

Minutes of Ordinary Meeting of Council held at the Council Chambers Hampton Road, Northampton on 18 November 2016

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11.1 OPENING

The President thanked all Councillors and staff members present for their attendance and declared the meeting open at 1.00pm.

11.2 PRESENT

| Cr C Simkin Cr M Scott Cr S Stock-Standen Cr T Carson Cr R Suckling Cr D Pike Cr S Krakouer Mr Garry Keeffe Mr Grant Middleton Mr Neil Broadhurst Mrs Kathryn Jackson | President Deputy President Chief Executive Officer Deputy Chief Executive O Manager of Works Consulting Principle Plann | |
|---|--|----|
| Mrs Kathryn Jackson Mrs Deb Carson | Consulting Principle Plann Planning Officer | er |
| | | |

11.2.1 LEAVE OF ABSENCE

Nil

11.2.2 APOLOGIES

Cr Stanich and Cr Holt

11.3 QUESTION TIME

Margi Weir addressed Council in relation to Item 6.3.1 (Extractive Industry- SAT appeal) as per the following:

- A research officer from the Department of Agriculture and Food has provided advice to Ms Weir regarding the potential impacts upon groundwater supplies on her lot. He has identified that there could be potential impacts resulting in water used for dust suppression draining into groundwater recharge areas and contaminating supplies, as well as groundwater from her lot draining into the quarry once it becomes deep.
- A wetland adjacent to the quarry site and upon a neighbouring lot, may also be impacted in the same way and it is a condition under the Caring for Country funding that the landowner must maintain the natural integrity of the waterway and not negatively influence the drainage of this waterway.



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 Ms Weir also requested that the technical information provided be used to support Council's position during the SAT process, and requested that if the appeal is overturned then a number of conditions be sought including the installation of monitoring bores, installation of a production bore and test pumping to be conducted, as well as an agreement be entered into to provide affected landowners with a supply of water in perpetuity.

CEO Garry Keeffe advised that the process is now in the hands of the State Administrative Tribunal and therefore Council will not be in control of the process, however will seek appropriate conditions on landowners behalf if Council's decision is overturned.

Tonya Constantine addressed Council and asked if there were any Councillors present who should excuse themselves from voting for the reason of having a declared interest in the Boral Rock Quarry Council item (Item 6.3.1).

The President responded, advising that no interests had been declared.

Tonya Constantine also asked if the \$700,000 expended in cleaning up the Woodcock fire had diminished Council's ability to finance any legal expenses that may be incurred as a result of the appeal lodged by Boral with the State Administrative Tribunal, regarding the refusal of the rock quarry development application.

The President responded, stating that this was not the case.

Jacqueline Willbond, on behalf of several concerned Kalbarri landowners, addressed Council and raised the following concerns with regard to Item 6.3.2the proposed Solar Thermal Power Station:

- The impact upon birds with regard to the heat from the solar thermal towers, the glare impact that the development will create, and the distance from residential areas;
- The proposal indicates a northern access track (which is unsuitable for heavy vehicles), however the landowners have constructed a gravel track to the south of the block, why is this so?

The CEO responded that Council had not yet considered the item and therefore could not answer the question.

• Has the small building that has recently been built been approved and is this something to do with the power plant?

The CEO advised that this would need to be referred to the Building Surveyor.



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Is there any reason that the applicant appears confident of approval?

The President advised that the solar thermal application had not yet been considered by Council and therefore could not answer the question.

- Concern was also raised with regard to the noise impacts upon the Semi Rural lots adjacent to the proposal.
- With regard to cyclone rating and mirrors becoming dislodged in the event of a cyclone, had this been given consideration?

The CEO advised that this was a building consideration, not a town planning consideration.

11.4 CONFIRMATION OF MINUTES

11.4.1 CONFIRMATION OF MINUTES – ORDINARY COUNCIL MEETING 21 OCTOBER 2016

Moved Cr STOCK-STANDEN, seconded Cr SCOTT

That the minutes of the Ordinary Meeting of Council held on the 21st October 2016 be confirmed as a true and correct record subject to the following amendment:

The header of the October Minutes be changed to reflect that the meeting was held at the Allen Centre in Kalbarri, not Northampton Council Chambers.

CARRIED 7/0

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11.4.2 BUSINESS ARISING FROM MINUTES

Nil

11.5 RECEIVAL OF MINUTES

Nil

11.6 WORKS REPORT

| 11.6.1 | INFORMATION ITEMS - MAINTENANCE/CONSTRUCTION | |
|--------|--|--|
| | WORKS PROGRAM (ITEM 6.1.1) | |

Noted



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Neil Broadhurst departed the meeting at 1:29pm

11.7 HEALTH/BUILDING REPORT

11.7.1 BUILDING STATISTICS (ITEM 6.2.1)

Noted

11.8 TOWN PLANNING REPORT

11.8.1 STATE ADMINISTRATIVE TRIBUNAL APPEAL (ITEM 6.3.1)

Moved Cr STOCK-STANDEN, seconded Cr SCOTT

That Council resolves in relation to the State Administrative Tribunal application for the Extractive Industry proposed to be established upon Lots 29, 52, 7890 (No.199) Hatch Road, Bowes (matter DR311 of 2016) that:

- Delegation be granted to the CEO to commence mediation proceedings on behalf of Council in relation to the following items:
 - a) Water Resource Impacts:
 - Provision of documentation and guarantee from a suitably qualified hydrologist that water resource impacts are either:
 - 1. Not present in relation to the proposal: or
 - 2. Able to be managed through a detailed management plan and associated strategies;
 - 3. Responsibility of costs for the above to also be mediated.
- 2. Approve an amount of up to \$4,000 for the engagement of qualified Consultant/s to undertake a complete review of Boral's application, as submitted, to identify shortcomings within their application of the impact their development will have on water resources on neighbouring land owners. Upon receipt of the report, Boral be required to address all areas identified and to provide a revised report to Council for consideration.
- 3. Cr Simkin and Cr Scott are nominated to represent Council at mediation on this matter.

CARRIED 7/0

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11.8.2 PROPOSED SOLAR THERMAL POWER STATION, KALBARRI – LOT 10792 GEORGE GREY DRIVE, KALBARRI (ITEM 6.3.2)

Moved Cr SUCKLING, seconded Cr STOCK-STANDEN

That Council defer the application for the construction of the proposed Solar Thermal Power Station (Stage 1 only) upon Lot 10792 George Grey Drive, Kalbarri subject to:

- 1. Receipt of the following additional information:
- b. Water and Soil Management Plan based on both Stage 1 & 2 of the proposal to the requirements of Department of Water and Department of Environment Regulation and the approval of the Local Government, with all costs met by the applicant. The Water and Soil Management plan is to address items including surface, ground, and storm water, drainage, erosion and stabilisation of the land, water usage, groundwater drawdown impacts, waterways/foreshore reserve management and related management actions to these items and as otherwise directed by the Department of Water. The applicant is suggested to liaise with the Department of Water and Department of Environment Regulation to ensure the Management Plan meets their requirements prior to submission to the local government.
- c. Noise Management Plan based on both Stage 1 & 2 of the proposal prepared by a suitably qualified professional to the requirements of the Environmental Protection (Noise) Regulations 1997 to the approval of the Local Government, with all costs met by the applicant.
- d. Plans that demonstrate based on both Stage 1 & 2 of the proposal the existing and proposed ground levels under the development area of the site in relation to the proposed built development.
- e. Landscape and Visual Analysis Report based on both Stage 1 & 2 of the proposal prepared by a suitably qualified professional that explores the visual impact that the development is expected to have on the landscape and surrounding area and proposes possible solutions to potential impacts identified.

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- f. Further information relating to the impacts of the heat and reflection generated by the mirrors and their effect on the temperature of the air and surrounding area, weather impacts and nuisance to residents and motorists.
- 2. Councillors undertaking a site inspection at the subject site and surrounding areas.
- 3. The applicant being invited to present to Council on the matter to gain a better understanding of the application and project outcomes for Kalbarri and the region.

CARRIED 7/0

11.8.3 PROPOSED SIGN – LOT 151 (NO. 96) STEPHEN STREET, NORTHAMPTON (ITEM 6.3.3)

Moved Cr CARSON, seconded Cr STOCK-STANDEN

That Council:

- 1. Approves the Application for Development Approval subject to the following conditions:
 - a) Development shall be in accordance with the attached approved plan(s) dated 21 November, 2016 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plan(s) shall not be modified or altered without the prior written approval of the local government;
 - b) The approval is for one (1) sign, and eighteen (18) infill signs as per the attached approved Schedule of Signs dated 21 November 2016. The endorsed sign designs shall not be modified or altered without the prior written approval of the local government;
 - c) No further sign infill designs shall be displayed without the prior written approval of the local government;
 - d) The sign is to be maintained to the approval of the local government; and
 - e) The sign is to be securely fixed in position at all times.



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Advice Notes:

- Note 1: If the development/use the subject of this approval is not substantially commenced within a period of two (2) years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.
- Note 2: Where an approval has lapsed, no development/use shall be carried out without the further approval of the local government having first been sought and obtained.
- Note 3: If an applicant is aggrieved by this determination there is a right (pursuant to the Planning and Development Act 2005) to have the decision reviewed by the State Administrative Tribunal. Such application must be made within 28 days from the date of this notice.
- 2. Waives any fees associated with obtaining planning and building approvals for the proposed sign.

CARRIED 7/0

11.8.4 REQUEST TO MODIFY LOCATION OF BUILDING ENVELOPE – LOT 2 (NO. 7) RANCH COURT, KALBARRI (ITEM 6.3.4)

Moved Cr SUCKLING, seconded Cr SCOTT

That Council resolves to approve the relocation of the building envelope on Lot 2 (No. 7) Ranch Court, Kalbarri subject to:

1. The subdivision guide plan being amended at the cost of the Applicant/Landowner.

CARRIED 7/0

| 11.8.5 | REQUEST TO ADD SECOND BUILDING ENVELOPE - LOT 6 |
|--------|---|
| | (NO. 18) RANCH COURT, KALBARRI (ITEM 6.3.5) |

Cr Simkin declared an impartiality interest in this item as he is related to the applicant, and departed the meeting at 1:58pm.

Cr Scott took the chair in the absence of the President at 1:58pm.

Council by a show of hands supported the rescinding of Minute 6.9.4 on the 19 June 2015.



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Moved Cr CARSON, seconded Cr PIKE

That Council rescind the motion of Minute 6.9.4 on 19 June 2015.

CARRIED BY AN ABSOLUTE MAJORITY 6/0

Moved Cr KRAKOUER, seconded SUCKLING

That Council resolve to approve the addition of a second building envelope on Lot 6 (No. 18) Ranch Court, Kalbarri subject to:

- 1. The subdivision guide plan being amended at the cost of the Applicant/Landowner;
- 2. The Development Application fee of \$147 being paid;
- 3. The applicant locating dwellings off the alluvial flood plain as shown on the attached geotechnical plan;
- 4. Runoff from roads being retained in detention basis designed for a 1:10 year storm event; and
- 5. Stormwater from dwellings being retained in rainwater tanks, soakwells or similar facilities.

Advice Notes

- 1. Any proposed excavation within the Landscape Protection Area shall be submitted to the Department of Water prior to any works being undertaken, and any works approved shall be to the satisfaction and approval of the Department of Water.
- The Applicant is advised to familiarise themselves with the Department of Water's River Restoration Manual (Section 10 – Stream Stablisiation), their Operational Policy 4.3 – Identifying and Establishing Waterways Foreshore Areas, and their Water Quality Protection Note 6 – Vegetation Buffers to Sensitive Water Resources (2006).
- 3. Any future on-ground works should be consistent with the Stormwater Management Manual for Western Australia (2004-2007), the relevant Department of Water guidance and Council development specifications.

CARRIED 6/0

Cr Simkin returned to the meeting at 2:05pm and resumed the Chair.



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11.8.6 SHIRE OF NORTHAMPTON – LOCAL PLANNING SCHEME NO. 11 (KALBARRI TOWNSITE) – CONSIDERATION OF SUBMISSIONS AND PROPOSED MODIFICATIONS TO THE SCHEME (ITEM 6.3.6)

Moved Cr STOCK-STANDEN, seconded Cr SIMKIN

That Council:

- 1. Pursuant to regulation 25(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, approve the recommendations in accordance with the Schedule of Submissions included as Appendix 1 of Item 6.3.6; and
- 2. Pursuant to regulation 25(3) of the Planning and Development (Local Planning Schemes) Regulations 2015, resolve that the Scheme be adopted with the modifications detailed in the Schedule of Submissions included as Appendix 1 of Item 6.3.6; and
- 3. Pursuant to regulation 28(1) of the Planning and Development (Local Planning Schemes) Regulations 2015, forward the necessary documents to the Western Australian Planning Commission for a decision on final approval by the Minister for Planning.

CARRIED 5/2

11.8.7 SUMMARY OF PLANNING INFORMATION ITEMS (ITEM 6.3.7)

Noted

11.8.8 PROPOSED CARAVAN & CHALET PARK, CARETAKERS DWELLING, SHOP & RESTAURANT – LOT 10646 (NO. 399) RED BLUFF ROAD, KALBARRI (ITEM 6.3.8)

Moved Cr SCOTT, seconded Cr STOCK-STANDEN

That Council grant planning approval for the proposed Caravan Park, Chalet Park, Restaurant, Shop and Caretakers Residence upon Lot 10646 (No. 399) Red Bluff Road, Kalbarri subject to the following conditions:



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- Development shall be in accordance with the attached approved plan(s) dated 18 November 2016 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the Local Government;
- This approval constitutes development approval only and is valid for a period of five (5) years from the date of approval. If the development has not substantially commenced within the five (5) year period the approval shall lapse and be of no further effect;
- Development works are not permitted to be undertaken upon the land subject to the land exchange (Landgate Concept Plan 217A 17/6/2016) until this action has been finalised and the land amalgamated into Lot 10646;
- 4. Development works are not permitted to be undertaken upon the area of Lot 10646 which is subject to the Contaminated Sites Act 2003 memorial listed upon the Certificate of Title as 'possibly contaminated – investigation required' until such time that the applicant can provide written advice to the local government demonstrating that remediation of the area has been achieved to the approval of the Department of Environment Regulation.
- 5. The development shall be connected to reticulated sewer and water to the requirements of the Water Corporation and to the approval of the Local Government, with all costs met by the applicant;
- 6. The crossovers to the caravan park, internal parking areas and the internal access roads are to be paved/sealed, kerbed, line marked, drained and thereafter maintained to the satisfaction of the Local Government;
- 7. Plans detailing the external parking areas are required to be submitted and approved by the Local Government prior to commencing work;
- 8. The applicant is to prepare, submit and adhere to stormwater and drainage plans to the approval of the Local Government, with all costs met by the applicant;



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- 9. The applicant is to implement the requirements of the Bushfire Management Plan dated 18 October 2016 (Revision 0) to the satisfaction of the Local Government with amendments to this document being undertaken and implemented as required with all costs met by the applicant.
- 10. All loading and unloading to take place within the boundaries of the premises and undertaken in a manner so as to cause minimum interference with other vehicular traffic;
- Rubbish storage areas are to be screened where they are visible from the street to the satisfaction of the Local Government;
- 12. A landscaping plan should be submitted and implemented on street verges and within areas of the site as they are developed. The plan shall specify any vegetation that is to be retained and utilise plants and trees that will assist in softening the appearance of the development and provide safe shade and wind protection. Species shall be appropriate for the locality and are not to present a weed risk to the surrounding reserves.
- 13. The applicant is to prepare, submit and adhere to a Dust Management Policy prior to the commencement of any clearing or earthworks and the land thereafter stabilised to the approval of the Local Government.

Advice Notes:

- a) It is recognized the whole park may not be developed initially (in the first stage). Establishment of any aspect of the park such as a camping area or numerous chalets is considered substantial commencement for the purposes of this approval.
- b) In relation to the external parking areas contained within the road reserve, the applicant is to submit plans to the local government that include details such as the size, location, road surface finish, line marking, kerbing, drainage, footpaths etc of the parking areas and how it relates into the existing road surface of Red Bluff Beach Road.
- c) In relation to stormwater and drainage the applicant is to provide plans and calculations that demonstrate the management of water within the park and where the water will be directed for drainage. Where drainage is proposed to be directed onto neighbouring land a written undertaking/agreement is to be provided demonstrating permission to direct water onto that land and in the event that



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circumstances change or permission is revoked that the applicant acknowledges their responsibility to redirect the drainage of the park at their expense.

- d) In relation to the Bushfire Management Plan (BMP) the applicant is advised that they are required to liaise with the Department of Parks and Wildlife and make amendments to the BMP as necessary. The applicant/landowner is to ensure that the requirements of the BMP are met at all times to ensure compliance with State Planning Policy 3.7 Planning in Bushfire Prone Areas and AS3959.2009 Construction of Buildings in Bushfire Prone Areas with amendments made to the BMP as necessary.
- e) In relation to dust management it is suggested that a short document would contain information pertaining to dust suppression and land stabilisation strategies/techniques, weather conditions and the timing of earthworks.
- f) The applicant is advised that no signs within the road reserve are to be erected without the Local Government's approval.
- g) Any lighting device is to be positioned and shielded as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries or cause any glare nuisance to any nearby residents or passing motorists in accordance with AS 4282 – Control of Obtrusive Effects of Outdoor Lighting;
- h) The applicant is advised that this planning approval does not negate the requirement for any additional approvals which may be required under separate legislation. It is the applicant's responsibility to obtain any additional approvals required before the development/use lawfully commences.
- i) Where an approval has so lapsed, no development/land use shall be carried out without the further approval of the Local Government having first been sought and obtained.
- 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 planning approval for that use/addition. The applicant is reminded of the provisions of Regulation 17 of the Planning and Development (Development Assessment Panels) Regulations 2011.
- k) Should the applicant be aggrieved by the decision of the Council (in part or whole) a right of appeal exists to the State Administrative Tribunal within twenty-eight (28) days from the date of the decision.

CARRIED 7/0



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Moved Cr STOCK-STANDEN, seconded SCOTT

That the dual use footpath, along Red Bluff Road, be included within Council's Footpath Develop Plan, and given considered within future Budgets.

CARRIED 7/0

11.8.9 LAND EXCHANGE (ROAD CLOSURE AND WIDENING) - KALBARRI (ITEM 6.3.9)

Moved Cr KRAKOUER, seconded Cr SUCKLING

That Council:

- Pursuant to Section 58 of the Land Administration Act 1997, request the Minister for Lands to approve the closure of a portion of the Red Bluff Beach Road road reserve as shown upon Concept Plan 217A dated 17 June 2016 and the amalgamation of this land into the adjoining Lot 10646; &
- 2. Support the road widening action as shown upon Concept Plan 217A dated 17 June 2016 for the amalgamation of a portion of Lot 10646 into the adjoining George Grey Drive road reserve.

CARRIED 7/0

11.9 FINANCE REPORT

11.9.1 ACCOUNTS FOR PAYMENT (ITEM 6.4.1)

Moved Cr KRAKOUER, seconded Cr PIKE

That Municipal Fund Cheques 21049 to 21064 inclusive totalling \$38,713.86, Municipal EFT payments numbered EFT15627 to EFT15689 inclusive totalling \$377,967.07, Trust Fund Cheques 2169 to 2176, totalling \$2,164.50, Direct Debit payments numbered GJ0405 to GJ0412 inclusive totalling \$211,333.44 be passed for payment and the items therein be declared authorised expenditure.

CARRIED BY AN ABSOLUTE MAJORITY 7/0



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11.9.2 MONTHLY FINANCIAL STATEMENTS OCTOBER 2016 (ITEM 6.4.2)

Moved Cr CARSON, seconded Cr SUCKLING

That Council adopts the Monthly Financial Report for the period ending 31 October 2016.

CARRIED 7/0

ADJOURNMENT

Council adjourned at 2:51pm.

Meeting reconvened at 2:58pm with the following in attendance:

Cr Simkin, Cr Scott, Cr Stock-Standen, Cr Carson, Cr Suckling, Cr Pike, Cr Krakouer, Garry Keeffe, Grant Middleton and Debbie Carson.

11.10 ADMINISTRATION & CORPORATE REPORT

11.10.1 2016 COUNCIL MEETING DATES (ITEM 6.5.1)

Moved Cr SCOTT, seconded Cr KRAKOUER

- 1. That Council holds their ordinary meetings on the third Friday of each month for 2017 excluding January, August and September;
- 2. That the August meeting be held on 25 August 2017;
- 3. That the September meeting be held on 22 September 2017;
- 4. That all meetings commence at 1.00pm; and
- 5. That the February, June and October meetings be held at the Allen Centre in Kalbarri with all other meetings to be held at the Northampton Council Chambers.

CARRIED 7/0



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11.10.2 EXTENDED LIQUOR TRADING HOURS – NORTHAMPTON IGA (ITEM 6.5.2)

Moved Cr CARSON, seconded Cr KRAKOUER

That Council advise Northampton IGA that it has no objections for them to extend their liquor trading hours on the Sunday 11th December 2016, Sunday 18th December 2016 and Sunday 1st January 2017 from 9.00am to 1.00pm as requested.

CARRIED 7/0

11.10.3 NATURE PLAYGROUND SALLY'S TREE KALBARRI (ITEM 6.5.3)

Moved Cr SUCKLING, seconded Cr SCOTT

That Council:

- Support the project as presented in principle and assist the Kalbarri Development Association to seek external funding for the playground; and
- 2. Defer a decision on a variation to Council's budgetary allocation for the Kalbarri Foreshore Parkland Redevelopment to the December meeting.

CARRIED 7/0

11.10.4 DEDICATION OF ROADS – WIDENING AND SEALING OF NORTH WEST COASTAL HIGHWAY (ITEM 6.5.4)

Moved Cr SCOTT, seconded Cr PIKE

That Council approves of the excision of land from Reserve 9573 for road widening requirements of the North West Coastal Highway as per Main Roads Plan 1560-069.

CARRIED 7/0



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11.10.5 CHANGE OF USE FOR KALBARRI SPECIFIED AREA RATE (ITEM 6.5.5)

Moved Cr SCOTT, seconded Cr KRAKOUER

That Council approve the use of \$5,385 of the 2016/17 Specified Area Rate of \$20,000 levied on the Kalbarri townsite properties for the purpose of Tourism Promotion and Infrastructure, to assist with the completion of the Kalbarri town entry statements as requested by the Kalbarri Visitors Centre.

CARRIED BY AN ABSOLUTE MAJORITY 7/0

11.11 SHIRE PRESIDENT'S REPORT

Since the last Council meeting Cr Simkin reported on his attendance at the following:

| 22-23/10/16 | Dirk Hartog 400 th Anniversary events in Shark Bay |
|-------------|--|
| 6/11/16 | President's Dinner at Shire Chapman Valley |
| 11/11/16 | Steering Group meeting for the Coastal Management Strategy review |
| 17/11/16 | LEMAC meeting |

11.12 DEPUTY SHIRE PRESIDENT'S REPORT

Since the last Council meeting Cr Scott reported on his attendance at the following:

28/10/2016 Regional Road Group meeting at African Reef Resort

11.13 COUNCILLORS' REPORTS

11.13.1 CR STOCK-STANDEN

Since the last Council meeting Cr Stock-Standen reported on her attendance at:

9/11/16 Coastal Management Strategy review community meeting



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> 11/11/16 Steering Group meeting for the Coastal Management Strategy review

11.14 INFORMATION BULLETIN

Noted

11.15 NEW ITEMS OF BUSINESS

Nil

11.16 NEXT MEETING OF COUNCIL

The next Ordinary Meeting of Council will be held on Friday the 16 December 2016 commencing at 1.00pm at the Council Chambers, Hampton Road, Northampton.

11.17 CLOSURE

There being no further business, the President thanked everyone for their attendance and declared the meeting closed at 3:22pm.