

SHIRE OF NORTHAMPTON

**Minutes of Ordinary Meeting of Council held at the Council Chambers Hampton Road,
Northampton on 24 July 2015**

| | | |
|---------|---|----|
| 7.1 | OPENING | 3 |
| 7.2 | PRESENT | 3 |
| 7.2.1 | LEAVE OF ABSENCE | 3 |
| 7.2.2 | APOLOGIES | 3 |
| 7.3 | QUESTION TIME | 3 |
| 7.4 | CONFIRMATION OF MINUTES | 4 |
| 7.4.1 | CONFIRMATION OF MINUTES – ORDINARY COUNCIL MEETING 19 th June 2015 | 4 |
| 7.4.2 | BUSINESS ARISING FROM MINUTES | 4 |
| 7.4.2.1 | LEASE - KALBARRI PCYC | 4 |
| 7.5 | RECEIVAL OF MINUTES | 4 |
| 7.6 | WORKS REPORT | 4 |
| 7.6.1 | MAINTENANCE WORKS/CONSTRUCTION WORKS PROGRAM (ITEM 6.1.1) | 4 |
| 7.7 | HEALTH/BUILDING REPORT | 5 |
| 7.7.1 | BUILDING STATISTICS (ITEM 6.2.1) | 5 |
| 7.8 | TOWN PLANNING REPORT | 5 |
| 7.8.1 | PROPOSED RENEWAL OF LICENCE AGREEMENT 002-11 – KALBARRI WILDERNESS TOURS (CANOE TOURS) (ITEM 6.3.1) | 5 |
| 7.8.2 | DRAFT SHIRE OF NORTHAMPTON LOCAL GOVERNMENT HERITAGE INVENTORY – FINAL ADOPTION (ITEM 6.3.2) | 6 |
| 7.8.3 | PROPOSED ANIMAL ESTABLISHMENT – DOG BOARDING KENNEL – LOT 101 HATCH ROAD, BOWES (ITEM 6.3.3) | 7 |
| 7.8.4 | SUMMARY OF PLANNING INFORMATION ITEMS (ITEM 6.3.4) | 10 |
| 7.8.5 | ITINERANT FOOD VAN – RESERVE 25307, KALBARRI (ITEM 6.3.5) | 10 |
| 7.8.6 | PROPOSED TWO (2) LOT SUBDIVISION – LOT 21 (NO. 225) HAMPTON ROAD, NORTHAMPTON (ITEM 6.3.6) | 10 |
| 7.8.7 | MIDWEST COASTAL NODES PROJECT – DESIGN OPTIONS FOR HALFWAY BAY/LUCKY BAY (ITEM 6.3.7) | 10 |
| 7.8.8 | MIDWEST COASTAL NODES PROJECT – RESERVE EXTENSION HALFWAY BAY/LUCKY BAY (ITEM 6.3.8) | 11 |
| 7.9 | FINANCE REPORT | 11 |
| 7.9.1 | ACCOUNTS FOR PAYMENT (ITEM 6.4.1) | 11 |
| 7.9.2 | MONTHLY FINANCIAL STATEMENTS JUNE 2015 (ITEM 6.4.2) | 11 |
| 7.10 | ADMINISTRATION & CORPORATE REPORT | 12 |

SHIRE OF NORTHAMPTON
Minutes of Ordinary Meeting of Council held at the Council Chambers Hampton Road,
Northampton on 24 July 2015

| | | |
|--------|--|----|
| 7.10.1 | COMMUNITY SPORT AND RECREATION FACILITIES FUND (ITEM 6.5.1) | 12 |
| 7.10.2 | LEASE – LOT 82 KITSON CIRCUIT (ITEM 6.5.2) | 12 |
| 7.10.3 | WA LOCAL GOVERNMENT ASSOCIATION MEMBER MOTIONS FOR AGM (ITEM 6.5.3) | 12 |
| 7.11 | SHIRE PRESIDENTS REPORT | 13 |
| 7.12 | DEPUTY SHIRE PRESIDENTS REPORT | 13 |
| 7.13 | COUNCILLORS REPORTS | 13 |
| 7.13.3 | CR SCOTT | 13 |
| 7.13.4 | CR GLIDDON | 13 |
| 7.14 | INFORMATION BULLETIN | 13 |
| 7.15 | NEW ITEMS OF BUSINESS | 13 |
| 7.16 | NEXT MEETING OF COUNCIL | 14 |
| 7.17 | CLOSURE | 14 |

SHIRE OF NORTHAMPTON

**Minutes of Ordinary Meeting of Council held at the Council Chambers Hampton Road,
Northampton on 24 July 2015**

7.1 OPENING

The Deputy President thanked all Councillors and staff members present for their attendance and declared the meeting open at 9.01 am.

7.2 PRESENT

| | | |
|---------------------|---------------------------------|------------------|
| Cr G Wilson | President | Northampton Ward |
| Cr C Simkin | Deputy President | Northampton Ward |
| Cr T Carson | | Northampton Ward |
| Cr D Stanich | | Northampton Ward |
| Cr P Gliddon | | Kalbarri Ward |
| Cr M Scott | | Kalbarri Ward |
| Cr M Holt | | Kalbarri Ward |
| Mr Garry Keeffe | Chief Executive Officer | |
| Mr Grant Middleton | Deputy Chief Executive Officer | |
| Mrs Hayley Williams | Principal Planner | |
| Mr Glenn Bangay | Principal EHO/Building Surveyor | |
| Mr Neil Broadhurst | Manager of Works | |
| Mrs Debbie Carson | Community Development Officer | |

7.2.1 LEAVE OF ABSENCE

Nil

7.2.2 APOLOGIES

Cr Stock-Standen, Cr Pike

7.3 QUESTION TIME

Ms Simone Chalmers addressed Council in relation to the lease at Kalbarri PCYC and whether Council would consider a re-evaluation of the lease to protect the assets held there.

Shire Chief Executive Officer Garry Keeffe advised that the Council was not aware in advance of the actions brought about by the Kalbarri PCYC management, however a breach of lease had been issued to them regarding them sub-leasing the premises for commercial operations. It was also noted that the lease by Council to the PCYC is a land lease only and is currently being prepared by Council's lawyers. It was also noted that a meeting is being held on the 29th July with the community and PCYC representatives to discuss the issues, in which members of Council would be present.

SHIRE OF NORTHAMPTON
Minutes of Ordinary Meeting of Council held at the Council Chambers Hampton Road,
Northampton on 24 July 2015

7.4 CONFIRMATION OF MINUTES

**7.4.1 CONFIRMATION OF MINUTES – ORDINARY COUNCIL MEETING 19th
June 2015**

Moved Cr CARSON, seconded Cr HOLT

That the minutes of the Ordinary Meeting of Council held on the 19th June 2015 be confirmed as a true and correct record.

CARRIED 7/0

7.4.2 BUSINESS ARISING FROM MINUTES

7.4.2.1 LEASE - KALBARRI PCYC

Moved Cr GLIDDON, seconded Cr SCOTT

That Council not endorse the new lease with the PCYC until the Kalbarri community's issues with continued use and proposed charges to be imposed have been resolved.

CARRIED 7/0

7.5 RECEIVAL OF MINUTES

Nil

7.6 WORKS REPORT

**7.6.1 MAINTENANCE WORKS/CONSTRUCTION WORKS PROGRAM (ITEM
6.1.1)**

Noted

Neil Broadhurst departed the meeting at 9.26am

7.7 HEALTH/BUILDING REPORT

7.7.1 BUILDING STATISTICS (ITEM 6.2.1)

Noted

7.8 TOWN PLANNING REPORT

**7.8.1 PROPOSED RENEWAL OF LICENCE AGREEMENT 002-11 – KALBARRI
WILDERNESS TOURS (CANOE TOURS) (ITEM 6.3.1)**

Cr Scott declared an interest in item 6.3.1 and left the meeting at 9.27am as he has business associations with the owners, and an employee has interests in the opponents Kalbarri Boat Hire.

Moved Cr HOLT, seconded Cr CARSON

That Council grant Planning Approval for the experiential use (canoe safaris) over Reserve 12996 (North), Lot 3 and 13 Murchison River Foreshore Kalbarri, and the use of Nanny Goat Well (Reserve 12996 South) with the following conditions:

1. This Planning Approval is an approval for the proposed use for the purposes of the Shire of Northampton's *Town Planning Scheme No. 9 – Kalbarri* and the *Planning and Development Act (2005)* only and does not constitute an approval of the proposed use by the Shire in its capacity as management body of the reserve within which the use is proposed to be located.
2. The location Nanny Goat Well on Reserve 12996 (South), as shown on the attached approved plan date stamped 24 July 2015, shall be limited to a launching area only for a maximum of six (6) trailerised canoes;
3. The proposed tour that traverses the Murchison River from Lot 13 to Lot 3, Murchison House Station shall be limited to a maximum of twelve (12) canoes;
4. This Planning Approval is subject to:
 - i. In-principle approval of the Shire in its capacity as management body of the reserve within which the proposed use is to be located
 - ii. Approval of the Minister of Lands in accordance with the provisions of the *Land Administration Act (1997)*;

SHIRE OF NORTHAMPTON
Minutes of Ordinary Meeting of Council held at the Council Chambers Hampton Road,
Northampton on 24 July 2015

iii. A licence agreement being entered into by the applicant and the Shire in accordance with Council's Policy 9.2– *Requirements for Licence Agreements to Use Crown Reserves for Commercial, Recreational and Tourism Activities*;

5. Authorise delegation to the Chief Executive Officer and Principal Planner for preparation and execution of the Licence Agreement in

Point 2(iii) above with any disputes to be referred back to Council for final determination; &

- 6 Refer the modified agreement to Department of Regional Development and Lands – State Land Services for approval.

Notes

- a) The Applicant is advised that it is not the responsibility of the local government to ensure that all correct approvals are in place and that all conditions contained within said approvals are upheld during the operations of the business

CARRIED 6/0

Cr Scott returned to the meeting at 9.44am.

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| 7.8.2 | DRAFT SHIRE OF NORTHAMPTON LOCAL GOVERNMENT HERITAGE INVENTORY – FINAL ADOPTION (ITEM 6.3.2) |
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Moved Cr GLIDDON, seconded Cr SCOTT

That Council pursuant to Section 2.4 of the Shire of Northampton Local Planning Scheme No. 10 (District Zoning Scheme) and Section 8.9 of Town Planning Scheme No. 9 (Kalbarri Townsite);

1. Endorse the Shire of Northampton Local Government Heritage Inventory subject to the recommended amendments included within the Schedule of Submissions Table attached as Appendix 2 to the Town Planning report 17 July 2015 and comments received by the Shire of Northampton Heritage Advisor attached as Appendix 3 to the same report; and
2. Publish a notice of the Policy once in a newspaper circulating in the Scheme Area.

CARRIED 7/0

SHIRE OF NORTHAMPTON
Minutes of Ordinary Meeting of Council held at the Council Chambers Hampton Road,
Northampton on 24 July 2015

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| 7.8.3 | PROPOSED ANIMAL ESTABLISHMENT – DOG BOARDING KENNEL – LOT 101 HATCH ROAD, BOWES (ITEM 6.3.3) |
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Moved Cr STANICH, seconded Cr CARSON

That Council grant planning approval to an Animal Establishment – Dog Boarding Kennel, with a maximum of 30 kennels, to be constructed upon Lot 101 Hatch Road, Bowes subject to compliance with the following conditions:

1. Development shall be in accordance with the attached approved plan(s) dated 24 July 2015 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;
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 planning approval for that use/addition;
3. Subject to a noise audit being undertaken at the Applicant/Landowner's cost that complies with the *Environmental Protection Noise Regulations 1997 (WA)* an additional 30 dog kennels can be constructed on Lot 101;
4. All stormwater is to be disposed of on-site to the specifications and approval of the Local Government and the Department of Water. On application for a building permit a detailed design of stormwater collection and disposal system of developed areas is to be supplied;
5. The laying of all water pipes under ground to a minimum depth of 300mm to withstand the effects of a bush fire;
6. Any soils disturbed or deposited on site shall be stabilised to the approval of the Local Government;
7. The roof and walls of the dog kennel development shall be clad with nonreflective material/s;
8. The dog kennel roof and walls shall be lined with acoustic materials to the satisfaction of the Local Government;
9. A minimum of one kennel enclosure shall be acoustically sound proofed to the satisfaction of the Local Government and used as required to house particularly noisy dogs as part of the overall management practices for the kennels;
10. The existing vehicular crossover onto Hatch Road shall be upgraded to the satisfaction of the Local Government;

SHIRE OF NORTHAMPTON

**Minutes of Ordinary Meeting of Council held at the Council Chambers Hampton Road,
Northampton on 24 July 2015**

11. All internal trafficable areas shall be constructed to a stabilised, compacted and adequately drained standard to the satisfaction of the Local Government'
12. A Landscaping Plan shall be prepared and submitted to the Local Government for endorsement prior to the issue of a building permit showing suitable vegetation buffer and screening around the dog kennel development to assist in the attenuation of noise. Such landscaping is to be implemented within twelve (12) months from the date of this approval and shall continue to be maintained to the satisfaction of the Local Government;
13. The opening times to the public of the dog kennels shall be limited to the following: Monday to Saturday: 3:00pm and 5:30pm;
14. The dog kennel development shall be established, operated and managed pursuant to the provisions and conditions detailed in the *Shire of Northampton Dog Local Laws (2004)*;
15. Noise emissions from the development shall at all times comply with *Environmental Protection (Noise) Regulations 1997 (WA)*;
16. The landowner is to implement and maintain reporting mechanisms and monitoring for noise and dust (and other) complaints. In the event of a substantiated complaint being received regarding noise the applicant/owner is required to undertake a noise audit at their cost;
17. If a noise audit produced pursuant to the preceding condition recommends any measure should be taken by the landowners to reduce any noise level or impact, the landowners shall comply with any such recommendations at their expense;
18. A copy of all complaints and the associated response(s) are to be provided to the Local Government for its information and records;
19. The landowners must provide to the Local Government a Management Plan for approval that adequately covers the day to day operations of the dog kennels inclusive of many of the other conditions of approval (i.e. operating times, access, use of collars) as well as specific procedures and information relating to hygiene, welfare, safety, security, conflict etc.. The use shall not commence until the Management Plan has been approved by the Local Government;
20. The use must at all times be carried out in accordance with the approved Management Plan;
21. The Shire may amend the approved Management Plan in consultation with the landowner in the event it is satisfied it is appropriate to do so, whether as a result of a noise audit, or otherwise;

22. A building permit must be applied for and issued by the Local Government prior to the commencement of any works on the site;
23. The dog kennel development is required to be connected to/serviced by an approved effluent disposal system to the satisfaction of the Local Government;
24. Signage for the dog kennel development is subject to further application to the Local Government and Main Roads WA (where required);
25. Access to the kennels and associated exercise runs shall be restricted to staff and those acting in a professional or official capacity (i.e. Veterinarian, Local Government or RSPCA Officer) only;
26. The applicant is required to obtain a groundwater licence for the purposes of dog kennel operations from the Department of Water (or confirmation from the Department that this is not required), prior to lodgement of application for a building permit.

Notes:

- a) If the development/land use, the subject of this approval, is not substantially commenced within a period of two years after the date of determination, the approval shall lapse and be of no further effect;
- b) 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;
- c) The applicant/landowner is advised that there are a number of vacant lots and lots capable of subdivision in the surrounding area and that the development of a habitable building/sensitive premise upon such lots is a permitted land use under the Scheme. In the event that further habitable buildings/noise sensitive premises are constructed then the operator of the dog boarding kennel will need to ensure that they continue to comply with the Regulations;
- d) 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 lodged within 28 days from the date of determination.

CARRIED 7/0

SHIRE OF NORTHAMPTON
Minutes of Ordinary Meeting of Council held at the Council Chambers Hampton Road,
Northampton on 24 July 2015

7.8.4 SUMMARY OF PLANNING INFORMATION ITEMS (ITEM 6.3.4)

Noted

7.8.5 ITINERANT FOOD VAN – RESERVE 25307, KALBARRI (ITEM 6.3.5)

Moved Cr GLIDDON, seconded Cr SCOTT

That approval be granted to the Bean Drifting Coffee Van to operate on Reserve 25307 to attend an inter-school carnival event on 7th August 2015 only operating between 9.30am to 1.00pm.

CARRIED 7/0

Cr Simkin left the meeting at 10.13am and returned to the meeting at 10.15am.

7.8.6 PROPOSED TWO (2) LOT SUBDIVISION – LOT 21 (NO. 225)
HAMPTON ROAD, NORTHAMPTON (ITEM 6.3.6)

Moved Cr CARSON, seconded Cr WILSON

That Council progress with the subdivision of Lot 21 Hampton Road into two separate Lots as per the draft plan and that Council to progress with the purchase of Lot B with the CEO be given delegated authority to negotiate a purchase price for this portion of the lot.

CARRIED BY AN ABSOLUTE MAJORITY 5/2

Cr Stanich voted against the motion

7.8.7 MIDWEST COASTAL NODES PROJECT – DESIGN OPTIONS FOR
HALFWAY BAY/LUCKY BAY (ITEM 6.3.7)

Noted

SHIRE OF NORTHAMPTON
Minutes of Ordinary Meeting of Council held at the Council Chambers Hampton Road,
Northampton on 24 July 2015

**7.8.8 MIDWEST COASTAL NODES PROJECT – RESERVE EXTENSION
HALFWAY BAY/LUCKY BAY (ITEM 6.3.8)**

Moved Cr SCOTT, seconded Cr SIMKIN

That Council request the Department of Land Administration to excise the portion of Reserve 35206 being all that area west of the draft blue boundary line as per Appendix 1, with a Management Order to be drawn in favour of Council for Camping and Recreation.

CARRIED 7/0

MORNING TEA ADJOURNMENT

Council adjourned for morning tea at 10:28am.

Meeting reconvened at 10:40am with the following in attendance:

Cr Wilson, Cr Simkin, Cr Carson, Cr Stanich, Cr Gliddon, Cr Scott, Cr Holt, Chief Executive Officer Garry Keeffe, Deputy CEO Grant Middleton, Mr Glenn Bangay Principal EHO/Building Surveyor, Mrs Hayley Williams Principal Planner, Community Development Officer Mrs Debbie Carson.

7.9 FINANCE REPORT

7.9.1 ACCOUNTS FOR PAYMENT (ITEM 6.4.1)

Moved Cr SIMKIN, seconded Cr STANICH

That Municipal Fund Cheques 20632 to 20673 inclusive totaling \$96,823.53, Municipal EFT payments numbered EFT13857 to EFT13959 inclusive totalling \$435,804.73, direct Debit payments numbered GJ1012 to GJ1211 totalling \$11,172.39, Trust Fund Cheques 2050-2056, totaling \$1,907.50 be passed for payment and the items therein be declared authorised expenditure.

CARRIED BY AN ABSOLUTE MAJORITY 7/0

7.9.2 MONTHLY FINANCIAL STATEMENTS JUNE 2015 (ITEM 6.4.2)

Moved Cr HOLT, seconded Cr GLIDDON

That Council adopts the Draft Monthly Financial Report for the period ending 30 June 2015.

CARRIED 7/0

7.10 ADMINISTRATION & CORPORATE REPORT

7.10.1 COMMUNITY SPORT AND RECREATION FACILITIES FUND (ITEM 6.5.1)

Moved Cr CARSON, seconded Cr SCOTT

That Council:

1. Submit CSRFF grant and Mid West Regional Grants Scheme applications for the relocation of the Kalbarri Tennis and Netball Courts to the Kalbarri Sport & Recreation Club precinct.
2. That Council prioritises the relocation of the Kalbarri tennis, netball and basketball courts project as priority number one and should other projects be received from community clubs then those projects be prioritised from two onwards accordingly.

CARRIED 7/0

7.10.2 LEASE – LOT 82 KITSON CIRCUIT (ITEM 6.5.2)

Moved Cr STANICH, seconded Cr SCOTT

That Council approve the leasing of Lot 82 Kitson Circuit to Landmark Operations Ltd at a rate of rent free for the first 12 month period and then \$2,000 per annum (increased annually by CPI) thereafter for the term of the lease.

CARRIED 7/0

7.10.3 WA LOCAL GOVERNMENT ASSOCIATION MEMBER MOTIONS FOR AGM (ITEM 6.5.3)

Moved Cr GLIDDON, seconded Cr SCOTT

That:

1. Council delegates vote the affirmative for agenda items 4.1 to 4.11.
2. Should through discussion that an affirmative vote not be supported by the Council voting delegates, then those delegates be given delegated authority to use their discretion and vote on behalf of Council.

CARRIED 7/0

SHIRE OF NORTHAMPTON
Minutes of Ordinary Meeting of Council held at the Council Chambers Hampton Road,
Northampton on 24 July 2015

7.11 SHIRE PRESIDENTS REPORT

Nil

7.12 DEPUTY SHIRE PRESIDENTS REPORT

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

| | |
|---------|---|
| 28/6/15 | Chaired RSL and Northampton VC meeting- viewing plans for extension to RSL Hall |
| 10/7/15 | Retirement of Ray Meagher and Fabrizio Moroni- function at Works Depot |

7.13 COUNCILLORS REPORTS

7.13.3 CR SCOTT

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

Early July Kalbarri Sport and Rec meeting

7.13.4 CR GLIDDON

Since the last Council meeting Cr Gliddon reported on her attendance at:

| | |
|---------|---|
| 23/6/15 | Meeting with Visitor Centre and Community Development Officer regarding tourism grant |
| 29/6/15 | Zest Fest committee meeting |
| 6/7/15 | Meeting of user group representatives of Kalbarri PCYC |
| 23/7/15 | Roadwise Planning meeting- planning for Road Trauma Prevention Day |

7.14 INFORMATION BULLETIN

Noted

7.15 NEW ITEMS OF BUSINESS

Nil

SHIRE OF NORTHAMPTON

**Minutes of Ordinary Meeting of Council held at the Council Chambers Hampton Road,
Northampton on 24 July 2015**

7.16 NEXT MEETING OF COUNCIL

The next Ordinary Meeting of Council will be held on the 21st August 2015 commencing at 1.00pm at the Council Chambers, Hampton Road, Northampton.

7.17 CLOSURE

There being no further business, the President thanked everyone for their attendance and declared the meeting closed at 11.13am.