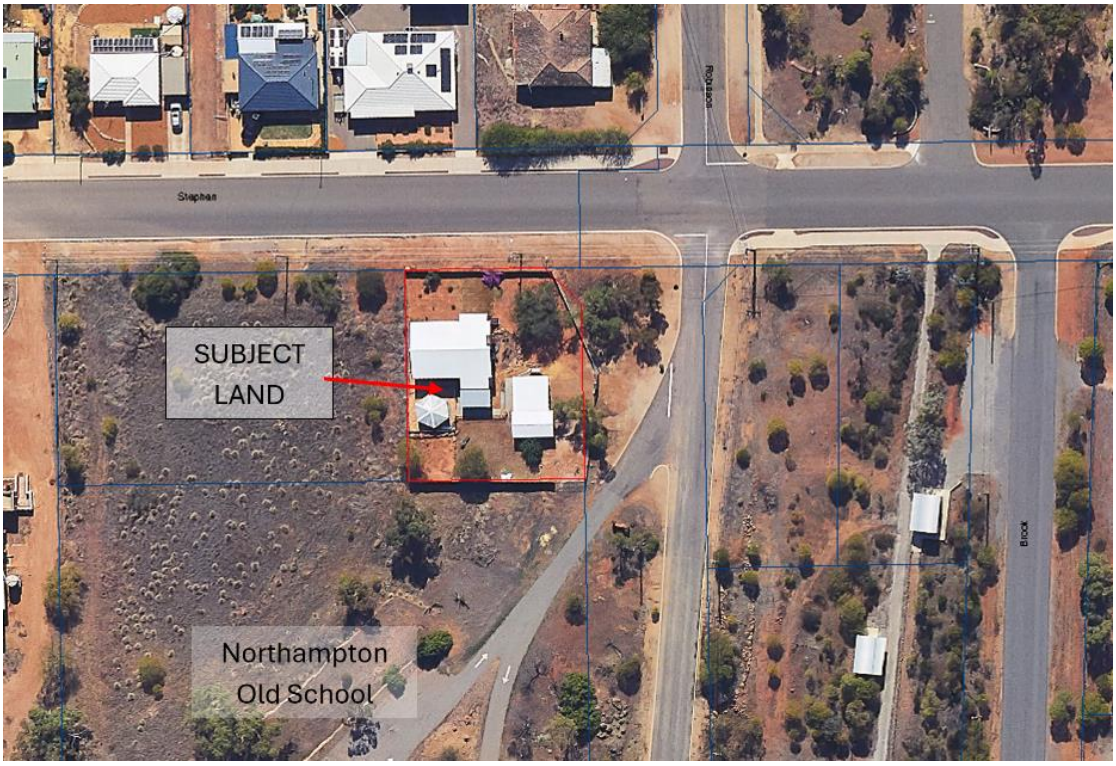
9.4.4 Application to Keep More Than Two Dogs - Stephen Street, Northampton

PROPONENT	MD Clancy
OWNER	MD Clancy
LOCATION / ADDRESS:	Lot 450 (No 104) Stephen Street, Northampton
ZONE:	Residential
BUSINESS AREA:	Ranger Services
FILE REFERENCE:	5.3.1 & A1565
LEGISLATION:	*Dog Act 1976* *Planning and Development Act 2005*
AUTHOR:	Brian Robinson
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	1 September 2026
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Council is requested to determine an application to keep a total of 14 adult dogs on the subject land, being a residential property located on the corner of Stephen Street and John Street in the Northampton townsite. With an area of 1,014m², the property is developed with a single dwelling.

Location Plan



In February 2026, a complaint was received regarding the number of dogs located on the subject property. In response, a site inspection was conducted by the Shire Ranger. That inspection identified that there were up to 9 adult dogs located on the property along with a number of puppies. Subsequent to the inspection:

a) Correspondence was forwarded to the landowner requiring that the number of dogs on the premises be reduced to the three dogs that were licensed to the property within 21 days;
b) The Shire's then CEO granted a request for an extension in time until 30 June 2026; and
c) The landowner lodged an appeal with the State Administrative Tribunal, despite not having lodged an application for approval to keep the additional dogs.

The Shire has now received an application to keep more than two dogs. The supporting email identifies that there is now a total of 14 adult dogs on the property and that the landowner is seeking approval to:

i) Keep 5 dogs for the purposes of an ongoing breeding program;
ii) Keep 6 dogs, being "retired" from the breeding program; and
iii) Temporarily keep an additional 3 female dogs that are currently nursing and caring for newborn puppies.

A copy of the email request and spreadsheet detailing the dogs subject of the application is shown attached.

ATTACHMENT: 9.4.4 (1)

Council is requested to determine the application and what action (if any) should be taken for a breach of the *Dog Act 1976*, the Shire of Northampton Dog Local Laws and the provisions of Local Planning Scheme No 10 – Northampton.

PUBLIC CONSULTATION UNDERTAKEN:
Nil.

COMMENT (Includes Options):
To assist Council in determining the application and what action should be taken against the applicant, the following advice and comments are offered:

Dog Act 1976
The following requirements as prescribed by the provisions of the *Dog Act 1976* are relevant to the current situation:

1. Clause 7 - All dogs over the age of 3 months are required to be registered unless they meet set criteria, which do not apply in this case;
2. Clause 21 – After 1 November 2013, all dogs over 3 months are required to be microchipped;
3. Clause 26(1) – A local government may limit the number of dogs over the age of 3 months that can be kept at a premises in the local government district;

4. Clause 26(2) – The local law mentioned in point (3) above:
   (a) May limit the number of dogs that can be kept at a premises to 2, 3, 4, 5 or 6 only;
   (b) Cannot prevent the keeping of up to two dogs that have reached 3 months in age and any pup of either of those dogs;
   (c) Cannot apply to dogs kept a premises that are licensed under Section 27 as a kennel.
5. Clause 26(3) – A local Government may grant an exemption to keep more than two dogs, but cannot authorise the keeping of more than 6 dogs who have reached the age of 3 months; and
6. Clause 27 – A local government may grant a kennel license.

Information provided by the applicant, shown at Attachment: 9.4.4 (1), indicates that 13 of the 14 adult dogs subject of this application are microchipped. However, only 3 registered dogs are currently registered for the property. One of those dogs that are licensed on the property is not included on the list.

That being the case, there are currently 12 dogs that are not currently licensed as required by provisions of the *Dog Act 1976*.

As highlighted at point 5 above, in accordance with clause 26(3) of the *Dog Act 1976,* the Shire cannot legally approve more than 6 dogs on any property as an exemption to the specified maximum number of dogs that may be permitted. The keeping of more than 6 dogs may only be approved under a kennel license.

Dog Local Laws

Complimenting the provisions of the *Dog Act 1976,* the Shire of Northampton's *Dog Local Laws 2017* set out the specific provisions relating the keeping of dogs within the Shire. Provisions of the Dog Local Laws that are applicable in this instance are as follows:

1. Clause 3.2(2) of the Local Laws identifies that the limits on the number of dogs which may be kept at any premises for the purposes of section 26(4) of the *Dog Act 1976* are as follows;
   (a) 2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated 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 outside of a townsite.
2. Clause 4.7 outlines the following with respect to a Kennel License. *"The local government cannot approve an application for a license where:*
   (a) an approved kennel establishment cannot be permitted by the local government on the premises under a town planning scheme; or
   (b) An application for a license or another person who will have the charge of the dogs will not reside on the premises, or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare."

As outlined within the balance of this agenda item, the Shire is not able to grant a kennel license within the Residential Zone given that such uses are prohibited under the relevant Local Planning Scheme.

Local Planning Scheme No 10 – Northampton (LPS No 10)
The provisions of LPS No 10, as gazetted in January 2012, include the subject land within the Residential Zone. LPS No 10 defines an "Animal Establishment" as meaning *"premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry – intensive or veterinary centre".*

As detailed within Table 2 of LPS No 10 – the land use "Animal Husbandry" is an "X" use within the Residential Zone. That is a use which is prohibited from the zone.

Given this and having regard to clause 4.7 of the Shire's Dog Local Laws 2017, it is not open for Council to grant approval to a kennel license on the property.

The applicant has previously registered three unsterilised dogs at the property, which were used for breeding purposes. It is considered that any intensification of a dog breeding program beyond the three dogs results in the activity falling under the land use definition of an Animal Establishment which cannot legally be approved on the property under the current provisions of LPS No 10.

Response to Supporting Correspondence
As reflected at Attachment: 9.4.4 (1), the applicant has made multiple statements in support of their application, including that they have been "*actively reducing"* their dog numbers.

The following summary of those statements is provided below, along with officer responses:

1. Three Nursing Mothers (Temporary)
   The applicant has stated that three nursing mothers are present at the property, requesting that they be considered as "temporary" animals and permit the mothers to remain with their puppies during the nursing and weaning period.

   Officer Response: Neither the *Dog Act 1976* nor the Shire's Dog Local Laws permit licensing dogs on a temporary basis.

2. Elderly and Retired Dogs
   The applicant has advised that as a breeder she currently has 5 adult dogs that have been retired from the breeding program. These dogs include Ziggy who the applicant describes as "*particularly elderly and was my dog before I established Lebellutzu."*

   Officer Response: Shire records show that two of the elderly/retired dogs have been registered with the Shire. There is no record of Ziggy ever having been registered by the applicant, and the applicant is not able to provide information regarding the dog's microchip.

Given that the applicant has stated they have had Ziggy since before they established their business in 2015, Ziggy has been unregistered for a significant number of years.

3. Full Disclosure of Current Numbers
   During a recent State Administrative Tribunal hearing, the applicant identified that there were 11 dogs on the property, being an increase from 9 dogs that were identified on the property in February 2026. The applicant has now identified that there are 14 dogs and submits the following:

   "I disclose this number voluntarily. I do not want there to be any suggestion that I have attempted to conceal dogs or misrepresent my circumstances".

   Officer Response: The applicant misrepresented the number of adult dogs during the State Administrative Tribunal preliminary hearing on 21st August 2026.

4. Active Reduction in Numbers
   The applicant advises that they have *"already taken steps to reduce the number of dogs in my care and will continue to do so".*

   Officer Response:
   The Shire's February correspondence directed the applicant to reduce the number of dogs on the property to 3, being those licensed to the property. At the time, the applicant had 6 unlicensed dogs on the property.

   The information submitted with this application clearly indicates that there are now 14 adult dogs on the property, being an increase of 5. Numbers have therefore substantially increased since February 2026 not decreased as stated by the applicant. There are now 12 adult dogs on the property that are not licensed.

5. Cyclone Seroja and Registration
   The applicant submitted that their circumstances need to be reviewed against the significant disruption caused by Cyclone Seroja which destroyed their home. They furthermore stated that following the cyclone, they *"did take steps to formally register my dogs as I only had 3 left in my care. That accounts for the three that I have registered for life with the Shire."*

   Officer Response: The request that the applicant's circumstances be reviewed against the significant disruption of Cyclone Seroja is not supported for the following reasons:

   a) TC Seroja impacted on the townsite of Northampton in April 2021, more than five years ago; and

b) The applicant confirms that they registered 3 dogs following TC Seroja but have failed to register a minimum of 12 adult dogs since that time.

6. Shires Written Approval
The applicant asked that consideration be given to the *"written approval provided to me by the Shire in 2018. Concerning my dog breeding activities at the property."* The applicant has stated on numerous occasions that they consider that correspondence from the Shire, shown attached, constitutes an approval.

ATTACHMENT: 9.4.4 (2)

As demonstrated by the wording shown at Attachment: 9.4.4 (2), this correspondence related to a welfare inspection of the property undertaken in consultation with the RSPCA. There are no statements contained within that correspondence that:

a) Grant exemptions to the maximum number of dogs permitted under either the *Dog Act 1976* or Shire of Northampton Dog Local Laws; and
b) No information contained in that correspondence could be reasonably construed as meaning that the applicant was not required to register her dogs with the Shire of Northampton.

As the correspondence referred to relates solely to the welfare of dogs in the applicants' care, it cannot be construed as being any form of written approval as claimed by the applicant. The applicant has been informed of this view by Shire Officers on a number of occasions.

7. Consistency with Other Shire Decisions
The applicant asks that her circumstances be considered consistently with other instances in which discretion has been used with respect to dog numbers. The applicant highlights an exemption granted to a breeder in Kalbarri.

Shire Officers are aware that the applicant is seeking to draw some comparison with an application to keep a total of 4 dogs at Lot 299 Explorer Avenue. In that case, at its November 2025 meeting, Council resolved (Resolution 11/25-168) to approve a total of four dogs, two being sterilised and two being used for breeding.

Officer Response: Shire Officers consider that there is no comparison with the application relating to Lot 299 Explorer Avenue, Kalbarri. By way of further information:

a) Lot 299 Explorer Avenue is zoned Rural Residential under Local Planning Scheme No 11 – Kalbarri, whereas the subject land is zoned Residential under Local Planning Scheme No 10 – Northampton;

b) Lot 299 Explorer Avenue has an area of 1.3124ha, whereas the subject land has an area of 1,014m²;
c) The subject land is located within a townsite (Northampton), whereas Lot 299 is not; and
d) The applicants for Lot 299 sought approval for a total of two (2) unsterilised dogs, the applicant is seeking approval for nine (8).

8. Obligations as DPP Witness

The applicant has requested that consideration be given to the fact they have been summoned as a witness in a murder case.

Officer Response: The applicant was advised in writing to reduce the number of dogs on the property to correspond with the number of dogs registered at the property in February 2026.

Subsequently through multiple emails to the then Shire Chief Executive Officer, the applicant sought an extension of three months to "*rehome and/or relocate her dogs".* On 4 March 2026, the then Chief Executive Officer granted approval to an extension of time until 30 June 2026, subject to:

1. That no further dog breeding occurs at 104 Stephen Street, Northampton;
2. You use best endeavours to mitigate any nuisance behaviour caused by the keeping of dogs;
3. You commence immediate steps to comply with the direction and do not leave the matter until a point where time left would not be reasonable to comply; and
4. There will be no time extension beyond this point.

A copy of the Chief Executive Officers correspondence is shown attached.

ATTACHMENT: 9.4.4 (3)

Despite being granted more than the 3 additional months as requested by the applicant, it should be noted that:

a) The applicant did not cease breeding practices as required by condition No 1; and
b) Did not reduce numbers, instead increasing numbers from 9 to 14, being more than a 50% increase.

9. Conclusion

The applicant concludes their request by stating that:

a) The wish to solve the matter co-operatively, that they are not asking the Shire to ignore its responsibilities, nor are they refusing to reduce the numbers of dogs;
b) They have disclosed the present number of 14 so that the Shire has an accurate picture of their circumstances;
c) Asking that consideration be given to their circumstances; and

d) They would appreciate the opportunity to meet with the Chief Executive Officer to discuss the proposal and work towards an agreed solution.

Officer Response: Shire Officers have attempted to work co-operatively with the applicant to ensure compliance with the *Dog Act 1976* and the Shire's Local Planning Scheme No 10. The co-operative nature of the Shire is reflected in the fact that by granting the applicant until 30 June 2026, the then CEO granted more than 3 months additional time as requested by the applicant.

Despite being granted additional time to reduce the number of dogs, the applicant has in fact used this time to not only continue breeding but increase the number of adult dogs from 9 to 14. At the same time increasing the number of unlicensed dogs from 6 to 12.

Potential for Legal Action

The applicants' activities on the subject property have been in breach of the *Dog Act 1975* and *Planning and Development Act by*:

a) Failing to register a total of 12 adult dogs as required by clause 7 of the *Dog Act 1976;*
b) Failing to obtain an exemption for the keeping of more than the number of dogs prescribed by the Shire's Dog Local Law 2017 as required by Section 26 of the *Dog Act 1976*, recognising that the applicant was previously allowed to register three (3) dogs to the property;
c) Operating of a "Animal Establishment" being a use that is prohibited in the zone.

The applicant has also failed to comply with the Shire's conditional approval of additional time to bring the property into compliance, deliberately continuing the breeding program and expanding the number of dogs on the property by a further 5 dogs since the Shire's February 2026 correspondence.

In accordance with Part 7 of the *Dog Act 1976,* failing to register a dog more than 3 months old constitutes an offence, which can attract a penalty of up to $5,000. As outlined within part 33 of the *Dog Regulations 2013,* a modified penalty of $200 can apply as an alternative to court action.

The owner of the property has knowingly kept numerous dogs on the property without registering the dogs or seeking an exemption to keep additional dogs. Clear breaches of the *Dog Act 1976* have occurred and have been ongoing since the applicant was written to in February 2026. Having regard to the fact the landowner has actually increased the number of unlicensed dogs since being given an opportunity to reduce the numbers, it is recommended that a modified penalty of $200 be applied to each of the 12 dogs on the property that are currently unregistered.

The applicant has continued to operate a commercial breeding program from the property. As detailed in their submission, the applicant currently has 3

female dogs nursing their young. An additional 5 dogs are located on the property, and the applicant intends to use these 5 dogs for their ongoing breeding program.

Operating a land use such as an Animal Establishment without approval represents a contravention of the Local Planning Scheme and the *Planning and Development Act*. Failing to operate such a land use is an offence under Section 218 for which a court may impose a fine of up to $200,000 and, in the case of a continuing offence a further fine of $25,000 per day.

Pursuant to clause 42 of the *Planning and Development Regulations 2009* as an alternative a modified penalty of $500 can be imposed.

Efforts to have the applicant to cease the commercial breeding program and reduce the number of dogs to the three dogs licensed to the property have failed. Given that the landowner has in fact increased the number of unsterilised dogs to 8, and continued to operate the commercial breeding program, it is recommended that:

i) Council authorise the Temporary Chief Executive Officer to commence legal action against the owner of Lot 450 (No 104) Stephen Street for a breach of the Scheme; and
ii) As part of the action referred to in point i) above, seek a court order to reduce the number of dogs on the property to a maximum of 3 dogs.

Conclusion

Responding to a complaint, Shire Rangers identified that there were 9 adult dogs on the property in February 2026. Initially given 21 days to reduce the number of dogs, effectively requiring the removal of all unlicensed dogs, the applicant was ultimately given a total of 4 months grace period to achieve this.

Despite the conditions associated with the allowance of the additional time, the applicant has not ceased commercial breeding and reduced the number of dogs, rather they have increased the number of unsterilised/unlicensed dogs and continued the breeding program. Action against the applicant/landowner is recommended given:

a) That the commercial breeding of dogs as being undertaken by the applicant cannot legally be approved on the property; and
b) The applicant's landowner refusal to reduce the number of dogs, the subsequent increase in the number of unsterilised dogs and breeding program.

STATUTORY ENVIRONMENT:

As detailed within the Comment Section above.

POLICY / STRATEGIC IMPLICATIONS:

A failure to enforce the provisions of the *Dog Act 1976* and Local Planning Scheme No 10 would result in the applicant continuing to operate a commercial

level breeding program using unlicensed dogs from a residential property in an area where that use cannot be legally permitted.

Enforcement of the *Dog Act 1976* and Local Planning Scheme would be consistent with the Shire's commitment to good governance as reflected within the "Our Leadership" section of the Shire of Northampton's Strategic Community Plan 2025-2035.

ORGANISATIONAL RISK MANAGEMENT:
The Risk rating is considered Moderate.

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

FINANCIAL IMPLICATIONS:
Should Council resolve to commence legal action, all costs associated with the process will be wholly contained within the Shire's adopted 2026/27 Annual Budget.

SUSTAINABILITY:
Environmental: The operation of a commercial level dog breeding program within a residential area has the potential to impact on the amenity of the adjacent properties through noise and odour.
Economic: Allowing the owner to retain a maximum of 3 unsterilised dogs as previously approved gives the applicant an opportunity to secure a source of income.
Social: This matter was brought to the attention of the Shire as a result of a complaint from an adjacent landowner, when 9 adult dogs were on the property.

With 14 adult dogs, 8 of which are currently capable of being bred, potential issues are now greater than when the matter was raised with the applicant in February.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. **Refuse the request under Section 26 of the *Dog Act 1976* to vary the prescribed number of dogs and permit the keeping of 14 adult dogs on Lot 450 (No 104) Stephen Street for the following reasons:**
   a) **Approval of the application as submitted would be contrary to clause 26(3) of the *Dog Act 1976* which prohibits local government from approving more than 6 dogs on a premises; and**
   b) **The commercial breeding program being undertaken using the 8 unsterilised/unregistered dogs on the premises constitutes a kennel which cannot legally be approved on the property. Approval would therefore be contrary to clause 47 of the Shire of Northampton Dog Local Law 2017.**
2. **Request the Temporary Chief Executive Officer issue a modified penalty of $200 in accordance with clause 33 of the *Dog Regulations 2009* for each of the following dogs*:***

No	Dog Name	Microchip Number
1.	Hope	953010007021811
2.	Matilda	953010006593634
3.	Ester	978142000124820
4.	Mr Bojangles	953010006597799
5.	Felipe	953010005838770
6.	Takin a Chance	941000019570529
7.	Coco Song	900006000244119
8.	Jhett	981000300706873
9.	Ziggy	Not Supplied
10.	Sinead	953010006598343
11.	Dixie	953010008037971
12.	Destiny	953010007017226

3. **Commence legal action against the owner of Lot 450 (No 104) Stephen Street, Northampton for the contravention of Section 218**

of the *Planning and Development Act* 2005, being the unauthorised operation of an "Animal Establishment" from the property.

COUNCIL RESOLUTION:

MOVED: Burges, R SECONDED: Suckling, K
09/26-191

That Council:

1. **Refuse the request under Section 26 of the *Dog Act 1976* to vary the prescribed number of dogs and permit the keeping of 14 adult dogs on Lot 450 (No 104) Stephen Street for the following reasons:**
   a) **Approval of the application as submitted would be contrary to clause 26(3) of the *Dog Act 1976* which prohibits local government from approving more than 6 dogs on a premises; and**
   b) **The commercial breeding program being undertaken using the 8 unsterilised/unregistered dogs on the premises constitutes a kennel which cannot legally be approved on the property. Approval would therefore be contrary to clause 47 of the Shire of Northampton Dog Local Law 2017.**
2. **Request the Temporary Chief Executive Officer issue a modified penalty of $200 in accordance with clause 33 of the *Dog Regulations 2009* for each of the following dogs*:***

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1.	Hope	953010007021811
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6.	Takin a Chance	941000019570529
7.	Coco Song	900006000244119
8.	Jhett	981000300706873
9.	Ziggy	Not Supplied
10.	Sinead	953010006598343
11.	Dixie	953010008037971
12.	Destiny	953010007017226

3. **Commence legal action against the owner of Lot 450 (No 104) Stephen Street, Northampton for the contravention of Section 218 of the *Planning and Development Act* 2005, being the unauthorised operation of an "Animal Establishment" from the property.**

MOTION CARRIED 5/0

FOR	**AGAINST**
Cr L Sudlow	
Cr R Burges	
Cr K Suckling	
Cr R Suckling	
Cr C Smith	

ATTACHMENT

Cr Chad Smith declared a financial interest in relation to item 9.4.5 - Proposed Temporary Accommodation at Lot 9000 Settlers Loop, Northampton – as the applicant is a client of Cr Smith, left the room at 2.35pm

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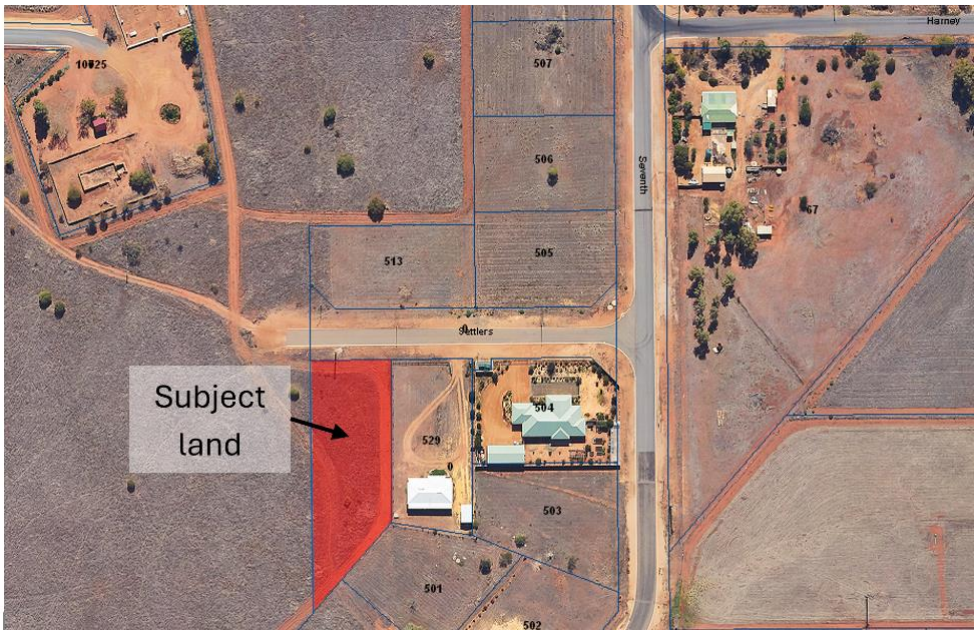
9.4.5 Proposed Temporary Accommodation at Lot 9000 Settlers Loop, Northampton

PROPONENT	PM Maver
OWNER	PM & KM Maver
LOCATION / ADDRESS:	Lot 9000 Settlers Loop, Northampton
ZONE:	Residential R10
BUSINESS AREA:	Planning Services
FILE REFERENCE:	10.8.1.1: A4796
LEGISLATION:	*Caravan Parks and Camping Grounds Act 1995* and *Planning and Development Act 2005*
AUTHOR:	Kaylene Roberts
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	2 September 2026
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Shire has received an application for Development Approval seeking to utilise a Caravan for the purposes of temporary accommodation on the subject land, being a 2,576m² residential lot that currently contains an outbuilding and has development approval for a dwelling and a garage. A location plan is shown below.

Location Plan



The applicant is requesting permission to reside in a caravan on the subject property for the duration of the construction/placement of the dwelling. The applicants have stated that they own 2 dogs therefore the possibility of living in one of the caravan parks in town is not an option. The applicant has stated that the effluent will remain onsite in tanks and leech drains. The approved dwelling is a 3 bedroom, 2 bathroom home with an open plan dining/living area and the proposed garage is 6m by 14m and is to be situated adjacent to the proposed dwelling.

Council is requested to determine the application given that approval to the application would be contrary to the Shire of Northampton's current policy relating to Temporary Accommodation. A copy of the site plan is attached.

ATTACHMENT: 9.4.5 (1)

PUBLIC CONSULTATION UNDERTAKEN:
Nil.

COMMENT (Includes Options):
The provisions of Local Planning Scheme No. 10 (LPS No 10) include the subject land within the Residential Zone, with an applicable density of R10. In order to assist Council in determining the application, the following comments and advice are offered:

Local Planning Scheme Provisions
Clause 8 of the General Site Provisions state that approval may be granted for temporary occupation of a caravan, or other vehicle, or structure on a lot, subject to the following:

a) Approval only being granted where a building permit has been granted for the development of a habitable building in accordance with the Building Regulations;
b) Unless otherwise approved, the time period not exceeding 12 months; and
c) In determining an application for extension of a temporary approval, the local government being satisfied that a genuine effort has been made to complete the approved habitable building.

In this case, the Modular Housing Company is in the process of submitting a building permit for the proposed Dwelling and the applicant has stated that they intend to use the caravan for a maximum of 2 – 3 months. Council may therefore consider the application.

Local Planning Policy – Caravans for Temporary Accommodation
The Shire's Local Planning Policy – Caravans for Temporary Accommodation (the Policy) has the following objectives:

2.1 To provide for and regulate the use of caravans for temporary accommodation purposes whilst building a residence.

2.2 To ensure that outbuildings are not used for habitable purposes;
2.3 To ensure that this type of temporary accommodation does not compromise the amenity of the area.
2.4 To ensure an acceptable standard of development (by way of building and health compliance) is achieved.

As outlined within clause 3.3.2 of the Policy *"It is considered that the use of caravans for temporary accommodation purposes in residential areas (even located in outbuildings) could have a detrimental impact on the amenity of the area and would be contrary to resident's expectations for development in the locality".* The Policy further states that on this basis, the use of caravans for temporary accommodation purposes in residential areas should not be approved.

Notwithstanding the above, Council has in recent years varied clause 3.3.2 of the Policy in permitting the following temporary accommodation proposals using caravans:

1. Lot 39 (No 13) Fifth Avenue, being a 4,426m² property corner of Hampton Road. Conditional approval was granted by Resolution 05/25-73 passed by Council on 15 May 2025; and
2. Lot 407 (No 97) Forrest Street, being a 1,014m² lot. Conditional approval granted by Resolution 07/26-127 passed by Council on 16 July 2026.

Variation of Standards
Clause 34 of the Scheme identifies that *"The local government may approve an application for a development approval that does not comply with an additional site and development requirements except for development in respect of the which the R-Codes apply or variations to land use permissibility contained in the zoning table."*

As outlined in clause 34(4), if the local government is of the opinion that the non-compliance with an additional site and development requirement is likely to adversely affect any owners or occupiers in the general locality or in an area, then a consultation process should be undertaken. In this case given the size of the property, the proposed location on the property and the limited timeframe for which approval is being sought, conditional approval is recommended.

Conclusion
The provisions of the Shire's Local Planning Policy – Caravans for Temporary Accommodation contain a presumption against the approval of such temporary accommodation with the Residential Zone. To date, Council has varied the provisions of the policy for a property over 4,000m² and a temporary approval for landowners building a dwelling on a 1,014m² lot.

In this case, approval to the proposal would be consistent with the two previous decisions of Council to allow temporary accommodation within the Northampton townsite. Provided appropriate conditions of approval are imposed, it is considered that the potential for adverse impacts can be minimised.

STATUTORY ENVIRONMENT:
The *Caravan Park and Camping Grounds Act 1995* and *Caravan Park and Camping Grounds Regulations 1997.*

POLICY / STRATEGIC IMPLICATIONS:
The applicable policy provisions are detailed in the comment section above.

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:
The relevant development application fee has been paid in accordance with the Shire of Northampton 2026/2027 Fees and Charges Schedule.

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

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council under the *Caravan Parks and Camping Grounds Regulations 1997* r.11a grant approval for the landowner to camp in a fully self-

contained caravan for the purposes of Temporary Accommodation on Lot 9000 Settlers Loop, Northampton subject to compliance with the following conditions:

1. **This approval is valid for a period of 6 months from the date of this decision and relates to the use of a single caravan only. No other form of camping is permitted to occur on site;**
2. **This approval is for a maximum of two persons to be accommodated within the caravan only;**
3. **Construction / placement of the residence is to substantially commence within six months from the date of this approval;**
4. **That the caravan to be used in camping on the land is maintained in such condition that it is not a hazard to safety or health; and**
5. **All wastewater associated with the activity being wholly contained within the caravan and disposed at an approved wastewater disposal facility or through a connection to an approved on-site wastewater facility to the satisfaction of the Shire of Northampton.**

Advice Note

a) **The approved development must comply with all relevant provisions of the *Health (Miscellaneous Provisions) Act 1911* and the *Building Act 2016.***

b) **The development the subject of this development approval is required to comply with the Shire of Northampton's Health Local Law.**

c) **The applicant is advised that compliance with any and all governmental legislation and regulations, including but not limited to *Health (Miscellaneous Provisions) Act 1911,* the National Construction Code of Australia and the relevant *Aboriginal Cultural Heritage Act,* is required at all times.**

d) **If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of determination.**

COUNCIL RESOLUTION:

MOVED: Suckling, R SECONDED: Suckling, K
09/26-192

That Council under the *Caravan Parks and Camping Grounds Regulations 1997* r.11a grant approval for the landowner to camp in a fully self-contained caravan for the purposes of Temporary Accommodation on Lot 9000 Settlers Loop, Northampton subject to compliance with the following conditions:

1. **This approval is valid for a period of 6 months from the date of this decision and relates to the use of a single caravan only. No other form of camping is permitted to occur on site;**
2. **This approval is for a maximum of two persons to be accommodated within the caravan only;**
3. **Construction / placement of the residence is to substantially commence within six months from the date of this approval;**
4. **That the caravan to be used in camping on the land is maintained in such condition that it is not a hazard to safety or health; and**
5. **All wastewater associated with the activity being wholly contained within the caravan and disposed at an approved wastewater disposal facility or through a connection to an approved on-site wastewater facility to the satisfaction of the Shire of Northampton.**

Advice Note

a) **The approved development must comply with all relevant provisions of the *health (Miscellaneous Provisions) Act 1911* and the *Building Act 2016.***

b) **The development the subject of this development approval is required to comply with the Shire of Northampton's Health Local Law.**

c) **The applicant is advised that compliance with any and all governmental legislation and regulations, including but not limited to *Health (Miscellaneous Provisions) Act 1911,* the National Construction Code of Australia and the relevant *Aboriginal Cultural Heritage Act,* is required at all times.**

d) **If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of determination.**

MOTION CARRIED 4/0

FOR	**AGAINST**
Cr L Sudlow	
Cr R Burges	
Cr K Suckling	
Cr R Suckling	

Cr C Smith returned at 2.36 pm

ATTACHMENT
APPENDIX

9.4.6 Proposed Change of Use from a 'Dwelling' to a 'Holiday House" at Lot 1 (No. 52) Smith Street, Kalbarri

PROPONENT	MN Maxfield
OWNER	Salty Stays K8 Pty Ltd
LOCATION / ADDRESS:	Lot 1 (Unit 4, No. 52) Smith Street, Kalbarri
ZONE:	Mixed Residential (R50)
BUSINESS AREA:	Planning Services
FILE REFERENCE:	10.6.1.3: A4559
LEGISLATION:	*Planning and Development Act 2005*
AUTHOR:	Kaylene Roberts; Brian Robinson
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	3 September 2026
DECLARATION OF INTEREST:	Nil

BACKGROUND:
At its July 2026 meeting, Council was requested to determine an application for a change of use to permit the operation of a Holiday House catering for a maximum of eight guests. Council resolved (Resolution 07/26-131) to refuse the application on various grounds and invited the applicant to submit a revised proposal. An excerpt from the relevant minutes is shown appended.

APPENDIX: 9.4.6 (1)

Location Plan



The applicant was invited to resubmit a revised application for a maximum of six guests with a limitation on the number of associated vehicles to two with no boat trailers or the like being permitted.

ATTACHMENT: 9.4.6 (1)

The subject dwelling is one of 4 double storey dwellings that face Smith Street, with each dwelling having individual crossovers allowing for two vehicles per unit.

The key elements of the proposal are:

- The application is proposing the number of guests to be a maximum of six (6) persons;
- The management of the property will be undertaken by a designated property manager being a family member that resides in Kalbarri;
- The cleaning of the property will be undertaken by the property manager;
- No signage is proposed for the Holiday House application;
- The implementation of the Emergency Evacuation Response Plan as submitted;
- Parking is available for two cars on-site;
- No parking of trailers will be permitted; and
- Bookings for the Holiday House will be via the booking.com platform.

The application is referred to Council for determination as an objection to the proposal has been received.

PUBLIC CONSULTATION UNDERTAKEN:

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

The application was advertised for a 21-day period to 7 adjacent landowners with 2 submissions being received – 1 in support and the other an objection. Whilst a copy of the submissions is attached, the content is addressed in the comment section. Copies of the submissions are attached.

ATTACHMENT: 9.4.6 (1)

COMMENT (Includes Options):

The provisions of the Local Planning Scheme No. 11 – Kalbarri (the Scheme) include the subject land within the Residential zone being Mixed Residential and has a density of R50.

Matters to be Considered

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

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

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

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

Parking Requirements
Schedule 4 of the Scheme identifies that a minimum of 2 parking bays is required for each holiday house. The provisions of the Shire's Local Planning Policy – Holiday House provide further guidance on parking requirements, clarifying that additional parking is required where more than 6 guests are proposed.

Similar to the previous application, an objection has been received highlighting one of their objections being in relation to parking. With two parking bays to be made available in accordance with the Scheme requirements, objections on the grounds of parking cannot be supported.

Notwithstanding that the proposal complies with the Scheme requirements, should the application be approved, it is recommended that conditions be imposed to require all parking to be wholly contained within the property and prohibit the parking of trailers.

Local Planning Policy – Holiday Houses
Clause 3.4.1 of the Local Planning Policy states that Holiday Houses should generally be restricted to a maximum number of 6 guests in order to protect the amenity of the residents in the vicinity, but that the *"maximum number of guests shall be assessed with reference to the size of the lot, number of bedrooms, the size of each bedroom and appropriate bathroom/toilet facilities".* The application as submitted complies with this requirement.

With respect to carparking, Part 3.7 of the Policy outlines the following requirements that are applicable to this application:

3.7.2 At a minimum, approval conditions should require the provision of two (2) on-site parking bays for up to 6 guests and a further two (2) parking bays for between 7 to 12 guests. Tandem parking will only be permitted for maximum of one vehicle behind another vehicle.

3.7.3 It is common for holiday makers to have a boat, trailer, caravan etc and approval conditions should also require additional space to be allocated on-site for this purpose.

In this case the applicant has proposed that guests will not be permitted to park boats, trailers, caravans or camper trailers at the property. Should the application be approved, it is recommended that an appropriate condition be imposed to ensure parking of trailers does not occur as they cannot be wholly contained within the property.

Submissions Received

As stated above, there were two (2) submissions received during the Public Consultation period, with one supporting the application and the second one strongly objecting to the proposal.

In the submission in support of the application, the submitter has stated the following:

- They did not provide a submission in support of the previous application as they thought it would have been approved without objection. Both Units 1 and 3 are presently used as Short Term stays and the submitters dwelling was previously used as one.
- *Noise – they experience more noise from the backpackers to the west and the Childcare Centre;*
- *Parking Cnr Smith & Woods Street – they have rarely seen anyone parked on the corner. The rare exception being the occasional tradesman's vehicle. The day the photos were taken, the new owners were moving furniture in and a tradesman to install Starlink into several units and this was a once off;*
- *Access to Childcare Centre – access is generally from the carpark on Patrick Crescent. Have yet to observe anyone walking down Smith St to access centre. If this is a concern, then the footpath needs to be moved to the other side of Smith Street; and*
- *Road Trains – This is a problem with short term or permanent residents. Spoke to a drive who has stated that he proceeds with caution because of drivers stopping and turning into Wood Street.*

The second submission is an objection on the following grounds:

- Severe loss of privacy due to boundary proximity;
- Acoustic amplification and vertical noise disturbance;
- Acoustic canyon effect;
- High-impact placement of the shared swimming pool which sits directly along the boundary fence line;
- Devaluation through irreparable loss of Residential amenity;

- Excessive cumulative scale and density – involves a block of four double storey, 4-bedroom units, if approved this will introduce a massive influx of transient guests – potentially up to 32 guests; and
- Severe parking and traffic pressure – the onsite parking is highly unlikely to accommodate the volume of vehicles which will lead to dangerous spillover of vehicles onto the narrow residential street and verges.

In response, Shire Officers advise that:

1. Approval to more than 6 guests at any of the group dwellings on the subject property would be contrary to the provisions of the Shire's Local Planning Policy – Holiday Houses. If all four group dwellings were in fact used for short stay rental accommodation, a maximum of 24 guests would be permitted and not 32 as suggested in the objection;
2. As a dwelling, each property may be occupied by a maximum of 6 persons who do not comprise a single family;
3. Provided that any approved short stay accommodation is appropriately managed, the potential for noise and amenity impacts is no greater than that of a single dwelling; and
4. The applicant has submitted an appendix to the application that addresses the issue of guest parking where the application has been limited to a maximum of six persons, parking is limited to two vehicles, and parking will be within the garage.

Conclusion

Given the revised application is for a maximum of six guests, there are two parking bays available and the parking of boats, trailer etc are prohibited, the proposal complies with the Local Planning Policy – Holiday Houses requirements. Given this it is recommended that approval be granted to the revised application subject to approval conditions stated below.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005

POLICY / STRATEGIC IMPLICATIONS:

The application has been assessed in accordance with the provisions of Local Planning Policy – Holiday Houses.

ORGANISATIONAL RISK MANAGEMENT:

Risk rating is considered insignificant provided that the number of guests is restricted and the activity is appropriately managed with all parking to be contained within the property.

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:
In refusing the initial application at its July 2026, Council resolved to invite the proponent to revise their application. No additional planning fees have been charged for the revised application.

SUSTAINABILITY:
Environmental: Nil.
Economic: The proposal if approved by Council will allow the proponent to increase business activity on the property and potentially increase the economic return of the property.
Social: As highlighted by the submission received the short-term accommodation will have an impact on the privacy and residential amenity of the area.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

A) in accordance with Local Planning Scheme No. 11 – Kalbarri grant planning approval for a Holiday House at Strata Lot 1 (Unit 4, No. 52) Smith Street, subject to compliance with the following conditions:

1. This approval is limited to the Holiday House being occupied by a maximum of six (6) persons who are known to each other, arriving in a maximum of two vehicles without boat and trailer;

2. A minimum of two carparking spaces being provided within the subject property at all times to the satisfaction of the Shire of Northampton;

3. **All parking of vehicles associated with the guests to be wholly contained within the property boundary and the street verge area to be kept free of such vehicles;**

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

Reference	Document Title	Date
1	Property Management Plan	2 August 2026
2	Code of Conduct	2 August 2026
3	Floor & Evacuation Plans	2 August 2026
4	Fire Evacuation Route	2 August 2026

5. **The development approval expires on 30 June 2027, after which the use shall cease unless an application to renew this use submitted prior to the expiration of the period seeking approval for the Holiday House is to be continued for a further period of 12 months has been submitted and approved by the Shire of Northampton;**

6. **<u>Prior to</u> the commencement of the approved use the applicant is to supply a copy of their Public Liability Insurance Certificate to the Shire of Northampton;**

7. **The use hereby approved shall be managed so as to not detrimentally impact on the amenity or use of the adjacent properties by reason of smoke, fumes, noise, vibration, odour, vapour, dust, wastewater, waste products or parking to the satisfaction of the Shire of Northampton;**

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

0. **The Holiday House is not to be occupied by any person for more than three (3) months within any twelve (12) month period. In this regard, the Property Manager is to maintain a register of guests and the duration of their occupation to the satisfaction of the Shire of Northampton;**

10. **The Fire and Emergency Management Plan, incorporating the contact details of the Property Manager, is to be always displayed within the Holiday House; and**

11. **The Shire of Northampton reserves the right to review this approval, and occupancy numbers should substantiate complaints be received as a result of activities associated with the use hereby approved.**

<u>Advice Notes:</u>

a) **The approved development must comply with all relevant provisions of the *Health (Miscellaneous Provisions) Act, 1911* and the *Building Act 2016;***

b) The development the subject of this development approval is required to comply with the Shire of Northampton's Health Local Law.

B) Those persons who previously lodged submissions on the application be notified of Council's decision accordingly.

COUNCIL RESOLUTION:

MOVED: Suckling, K SECONDED: Smith, C

09/26-193

That Council:

A) in accordance with Local Planning Scheme No. 11 – Kalbarri grant planning approval for a Holiday House at Strata Lot 1 (Unit 4, No.52) Smith Street, subject to compliance with the following conditions:

1. **This approval is limited to the Holiday House being occupied by a maximum of six (6) persons who are known to each other, arriving in a maximum of two vehicles without boat and trailer;**
2. **A minimum of two carparking spaces being provided within the subject property at all times to the satisfaction of the Shire of Northampton;**
3. **All parking of vehicles associated with the guests to be wholly contained within the property boundary and the street verge area to be kept free of such vehicles;**
4. **The use as permitted shall operate in accordance with the submitted plans and supporting documents as listed below:**

Reference	Document Title	Date
1	Property Management Plan	2 August 2026
2	Code of Conduct	2 August 2026
3	Floor & Evacuation Plans	2 August 2026
4	Fire Evacuation Route	2 August 2026

5. **The development approval expires on 30 June 2027, after which the use shall cease unless an application to renew this use submitted prior to the expiration of the period seeking approval for the Holiday House is to be continued for a further period of 12 months has been submitted and approved by the Shire of Northampton;**
6. **<u>Prior to</u> the commencement of the approved use the applicant is to supply a copy of their Public Liability Insurance Certificate to the Shire of Northampton;**

7. The use hereby approved shall be managed so as to not detrimentally impact on the amenity or use of the adjacent properties by reason of smoke, fumes, noise, vibration, odour, vapour, dust, wastewater, waste products or parking to the satisfaction of the Shire of Northampton;

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

0. The Holiday House is not to be occupied by any person for more than three (3) months within any twelve (12) month period. In this regard, the Property Manager is to maintain a register of guests and the duration of their occupation to the satisfaction of the Shire of Northampton;

10. The Fire and Emergency Management Plan, incorporating the contact details of the Property Manager, is to be always displayed within the Holiday House; and

11. The Shire of Northampton reserves the right to review this approval, and occupancy numbers should substantiate complaints be received as a result of activities associated with the use hereby approved.

<u>Advice Notes:</u>

a) The approved development must comply with all relevant provisions of the *Health (Miscellaneous Provisions) Act, 1911* and the *Building Act 2016;*

b) The development the subject of this development approval is required to comply with the Shire of Northampton's Health Local Law.

B) Those persons who previously lodged submissions on the application be notified of Council's decision accordingly.

CARRIED: 6/0

ATTACHMENT

9.5.1 Building Activity Report August 2026

PROPONENT	Shire of Northampton
OWNER	N/A
LOCATION / ADDRESS:	Whole of Shire
ZONE:	Northampton and Kalbarri
BUSINESS AREA:	Building
FILE REFERENCE:	N/A
LEGISLATION:	*Local Government Act 1995* *Building Act 2011* *Building Regulations 2012*
AUTHOR:	Michaela Simpson
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	7 September 2026
DECLARATION OF INTEREST:	Nil

BACKGROUND:
This agenda item has been produced to assist Council to understand the Building and Demolition Permits approved and issued for the period of 1 August 2026 to 31 August 2026. A spreadsheet summarising approvals is attached.

ATTACHMENT: 9.5.1 (1)

A further breakdown of the permits by building type and value is also attached.

ATTACHMENT: 9.5.1 (2)

PUBLIC CONSULTATION UNDERTAKEN:
Nil.

COMMENT (Includes Options):

During August a total of 14 building related applications were received, and 8 permits were issued through the Shire of Northampton's Building Services team with a combined construction value of over $828,000.

In addition, as reflected at Attachment: 9.5.1 (1) four building permits were processed and issued for the Shire of Mingenew.

Table 1 below shows a comparison between August 2026 and August 2025 for the Shire of Northampton.

Table 1: Building Permit Applications for August 2025 and August 2026

	August 2025	August 2026
Applications Received	8	14
Permits Issued	2	8
Permits Total Value	$212,663	$828,050

Table 2 below provides a summary of permits issued within the Shire in the year date in 2026 compared to 2025.

Table 2: Building Permits made Year to Date 2025 and 2026

	2025	2026
Applications Received	N/A	82
Permits Issued	66	71
Permits Total Value	$5,854,102	$10,789,249

A total of 5 Site visits (including structure inspections, verge inspections, site consultations and preliminary inspections) were conducted. Further 1 Pool Barrier Inspection was conducted.

Shire Building Surveyor has been working limited hours due to recovery from surgery and health issues. It is expected that normal working hours will resume late September/early October.

It should be noted that Shire administration officers and the entire customer service team have assisted in keeping up with building enquiries and keeping applicants up to date in the Shire Building Surveyors' absence.

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 for the month of August 2026 in accordance with ATTACHMENT: 9.5.1 (1) and (2).

COUNCIL RESOLUTION:

MOVED: Suckling, R SECONDED: Smith, C
09/26-194

That Council receive the Building Approvals Report for the month of August 2026 in accordance with ATTACHMENT: 9.5.1 (1) and (2).

MOTION CARRIED 5/0

FOR	**AGAINST**
Cr L Sudlow	
Cr R Burges	
Cr K Suckling	
Cr R Suckling	
Cr C Smith	

ATTACHMENT
APPENDIX

9.6.1 Application for Stallholders Licence - Trading Location Variation - Scotty's Burger Van

PROPONENT	Scott & Birgit McKillop
OWNER	Crown Land (Shire holds Management Order)
LOCATION / ADDRESS:	Part Reserve 25307, large Carpark south of IGA Carpark off Grey Street, Kalbarri
ZONE:	Public Open Space
BUSINESS AREA:	Environmental Health
FILE REFERENCE:	7.1.12
LEGISLATION:	*Local Government Act 1995; Activities on Thoroughfares and Public Places and Trading Local Law 2017*
AUTHOR:	Wendy Dallywater
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	20 August 2026
DECLARATION OF INTEREST:	Nil

BACKGROUND:
At the November 2025 Ordinary Council Meeting, Council granted permission for Scotty's Burger Van to operate from the three locations stated in the then Local Planning Policy – Mobile Food Vehicles, being: -

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 Beach Road.

Consistent with Council's adopted Policy on Mobile Food Vehicles, condition No 2 was restricted to hours outside of the normal operating hours of food premises located within 500m of the site that sell like products.

Due to conflicts in terms of operating at the same time as fixed food businesses and selling similar foods, the food van initially commenced operating from the carparking area for the public toilet off Red Bluff Beach Road. This was not successful as there is no real passing traffic and there is no visibility from the George Grey/Red Bluff Road.

At its April 2026 meeting, Council was requested to reconsider the application. Council resolved (Resolution 04/26-70) to grant permission for the van to operate from the grass area at Chinaman's Beach adjacent to the toilet block for a trial period.

While the proponents have stated that they like the Chinamen's Beach location, they would like to try being more centrally located and have applied to operate

in the large carpark south of the IGA carpark off Grey Street, Kalbarri on Fridays and Saturdays only from 4:00pm to 8:00pm each day. Otherwise, they will continue to trade at the Chinaman's Beach location.

Attached is a copy of the application received 5 May 2026 and an email from the proponents dated 20 August 2026 clarifying the days and times they wish to trade from the large carpark south of the IGA carpark.

ATTACHMENT: 9.6.1 (1 & 2)

PUBLIC CONSULTATION UNDERTAKEN:
Nil.

COMMENT (Includes Options):
To assist Council in determining the application, the following comments and advice are offered:

Mobile Food Vehicles Policy
Council adopted the current Mobile Food Vehicles Policy (the Policy) as an Environmental Health Policy at its Ordinary Meeting held on 19 February 2026. A copy of this Policy as adopted is appended.

APPENDIX: 9.6.1 (A)

The purpose of the Policy is to compliment the provisions of the Shire of Northampton's Activities and Trading in Public Places Local Law, and:

1. Provide guidance on the assessment of and requirements for the operation of mobile food vehicles proposing to operate as a stall holder within the Shire of Northampton;
2. Ensure mobile food vehicles are of a temporary nature and operate in a way which complements existing food businesses and support the activation of under-utilised public spaces within townsites;
3. Ensure mobile food vehicles do not unreasonably compromise the amenity of the surrounding residential area; and
4. Ensure mobile food vehicle operations practice safe food handling in accordance with the *Food Act 2008*.

The Policy identifies that the Shire of Northampton may consider approving up to two (2) applications for stallholder permits to operate from a total of 5 identified locations within the Shire. Three (3) locations are identified for Kalbarri, being:

- Reserve 52436, adjacent to the Kalbarri Land-Backed Wharf (Site C);
- The carpark on Reserve 25307 on Grey Street, opposite Clotworthy Street (Site D); and
- Red Bluff Beach Road (Site E).

Whilst the Policy acknowledges approval may be sought to operate from other locations, Condition No 2, the mobile food van(s) are not to operate within 500m of a business selling "like products". As detailed in the agenda item prepared

for the April 2026 meeting, this location is under 450m from the business The Jetty Seafood Shack which is open during the proposed business hours.

The large carpark south of the IGA carpark off Grey Street, Kalbarri is not one of the three identified locations for Kalbarri stated in the Policy, but it is not a prohibited location. However, as The Jetty Seafood Shack also sells burgers, approval to the operation of the mobile food vehicle from the southern carpark near IGA would be contrary to the current Policy provisions.

Proposed Operating Hours

As detailed within the proponents' email shown Attachment: 9.6.1 (2), they wish to trade in the proposed location of the large carpark south of the IGA carpark only on Fridays and Saturdays from 4:00pm to 7:00pm.

They will continue to trade on Thursdays and Sundays from 12:00noon to 2:00pm and 4:00pm to 9:00pm but from their current temporary trading location at Chinaman's Beach grassed area. The proponents trade in the evening while there is daylight, so it is safe for customers to traverse from their car or the footpath to their food vehicle. Currently they are trading up to 7:00pm, but this will change as evenings stay light for longer so they may stay open up to 9:00pm.

The proponents are not changing their current operating hours which is up to 7 hours per day, four (4) days per week.

Existing Food Premises

Provision 2.0 a) of the Policy states that "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".

There are three (3) fixed food businesses (not including Kalbarri IGA) located within 500m from the proposed trading location. The proposed location is approximately:

1) 245m from The Pelican Café Kalbarri (advertised opening times are 7:00am to 2:00pm Tuesday through to Saturday – closed Sunday & Monday).
2) 436m from The Jetty Seafood Shack Kalbarri (advertised opening times are 11:00am to 2:00pm and 4:30pm to 8:00pm 7 days per week).
3) 470m from The Gorges Café (advertised opening hours are 7:00am to 2:00pm Wednesday to Monday – closed Tuesday).

The Pelican Café, The Jetty Seafood Shack, and The Gorges Café all sell burgers, salads and soft drinks, which are what the proponents sell from their mobile food vehicle. While there is similarity in foods sold, the proponents trading from the proposed location would only be trading at the same time as The Jetty Seafood Shack, while The Gorges Café and The Pelican Café would be closed.

Assessment Against the Policy
An assessment of the application against the policy identifies that approval of the application would be contrary to Council's adopted policy for the following reasons:

a) The proposed trading location is not listed as an approved site within the Policy; and
b) The proposed trading location is less than 500m from one fixed food business that is open during the same time period and sells similar foods.

With The Jetty Seafood Shack selling burgers, approval to the application would be contrary to the policy provisions.

It should be noted that Shire Officers are in the process of reviewing the Mobile Food Vehicles Policy. It is anticipated that a revised draft of the Policy will be presented to Council for consideration at the October 2026 meeting.

Conclusion
Approval of this application as submitted would be contrary to the current policy with the proposed location being within 500m of an existing fixed food business selling similar types of foods at the same trading times. Given this, it is recommended that the application be refused.

STATUTORY ENVIRONMENT:
Mobile Food Vehicles Policy made to complement the provisions of Part 6 of the Shire of Northampton's *Activities in Thoroughfares and Public Places and Trading Local Laws 2017.*

POLICY / STRATEGIC IMPLICATIONS:
The following objective from the Shire of Northampton's Strategic Community Plan 2025-2035 is relevant to the application.

> *Our Economy –*
> *The resilience of our local economy, the viability of local employment and business opportunities, and in securing of long-term economic sustainability.*

ORGANISATIONAL RISK MANAGEMENT:
Risk rating associated with approving a food vehicle to operate 2 days per week from a non-approved location is considered Level 2 – Minor.

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

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

FINANCIAL IMPLICATIONS:
At the time of preparing this agenda item, the proponents had paid for a 3 month permit to continue to operate their food vehicle from Chinaman's Beach grassed area. This permit will expire on 9 September 2026. The proponent has applied and paid for a further 3 month permit which will expire on 9 December 2026.

SUSTAINABILITY:
Environmental: If approved, appropriate conditions of approval are required to ensure that the operation of a mobile food vehicle does not impact on the environment or the aesthetic aspects of an area.
Economic: Whilst approval of the application will provide an economic opportunity to the applicant, there is potential for the activities to detrimentally impact on existing permanent food businesses in the area.
Social: The proposed operating hours are located inside of normal business hours for fixed food businesses operating near the proposed trading site.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

A. Refuse the application from the proponents for Scotty's Burger Van to trade from the large carpark south of the IGA carpark, which is located on Reserve 25307 off Grey Street, Kalbarri, on the grounds that the proposed mobile food vehicle would be located less than 500m, and as close as 436m, to an existing fixed food business selling similar products which is contrary to provision 2.0 of the Policy; and

B. Grant permission for the Kalbarri Food Van to operate from the grass area at Chinaman's Beach adjacent to the toilet block on Reserve 25307 for a further period of 6 months, subject to compliance with the following conditions:

1. **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;**
2. **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;**
3. **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;**
4. **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;**
5. **The Development Approval and Mobile Food Vehicle Permit is valid until 30 March 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;**
6. **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;**
7. **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;**
8. **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;**
9. **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;**
10. **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;***
11. **The land use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the**

emission of smoke, dust, fumes, odour, noise, vibrations, waste product or otherwise; and

12. 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) This approval does not limit operation of the Food Vehicle at approved events; and

c) The applicant is advised that Council determines the application renewal fee in accordance with the Shire of Northampton's *Schedule of Fees and Charges;*

COUNCIL RESOLUTION:

MOVED: Smith, C SECONDED: Suckling, K
09/26-195

That Council:

A. Refuse the application from the proponents for Scotty's Burger Van to trade from the large carpark south of the IGA carpark, which is located on Reserve 25307 off Grey Street, Kalbarri, on the grounds that the proposed mobile food vehicle would be located less than 500m, and as close as 436m, to an existing fixed food business selling similar products which is contrary to provision 2.0 of the Policy; and

B. Grant permission for the Kalbarri Food Van to operate from the grass area at Chinaman's Beach adjacent to the toilet block on Reserve 25307 for a further period of 6 months, subject to compliance with the following conditions:

1. 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;

2. 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;

3. 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;

4. **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;**
5. **The Development Approval and Mobile Food Vehicle Permit is valid until 30 March 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;**
6. **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;**
7. **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;**
8. **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;**
9. **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;**
10. **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;***
11. **The land use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibrations, waste product or otherwise; and**
12. **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) **This approval does not limit operation of the Food Vehicle at approved events; and**

c) **The applicant is advised that Council determines the application renewal fee in accordance with the Shire of Northampton's *Schedule of Fees and Charges;***

MOTION CARRIED 5/0

FOR	**AGAINST**
Cr L Sudlow	
Cr R Burges	
Cr K Suckling	
Cr R Suckling	
Cr C Smith	

ATTACHMENT
APPENDIX

9.6.2 Application to Operate a Mobile Food Vehicle - Pilbara Fish Truck

PROPONENT	Mr Scott Kratochvill
OWNER	Crown Land (Shire hold Management Order)
LOCATION / ADDRESS:	Hampton Gardens carparking area, Northampton and Carpark in Reserve 25307 off Grey Street opposite Clotworthy Street, Kalbarri
ZONE:	Public Open Space
BUSINESS AREA:	Environmental Health
FILE REFERENCE:	7.1.9
LEGISLATION:	*Local Government Act 1995;* *Activities on Thoroughfares and Public Places and Trading Local Laws 2017* *Mobile Food Vehicles Policy*
AUTHOR:	Wendy Dallywater
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	27 August 2026
DECLARATION OF INTEREST:	Nil

BACKGROUND:
An application has been received seeking approval to operate a mobile food truck of trading name “Pilbara Fish Truck” within Northampton and Kalbarri townsites (half day in each town) on Sunday 1 November and Monday 21 December 2026 from 8:00am to 5:00pm each day. The proponent intends selling pre-packaged frozen seafood.

The proponent’s preferred operating sites are the Hampton Gardens carparking area in Northampton and the large carpark off Grey Street opposite Clotworthy Street in Kalbarri. Attached is a copy of the submitted Application form for a Permit to Operate a Mobile Food Vehicle.

ATTACHMENT: 9.6.2 (1)

PUBLIC CONSULTATION UNDERTAKEN:
Nil.

COMMENT (Includes Options):
To assist Council in determining the application, the following comments and advice are offered:

Mobile Food Vehicles Policy
Council adopted the Environmental Health Services – Mobile Food Vehicles Policy (the Policy) at its Ordinary Meeting held on 19 February 2026. A copy of the Policy as adopted is appended.

APPENDIX: 9.6.2 (A)

As reflected in Appendix: 9.6.2 (A), the purpose of the Policy is to compliment the provisions of the Shire of Northampton's Activities in Thoroughfares and Public Places and Trading Local Law, and:

1. Provide guidance on the assessment of and requirements for the operation of mobile food vehicles proposing to operate as a stall holder within the Shire of Northampton;
2. Ensure mobile food vehicles are of a temporary nature and operate in a way which compliments existing food businesses and support the activation of under-utilised public places within townsites;
3. Ensure mobile food vehicles do not unreasonably compromise the amenity of the surrounding residential area; and
4. Ensure mobile food vehicle operations practice safe food handling in accordance with the Food Act 2008.

The Policy details identify that the Shire of Northampton may approve up to two (2) applications for stallholder permits to operate from a total of 5 identified locations within the Shire. One (1) location is identified for Northampton, and three (3) locations are identified for Kalbarri, being:

- Hampton Gardens carparking area (Site A) in Northampton;
- Reserve 52436, adjacent to the Land-Backed Wharf (Site C) in Kalbarri;
- Carpark in Reserve 25307 Grey Street opposite Clotworthy Street (Site D) in Kalbarri; and
- Red Bluff Beach Road (Site E) in Kalbarri.

Clause 2.0 of the Policy states that *"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".*

Proposed Operating Hours
As detailed within the Application shown as Attachment: 9.6.2 (1), the proposed hours of trade would be 8:00am to 5:00pm, trading for half of this time in Northampton and then travelling to Kalbarri to trade the rest of the day, or visa versa. Only two (2) days have been nominated – 1 November and 21 December 2026.

The proponent is seeking to operate a 7.5 hour day (allowing for travel between Northampton and Kalbarri) one day in November and one day in December 2026. This is within the scope of the Policy.

Existing Food Premises

In Northampton there is one fixed food premises located within 500m of the proposed trading site that sells frozen seafood, and is:

- The Northampton IGA store is approximately 54.0m from the proposed trading site, and it is open 7 days per week from 7:00am to 6:00pm Monday to Friday, 7:00am to 4:30pm on Saturday, and 7:00am to 3:00pm on Sunday.

In Kalbarri there are two fixed food premises that are within 500m of the proposed trading site.

a) The Kalbarri IGA store is approximately 164m from the central area of the large carpark, and it's advertised opening times are 7 days per week from 7:00am to 6:00pm each day; and
b) The Jetty Seafood Shack is approximately 176m from the central area of the large carpark, and it's advertised opening times are 7 days per week from 11:00am to 2:00pm and from 4:30pm to 8:00pm each day.

Assessment Against the Policy

As the abovementioned fixed businesses sell the same or similar seafood products, approval to the proposed locations would be contrary to the policy provisions.

With respect to potential alternative locations, Council is advised that:

a) There are no locations in public open space within the Northampton town centre that would comply with the need to be located 500m from the Northampton IGA store; and
b) A potential location in the southern end of the carpark associated with the Small Boat Hire business then the location would be approximately 480m from the Kalbarri IGA and more than 500m from The Jetty Seafood Shack, Kalbarri. This location is however within 180m of Kalbarri's second Fish and Chips premises.

Consideration could be given to revised application for the food vehicle to be located at Policy's identified location at Red Bluff.

Conclusion

Approval of the application as submitted would be contrary to the current policy with the two proposed trading locations being within 500m of existing fixed food premises selling similar foods. Given this, it is recommended that the application be refused.

STATUTORY ENVIRONMENT:

Mobile Food Vehicles Policy made to complement the provisions of Part 6 of the Shire of Northampton's *Activities in Thoroughfares and Public Places and Trading Local Laws 2017.*

POLICY / STRATEGIC IMPLICATIONS:

The following objective from the Shire of Northampton's Strategic Community Plan 2025-2035 is relevant to the application.

Our Economy –
The resilience of our local economy, the viability of local employment and business opportunities, and the securing of long-term economic sustainability.

ORGANISATIONAL RISK MANAGEMENT:
Risk rating associated with approving a food premises to operate within less than 500m of existing fixed food premises selling the same or similar foods 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:
At the time of preparing this agenda item, the required application fee had not been paid.

SUSTAINABILITY:
Environmental: If approved, appropriate conditions of approval are required to ensure that the operation of a mobile food vehicle does not impact on the environment or the aesthetic aspects of an area.
Economic: Whilst approval of the application will provide an economic opportunity to the proponent, there is potential for the activities to detrimentally impact on existing permanent food businesses in the area.
Social: The proposed operating hours are located inside of the normal business hours for businesses operating near the proposed trading sites.

VOTING REQUIREMENTS: **SIMPLE MAJORITY**

OFFICER RECOMMENDATION:

That Council:

A. Refuse the proposed Mobile Food Vehicle (Pilbara Fish Truck) application to operate as submitted on the grounds that approval to the application as submitted would be contrary to the Shire's Mobile Food Vehicle Policy as the mobile food vehicle will be operating within 500m of existing fixed food premises, selling the same or similar foods to what they sell, and trading within the same times that the fixed food premises advertised as being open for trade; and

B. Advise the applicant that the Shire is prepared to consider a revised application for locations more than 500m from existing food premises selling the same or similar products.

COUNCIL RESOLUTION:

MOVED: Smith, C **SECONDED: Suckling, R**

09/26-196

That Council:

A. Refuse the proposed Mobile Food Vehicle (Pilbara Fish Truck) application to operate as submitted on the grounds that approval to the application as submitted would be contrary to the Shire's Mobile Food Vehicle Policy as the mobile food vehicle will be operating within 500m of existing fixed food premises, selling the same or similar foods to what they sell, and trading within the same times that the fixed food premises advertised as being open for trade; and

B. Approve the operation of the proposed Mobile Food Vehicle (Pilbara Fish Truck) subject to compliance with the following conditions:

1. Approval is granted to operate from the following locations only:

a) Within the Chinaman's Beach Carpark on Reserve 25307 in Kalbarri;

b) From within the Lions Carpark located on Stephen Street, just east of Hampton Road in the Northampton Townsite.

2. This approval relates to the operation on Sunday 1 November 2026 and Monday 21 December 2026 from 8:00am to 5:00pm each day.

3. In addition to or change to the approved use (not the subject of this consent/approval) requires further approval of the Shire of Northampton.

4. The mobile food vehicle and associated services shall at no time interfere with or obstruct the operations and activities of Reserve

25307 or any approved users of the Reserve 25307, or any approve users of the reserve and no time shall be parked as to cause obstruction to the access or traffic flow of the caravan area; and

5. **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*).**

MOTION CARRIED 5/0

FOR	**AGAINST**
Cr L Sudlow	
Cr R Burges	
Cr K Suckling	
Cr R Suckling	
Cr C Smith	

R Burges prepared to move a subsequent amendment but did not proceed with the amendment.

ATTACHMENT

Cr Liz Sudlow declared a financial interest in relation to item 9.8.1 - Proposed Policy – Sourcing and Use of Gravel for Road Construction and Maintenance – as she currently supplies gravel to the Shire of Northampton.

Cr Karl Suckling declared a financial interest in relation to item 9.8.1 - Proposed Policy – Sourcing and Use of Gravel for Road Construction and Maintenance – as he currently supplies gravel to the Shire of Northampton

Item 9.8.1 Proposed Policy – Sourcing and Use of Gravel for Road Construction and Maintenance was withdrawn from consideration due to a lack of quorum and will be presented to a future meeting of Council.
Council moved to next item of business.

9.8.1 Proposed Policy - Sourcing and Use of Gravel for Road Construction and Maintenance

PROPONENT	Shire of Northampton
OWNER	N/A
LOCATION / ADDRESS:	N/A
ZONE:	Whole of Shire
BUSINESS AREA:	Works and Technical Services
FILE REFERENCE:	12.1.3
LEGISLATION:	*Local Government Act 1995*
AUTHOR:	Jamie Muir
APPROVING OFFICER:	Jamie Muir
DATE OF REPORT:	3 September 2026
DECLARATION OF INTEREST:	Nil

BACKGROUND:
Gravel is a critical construction material used by the Shire of Northampton for the construction, maintenance and renewal of its road network and associated infrastructure. It is routinely required for gravel re-sheeting, pavement construction, road formation, shoulder maintenance and other civil works.

The Shire manages an extensive rural road network across a large geographic area. The availability of suitable gravel sources located in reasonable proximity to works has a direct impact on the cost and efficiency of the Shire’s road construction and maintenance programs. Haulage can represent a significant component of the overall cost of gravel works, particularly where material is required to be transported over long distances.

Suitable gravel deposits are located on Shire-controlled land, crown land and privately owned rural properties throughout the district. Historically, access to private gravel sources has generally been managed through consultation and cooperation with individual landowners.

The *Local Government Act 1995* also provides local governments with statutory powers, subject to specified limitations and procedural requirements, to take earth, stone, sand or gravel from land where the material is required for making or repairing a thoroughfare, bridge, culvert, fence or gate. While these statutory powers are available to the Shire, it is considered preferable that access to gravel resources on private property be achieved through cooperative arrangements with landowners wherever practicable.

To provide a consistent framework for managing these arrangements, Administration has developed the proposed Policy – Sourcing and Use of Gravel for Road Construction and Maintenance.

The proposed Policy establishes the Shire's approach to:

- sourcing gravel from Shire-controlled, Crown and private land;
- consultation and agreements with landowners;
- compensation in accordance with the Shire's adopted Schedule of Rates;
- statutory access where required;
- assessment of gravel quality;
- environmental and heritage considerations;
- extraction and rehabilitation requirements;
- record keeping; and
- responsibility for administration of gravel sourcing activities.

The Policy is intended to be supported by an Agreement to Property Access and Operation of a Gravel Pit or Quarry, which will document the agreed arrangements between the Shire and individual landowners prior to extraction wherever practicable.

PUBLIC CONSULTATION UNDERTAKEN:
Nil.

COMMENT (Includes Options):
The proposed Policy provides a consistent and transparent framework for the Shire to identify, assess and utilise gravel resources while balancing operational requirements with the interests of affected landowners. A key principle of the Policy is that cooperation and agreement with landowners will be the Shire's preferred approach. Where suitable gravel is identified on private property, the Shire will, wherever practicable, enter into an Agreement to Property Access and Operation of a Gravel Pit or Quarry.

The Agreement will establish matters including the location and extent of the extraction area, property access, management of gates, fences and livestock, operational requirements, compensation, measurement of quantities and rehabilitation.

Landowners will be compensated for gravel or other approved materials extracted from their property in accordance with the Shire's adopted Schedule of Rates, based on the measured quantity of material removed. This provides

a consistent and transparent basis for compensation and reduces the potential for differing commercial arrangements to be negotiated on a property-by-property basis.

The Policy also recognises the statutory powers available to the Shire under the *Local Government Act 1995*. Where agreement cannot reasonably be reached and gravel is required for a purpose authorised by the Act, the Shire may consider exercising those powers subject to all relevant legislative requirements, delegations and authorisations. However, the Policy establishes that exercising statutory powers without agreement should generally be regarded as a measure of last resort. This approach recognises the importance of maintaining constructive long-term relationships with rural landowners.

The Policy further requires appropriate assessment of gravel quality before significant sources are developed. This is important to ensure that material incorporated into Shire roads is fit for purpose and provides an appropriate pavement performance and service life.

Environmental management and rehabilitation are also incorporated into the Policy. Extraction activities are to minimise unnecessary disturbance, manage drainage, erosion, dust and biosecurity risks, protect existing infrastructure and provide for reasonable rehabilitation following completion.

Adoption of the Policy will therefore provide Council, Administration and landowners with a clear and consistent framework for the future sourcing and management of gravel resources.

STATUTORY ENVIRONMENT:
The principal legislation relevant to the proposed Policy is the *Local Government Act 1995.*

In particular, section 3.27 and Schedule 3.2 provide for certain activities that a local government may undertake on land that is not local government property. Schedule 3.2 includes the taking of native growing or dead timber, earth, stone, sand or gravel that, in the opinion of the local government, is required for making or repairing a thoroughfare, bridge, culvert, fence or gate.

These powers are subject to the limitations and procedural requirements contained within the Act, including restrictions relating to developed or cultivated land and the applicable provisions governing entry onto private property.

The proposed Policy provides that, except where otherwise permitted by legislation, an owner or occupier is to receive not less than 24 hours' notice of the intended entry where statutory entry powers are being exercised. Where access requires the opening of a fence because existing and usual openings cannot practicably be used, the requirements of section 3.36 of the *Local Government Act 1995* will apply.

Other legislation that may be relevant to individual gravel sources includes:

- *Mining Act 1978;*
- *Planning and Development Act 2005;*
- *Environmental Protection Act 1986;*
- *Biodiversity Conservation Act 2016;*
- *Aboriginal Heritage Act 1972;* and
- other applicable State or Commonwealth legislation, regulations, local laws, planning requirements or approvals.

The statutory powers available under the *Local Government Act 1995* do not remove the Shire's obligations under other applicable legislation.

POLICY / STRATEGIC IMPLICATIONS:

Adoption of the proposed Policy will establish a formal Council position for the sourcing and use of gravel for road construction and maintenance.

The Policy supports sound asset management and long-term maintenance of the Shire's road network by establishing a consistent framework for securing suitable road-building materials.

The Policy is also consistent with the broader principles of:

- responsible management of Shire assets and infrastructure;
- efficient and effective use of public funds;
- maintaining productive relationships with landowners and the rural community;
- environmental responsibility;
- transparent and accountable decision-making; and
- sustainable delivery of road construction and maintenance programs.

The Policy will be incorporated into the Shire's Council Policy Manual following adoption by Council.

ATTACHMENT: 9.8.1 (1)

ORGANISATIONAL RISK MANAGEMENT:

Risk rating is considered **Moderate**.

The sourcing and extraction of gravel present a number of organisational risks, including landowner disputes, property damage, environmental impacts, inappropriate exercise of statutory powers, unsuitable construction material, inadequate rehabilitation and inconsistent compensation arrangements.

The proposed Policy reduces these risks by establishing:

- a preference for negotiated agreements with landowners;
- a standard Agreement to Property Access and Operation of a Gravel Pit or Quarry;
- compensation based on the Shire's adopted Schedule of Rates;
- clear requirements for statutory notice and authorised entry;
- gravel testing and assessment requirements;
- environmental, heritage and biosecurity considerations;
- extraction and rehabilitation requirements; and

- appropriate record keeping.

The Policy will provide greater consistency and accountability in the Shire's management of gravel resources and reduce the likelihood of disputes arising from informal or inconsistent arrangements.

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

FINANCIAL IMPLICATIONS:
There are no significant direct financial implications associated with adopting the Policy itself. Compensation for gravel sourced from private property will be paid to landowners at a rate of $2.00 per cubic metre, with the rate to be reviewed annually as part of the Shire's budget process.

SUSTAINABILITY:
Environmental: The Policy promotes the local sourcing of suitable gravel where practicable, reducing haulage distances, fuel consumption and associated vehicle emissions. The Policy also requires consideration of native vegetation, flora and fauna, waterways, wetlands, erosion, Aboriginal cultural heritage, heritage places, biosecurity and rehabilitation prior to establishing new gravel sources.
Economic: Access to suitable local gravel resources reduces haulage and construction costs and improves the efficiency of the Shire's road maintenance and capital works programs.
Social: The Policy promotes early consultation, cooperation and transparent arrangements with landowners. The broader community benefits through the efficient maintenance and improvement of the Shire's road network, supporting

safe access, agricultural activity, freight movements, tourism and community connectivity.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. **Adopts the Policy – Sourcing and Use of Gravel for Road Construction and Maintenance, as presented in the attachment to this report;**

2. **Endorses the use of an Agreement to Property Access and Operation of a Gravel Pit or Quarry as the Shire's preferred mechanism for establishing access, extraction, compensation and rehabilitation arrangements with private landowners;**

3. **Endorses compensation for gravel and other approved road-building materials extracted from private property being paid at a rate of $2.00 per cubic metre, with the rate to be reviewed annually as part of the Shire's budget process.**

4. **Authorises the Temporary Chief Executive Officer to make minor administrative or formatting amendments to the Policy and associated Agreement that do not materially alter the intent of the Policy.**

COUNCIL RESOLUTION:

That Council:

1. **Adopts the Policy – Sourcing and Use of Gravel for Road Construction and Maintenance, as presented in the attachment to this report;**

2. **Endorses the use of an Agreement to Property Access and Operation of a Gravel Pit or Quarry as the Shire's preferred mechanism for establishing access, extraction, compensation and rehabilitation arrangements with private landowners;**

3. **Endorses compensation for gravel and other approved road-building materials extracted from private property being paid at a rate of $2.00 per cubic metre, with the rate to be reviewed annually as part of the Shire's budget process.**

4. **Authorises the Temporary Chief Executive Officer to make minor administrative or formatting amendments to the Policy and associated Agreement that do not materially alter the intent of the Policy.**

10. LATE REPORTS:

Nil.

11. QUESTIONS FROM MEMBERS:

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

12. MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING

MOVED: Sudlow, L SECONDED: Suckling, K

09/26-197

That Council request the Temporary Chief Executive Officer prepare a report outlining a proposed strategy for reducing the speed limit in the main street of Northampton.

MOTION CARRIED 5/0

FOR	**AGAINST**
Cr L Sudlow	
Cr R Burges	
Cr K Suckling	
Cr R Suckling	
Cr C Smith	

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

Nil.

14. MEETING CLOSED TO THE PUBLIC:

Temporary Chief Executive Officer, Kenn Donohoe, declared a financial interest in relation to item 14.1 – Chief Executive Recruitment, Performance and Termination Panel – Consideration of Contractual Negotiations and Future Options – as he holds a contract with the Shire of Northampton as Temporary Chief Executive Officer and knows candidates personally.

Temporary Chief Executive Officer requested to remove himself from the behind closed doors session. Shire President requested Temporary Chief Executive Officer remain to provide technical support.

14.1 Matters for which the meeting may be closed.

OFFICER RECOMMENDATION

That Council considers the confidential report listed below in a meeting closed to the public in accordance with Section 5.23(2) of the *Local Government Act 1995*.

14.1 Chief Executive Recruitment, Performance and Termination Panel – Consideration of Contractual Negotiations and Future Options

This matter is considered to be confidential under Section 5.23(2) – (c) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a contract entered into, or may be entered into, by a local government and which relates to a matter to be discussed at the meeting.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

MOVED: Suckling, R SECONDED: Burges, R
09/26-198

That Council considers the confidential report listed below in a meeting closed to the public in accordance with Section 5.23(2) of the *Local Government Act 1995*.

14.1 Chief Executive Recruitment, Performance and Termination Panel – Consideration of Contractual Negotiations and Future Options

This matter is considered to be confidential under Section 5.23(2) – (c) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a contract entered into, or may be entered into, by a local government and which relates to a matter to be discussed at the meeting.

MOTION CARRIED 5/0

FOR	**AGAINST**
Cr L Sudlow	
Cr R Burges	
Cr K Suckling	
Cr R Suckling	
Cr C Smith	

Meeting was closed to consider the confidential item at 2.53pm.

MOTION:

That Council comes out from behind closed doors and resumes the meeting in open session.

MOVED: Suckling, K SECONDED: Suckling, R

09/26-200

MOTION CARRIED 5/0

FOR	**AGAINST**
Cr L Sudlow	
Cr R Burges	
Cr K Suckling	
Cr R Suckling	
Cr C Smith	

Council came from behind closed doors at 2.58pm.

14.2 Public reading of resolutions that may be made public.

RESOLUTION WAS READ OUT

That Council

1) **Acknowledges the report from Beilby Downing Teal on behalf of the Chief Executive Recruitment, Performance and Termination Panel;**

2) **Acknowledges that the short-listing process identified preferred candidates for the position of Chief Executive Officer for the Shire of Northampton;**

3) **Notes that negotiations have been undertaken with Candidate C in relation to the proposed offer of employment and authorises the Shire President to conclude negotiations by advising that the counteroffer is not accepted;**

4) **Supports the reconvening of the Chief Executive Recruitment, Performance and Termination Panel, at the appropriate time following conclusion of the contract negotiations, to consider a formal recommendation in relation to alternate candidates; and**

5) **Requests the Chief Executive Recruitment, Performance and Termination Panel provide further recommendations in relation to the Chief Executive Officer recruitment process.**

MOTION CARRIED 5/0

FOR	**AGAINST**
Cr L Sudlow	
Cr R Burges	
Cr K Suckling	
Cr R Suckling	
Cr C Smith	

15. APPLICATIONS FOR LEAVE OF ABSENCE:

Nil.

16. CLOSURE:

There being no further business to discuss the Shire President thanked those in attendance and closed the meeting at 3.01pm.

SIGNED: Liz Sudlow. **DATE: 15 October 2026**

Cr Liz Sudlow
Shire President