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12.1 OPENING

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

12.2 PRESENT

Cr C Simkin	President	Northampton Ward
Cr S Krakouer	Deputy President	Kalbarri Ward
Cr R Suckling		Northampton Ward
Cr D Pike		Kalbarri Ward
Cr S Smith		Kalbarri Ward
Cr P Stewart		Kalbarri Ward
Mr Garry Keeffe	Chief Executive Officer	
Mr Grant Middleton	Deputy Chief Executive Officer	
Mrs Deb Carson	Planning Officer	

12.2.1 LEAVE OF ABSENCE

Nil

12.2.2 APOLOGIES

Cr Stock-Standen, Cr Carson and Cr Hay

12.3 QUESTION TIME

Mr Gary Dungate addressed Council, thanking Councillors and staff for assisting him with the process of getting his firearm dealer's application approved.

Cr Simkin thanked Mr Dungate for his sentiment and wished him well in his new endeavours.

12.4 DISCLOSURE OF INTEREST

Cr Krakouer declared a financial interest in Item 7.3.3 as he operates a business of a similar nature and may incur a financial gain or loss from the decision.

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12.5 CONFIRMATION OF MINUTES

12.5.1 CONFIRMATION OF MINUTES – ORDINARY COUNCIL MEETING 15th NOVEMBER 2018

Moved Cr SUCKLING, seconded Cr PIKE

That the minutes of the Ordinary Meeting of Council held on the 15th November 2018 be confirmed as a true and correct record, subject to the following amendment:

Items 10.11.6, 10.11.7 and 10.11.8 should be 11.11.6, 11.11.7 and 11.11.8

CARRIED 6/0

12.5.2 BUSINESS ARISING FROM MINUTES

Nil.

12.6 RECEIVAL OF MINUTES

12.6.1 AUDIT COMMITTEE MEETING MINUTES

Moved Cr SMITH, seconded Cr SUCKLING

That the minutes of the Audit Committee Meeting held on the 14th December 2018 be received.

CARRIED 6/0

12.6.2 ADOPTION OF ANNUAL REPORT

Moved Cr KRAKOUER, seconded Cr SUCKLING

That Council adopt the 2017/2018 Annual Report including the Annual Financial Statements and Audit Report as presented.

CARRIED 6/0

12.7 WORKS & ENGINEERING REPORT

12.7.1 INFORMATION ITEMS - MAINTENANCE/CONSTRUCTION WORKS PROGRAM (ITEM 7.1.1)

Noted

12.8 HEALTH & BUILDING REPORT

12.8.1 BUILDING STATISTICS (ITEM 7.2.1)

Noted

12.9 TOWN PLANNING REPORT

**12.9.1 REVIEW OF SHIRE OF NORTHAMPTON LOCAL PLANNING SCHEME NO.
10 HERITAGE LIST (ITEM 7.3.1)**

Moved Cr STEWART, seconded Cr KRAKOUER

1. That Council resolve in accordance with Part 3 - Heritage Protection, cl. 8 of the "Deemed Provisions" of the *Planning and Development (Local Planning Schemes) Regulations 2015* to include the following places on the *Shire of Northampton Local Planning Scheme No. 10 - Heritage List*:

- Galena Mine (Place No. 6)
- Kilally & Cemetery (Place No. 8)
- Hillview (Place No. 33)
- Baddera Mines (Place No. 37)
- Station Master's House Fmr (Place No. 78)
- Weighbridges, Turntable and Wheat Bin (Place No. 80)
- Gwalla Mine Site (Place No. 133)
- Fmr Gwalla Railway Station (Place No. 134)
- Railway Bridge (Place No. 142)
- Railway Bridge (Place No. 143)
- Emu Barrier Fence (Place No. 11)
- Barrel Well (Place No. 12)
- Railway Tank & Dam (Place No. 19)
- Trevenson Outbuildings (Place No. 23)
- RSL Hall and War Memorial (Place No. 56)
- Balline Town Residence (Place No. 57)
- Miners Arms Hotel (Place No. 60)
- Butcher and Chemist (Place No. 67)
- Northampton Post Office (Place No. 87)
- Northampton State School (Place No. 93)
- The Grange (Place No. 97)
- Residence (Place No. 98)
- Wheal Ellen Mine Site (Place No. 117)
- Horrocks Walls (Place No. 137)
- Lindesferne (Place No. 146)

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- Yarra Homestead and Outbuildings (Place No. 148)
 - Stradbroke (Place No. 152)
 - 200 Mile Tank (Place No. 158)
 - Gurkha Mine (Place No. 165)
 - Mary Springs Lead Mine (Place No. 166)
 - Block Seven (Place No. 169)
 - Kirtons Group Mines (Place No. 173)
 - Ethel Maud (Lady Shenton) Mines (Place No. 176)
 - Geraldine South Mine (Place No. 182)
2. That Council also exclude the following properties from inclusion on the Heritage List as part of the 2018 Review, with notification being provided to the landowners:
- Three Sisters Mine (Place No. 168)
 - Square Well (Place No. 149)
 - Kaburie (Place No. 150)
 - Principality of Hutt River (Place No. 191)
 - Murchison Bridges (Place No. 3)
3. That the information received from the Department of Mines, Industry Regulation and Safety, in relation to mine sites, access and liability, to be publicly advertised and distributed for private landowner's information.

CARRIED 6/0

12.9.2 LOCAL PLANNING POLICY REVIEW (ITEM 7.3.2)
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Moved Cr SIMKIN, seconded Cr STEWART

That Council:

1. Adopt the following proposed locations for inclusion as trading sites within the Draft Local Planning Policy – Mobile Food Vehicles:
 - Northampton: Hampton Gardens carparking area (Site A)
 - Horrocks: Carparking area upon Lot 202, Horrocks, south of the Jetty carpark (Site B)
 - Kalbarri: Reserve 52436 adjacent to the Land-Backed Wharf (Site C)
Red Bluff Beach Road (Site D)
 2. Pursuant to Schedule 2 - Deemed Provisions, Part 2, cl 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* resolve to:
 - a. Adopt the proposed draft Local Planning Policy for public comment and advertise the Policy for a period of 21 days;
-

- b. Should no written, author-identified objections be received during the 21 day advertising period, then adopt for final approval the proposed Local Planning Policy and proceed to publish a notice to this effect in the local newspaper; and
- c. Should there be any written, author-identified objections received during the advertising period, require staff to present to Council a further report.

CARRIED 6/0

Cr Krakouer declared a financial interest in Item 7.3.3 as he operates a business of a similar nature and may incur a financial gain or loss from the decision, and departed the meeting at 1.18pm.

12.9.3 APPLICATION FOR MOBILE FOOD VAN – RESERVE 52436 GREY STREET AND USE OF ROAD RESERVES, AND COMMERCIAL VEHICLE PARKING – LOT 103 (NO. 7) DARWINIA DRIVE, KALBARRI (ITEM 7.3.3)

Moved Cr SUCKLING, seconded Cr PIKE

That Council approves the Application for Development Approval for a food van to operate upon:

- Reserve 52436,
- the Red Bluff Beach Road road reserve, and
- the George Grey Drive road reserve,

subject to the following conditions:

1. Development/use shall be in accordance with the attached approved plans dated 14 December 2018 and subject to any modifications required as a consequence of this approval. The endorsed plan(s) shall not be modified or altered without the prior written approval of the local government;
2. 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;
3. This approval wholly replaces Development Approval D/A 2018-059, with D/A 2018-059 becoming void and having no further effect;
4. This Development Approval is an approval for the proposed use for the purposes of the Shire of Northampton's Local Planning Scheme No. 11 – Kalbarri and the Planning and Development Act (2005) only;

5. This Development Approval is subject to:
 - (a) Approval of the Minister for Lands in accordance with the provisions of the Land Administration Act (1997); and
 - (b) 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;
 6. This Development Approval shall remain valid whilst the License Agreement referred to in Condition 5(b) remains current and valid, and on the expiration or in the termination of such License Agreement, this Development Approval shall cease to be valid;
 7. The approval is for one (1) food van only and does not include any peripheral alfresco seating;
 8. The Applicant shall at no time interfere or obstruct the operations and activities of the commercial fishing activities upon the Kalbarri Land-Backed Wharf, or any approved users of the land-backed wharf, 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 – Commercial Recreational Tourism Activity*;
 11. The approved hours of operation of this food van are between 7am and 7pm, 7 days per week;
 12. This approval allows the following signs:

Reserve 52436 - two (2) portable A-Frame signs:

 - (i) one sign to be located immediately adjacent to the food van upon Reserve 52436; and
 - (ii) the location of the second sign to be determined by the local government so as not to conflict with the entry statement to the land-backed wharf;
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Red Bluff Beach Road reserve – one (1) portable A-Frame sign to be located immediately adjacent to the van, within the carpark area;
George Grey Drive road reserve – two (2) portable A-Frame signs to be located at the entry and exit points of the rest bay area.

13. A-Frame signs must be removed at the end of trading each day and shall only be displayed upon the respective Reserve where and when trading is currently being undertaken. Signs shall not be displayed upon any Reserve whereby the mobile food van is not on-site (for example, signs shall not be displayed at Reserve 52436 when the mobile food van is trading at the Red Bluff Beach Road reserve);
 14. No further signs shall be permitted in relation to this Development Approval;
 15. This approval is issued only to M. Grove and is NOT transferable to any other person or to any other land parcel, without the further application and approval of the Shire of Northampton;
 16. The food van is approved to sell the following items only:
 - Indonesian Cuisine (all approved reserves)
 - Cooked Seafood (road reserve sites only, not Reserve 52436); and
 - Coffee (road reserve sites only, not Reserve 52436), and other non-alcoholic canned and bottled beverages.
 17. The Applicant is required to provide adequate rubbish disposal facilities, remove all rubbish associated with the operation and maintain clean and sanitary conditions at all times;
 18. 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, vibration, waste product or otherwise;
 19. The use of mechanical chimes or amplified music which could cause a noise nuisance is not permitted;
 20. The Applicant shall advise any customer who parks their vehicle to access the food van and that restricts access to, or obstructs, the land-backed wharf or jetty, to remove their vehicles immediately;
 21. The food van is required to be removed from the approved Reserve locations at the close of business each day and is not permitted to be stored overnight upon any Reserve;
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22. The use of a generator upon Reserve 52436 is only allowed during power outages and when the on-site power source is not accessible. At all other times, the Applicant shall utilise the power source provided by the Shire of Northampton;
 23. Generators used for the purpose of providing power to the mobile food van shall not have a manufacturer-specified operational volume greater than 75dB;
 24. The Applicant is required to monitor noise emissions on an ongoing basis to ensure ageing equipment remains below this threshold;
 25. Should the Applicant fail to comply with Condition No. 23 and/or 24 above, compliance procedures shall apply which may include restricting or prohibiting the use of the generator;
 26. The Applicant shall be wholly financially responsible for the use of electricity accessed via the metred outlet upon Reserve 52436;
 27. The food van is permitted to be stored at Lot 103 (No. 7) Darwinia Drive, Kalbarri outside of trading hours and subject to:
 - (i) the van being stored within the property boundaries; and
 - (ii) the food van not causing injury to or prejudicially affecting the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product or otherwise; and
 - (iii) the Applicant meeting the requirements of Condition No. 30 as per below;
 28. The Applicant is advised that the use of a generator in connection with the food van at Lot 103 Darwinia Drive is not allowed, except in the event of a power outage and only between the hours of 8am and 6pm;
 29. No food is to be prepared within the dwelling upon Lot 103 (No. 7) Darwinia Drive, Kalbarri and all food preparation shall be contained within the food van, unless further application is made to, and approval is granted by, the Shire of Northampton;
 30. The parking and storage of the commercial vehicle (food van) upon Lot 103 (No. 7) Darwinia Drive, Kalbarri requires annual approval, and the Applicant is advised that they must re-apply to the Shire of Northampton prior to the end of each financial year (30th June) to gain approval for the parking of the food van upon this residential lot; and
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31. The Shire of Northampton reserves the right to reposition the mobile food van's permitted trading area within the three approved locations, to be undertaken in consultation with the Applicant, so as to improve the efficiency and effectiveness of the site's use, if required.

Advice Notes

1. 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.
2. The Applicant is advised that compliance with any and all governmental legislation and regulations, including but not limited to the Health Act and Regulations, the Food Act and Regulations and the Environmental Protection (Noise) Regulations, is required at all times;
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.

CARRIED 4/1

Cr Simkin voted against the motion

Cr Krakover returned to the meeting at 1.27pm.

12.9.4 SUMMARY OF PLANNING INFORMATION ITEMS (ITEM 7.3.4)

Noted.

12.9.5 APPLICATION FOR DEVELOPMENT APPROVAL – SPECIAL CATERING EVENTS - LOT 376 (NO. 13) MAGEE CRESCENT, KALBARRI (ITEM 7.3.5)

Moved Cr PIKE, seconded Cr SMITH

1. That Council support the Applicant's request to increase the number of patrons from 100 to 200 persons upon Lot 376 (No. 13) Magee Crescent, Kalbarri during the period 28th December 2018 to 3rd January 2019, for the purpose of the Applicant applying for a liquor license variation with

the Department of Racing Gaming and Liquor, and correspond to the Applicant to that effect; and

2. That Council approves the Application for Development Approval for special catering events to be held between the 28th December 2018 and 3rd January 2019 upon Lot 376 (No. 13) Magee Crescent Kalbarri, subject to the following conditions:
 - (a) The Applicant is to implement and maintain reporting mechanisms for any complaints received in relation to this approval to the Shire of Northampton. In the event of a substantiated complaint being received, the Applicant is required to demonstrate to the local government that appropriate mitigation response(s) were implemented in a timely manner;
 - (b) All parking of vehicles associated with the events shall be provided for within the property boundary in the first instance, and if/when full, that overflow parking be allowed within the immediately adjacent Magee Crescent Road Reserve and street verge, subject to Condition No. (c) being met at all times;
 - (c) That access and entry points and driveways of the adjacent lot, being the Volunteer Marine Sea Search and Rescue Group base (Lot 262 Magee Crescent), shall be kept clear and unobstructed at all times and the parking of vehicles in these locations is strictly prohibited, and it is the responsibility of the Applicant to ensure compliance with this Condition at all times;
 - (d) The special catering events shall be serviced by ablutions that are sufficient in regards to their number, access requirements, location, design and operation to the requirements of the Department of Health and to the approval of the local government, with all costs to be met by the applicant; and
 - (e) This approval is valid only for the specified period, being the 28th December 2018 until the 3rd January 2019, and thereafter shall cease to be valid.

Advice Notes:

- Note 1. The applicant is advised that this planning approval does not negate the requirement for any additional approvals which may be required under separate legislation including but not limited to the Food Act 2008, Food Regulations 2009, Health Act 1911, Liquor Control Act 1988, and the
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Local Government (Miscellaneous Provisions) Act 1960. It is the Applicant's responsibility to obtain any additional approvals required before the development/use lawfully commences.

Note 2. 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 6/0

12.9.6 REQUEST FOR FEE REDUCTION – MODIFICATION TO BROWNE FARM STRUCTURE PLAN - LOTS 9502 & 9505 GEORGE GREY DRIVE, KALBARRI (ITEM 7.3.6)

Moved Cr STEWART, seconded Cr SIMKIN

That Council approve the request of the Applicant and apply the "Modification to an Approved Local Structure Plan" fee, being \$2,310 for the application to amend the Local Structure Plan for Browne Farm, Kalbarri.

CARRIED 6/0

12.9.7 REQUEST TO VARY A DEVELOPMENT APPROVAL CONDITION – PORT GREGORY SOLAR AND WIND FARM / ENERGY FACILITY - VIC LOCATION 6945 (NO. 4601) & LOCATION 6687 (NO. 5540) OGILVIE ROAD WEST, YALLABATHARRA (ITEM 7.3.7)
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Moved Cr SUCKLING, seconded Cr SMITH

1. That Council support the request of the Applicant and approve the variation of Condition No. 7 of D/A 2017-104 such that the Condition is reworded to:

"The applicant is to prepare, submit and implement a Bushfire Management Plan to the approval of the Local Government. This Bushfire Management Plan shall include the following:

- (a) a perimeter road around the outside of the solar farm so as to provide multi-directional escape routes in the event of a small localised fire at that location;
- (b) a firefighting unit with a minimum 4,000L water capacity be present on site and located within close proximity to any personnel present, during the periods of construction and any maintenance undertaken within restricted and prohibited burning periods.

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The requirement for asset protection zones at the base of the wind turbines is not required subject to the above measures being included with the final Bushfire Management Plan.”

CARRIED 6/0

12.10 FINANCE REPORT

12.10.1 ACCOUNTS FOR PAYMENT (ITEM 7.4.1)

Moved Cr SIMKIN, seconded Cr SUCKLING

That Municipal Fund Cheques 21562 to 21580 inclusive totalling \$64,561.61, Municipal EFT payments numbered EFT18629 to EFT18724 inclusive totalling \$961,473.15, Trust Fund Cheques 2363 to 2373, totalling \$11,191.28, Direct Debit payments numbered GJ0503 to GJ0509 inclusive totalling \$366,625.18 be passed for payment and the items therein be declared authorised expenditure.

CARRIED BY AN ABSOLUTE MAJORITY 6/0

12.10.2 MONTHLY FINANCIAL STATEMENTS – NOVEMBER 2018 (ITEM 7.4.2)

Moved Cr SUCKLING, seconded Cr STEWART

That Council adopts the Monthly Financial Report for the period ending 30th November 2018.

CARRIED 6/0

12.11 ADMINISTRATION & CORPORATE REPORT

12.11.1 APRIL 2019 COUNCIL MEETING DATE (ITEM 7.5.1)

Moved Cr SMITH, seconded Cr SUCKLING

That the April 2019 meeting be held on Wednesday 17th April 2019 and not Friday 19th April 2019 as previously adopted.

CARRIED 6/0

12.11.2 ROAD TRAIN REST AREA (ITEM 7.5.2)

Moved Cr STEWART, seconded Cr PIKE

That Council support and approve the taking of a portion of Reserve 25273 by Main Roads WA as shown on MRWA Plan d1660-22-1, being Appendices 2, for the construction of a truck bay area.

CARRIED 6/0

12.11.3 BASIS OF RATES – RANCH COURT SUBDIVISION (ITEM 7.5.3)

Moved Cr SMITH, seconded Cr PIKE

That Council inform all landowners for properties located in Ranch Court, that it proposes to request the Minister for Local Government to change the basis of rating from Unimproved Values to Gross Rental Values due the predominant use of the land being residential and seek comment from those landowners. Once comments are received the matter be presented to the February 2019 meeting of Council for further determination.

CARRIED 6/0

12.11.4 RUBBISH BIN SURROUNDS (ITEM 7.5.4)

Moved Cr SUCKLING, seconded Cr STEWART

That Council endorse the designs for the bin surrounds for the locations being:

1. Kings Park – Kings Hall on the front with the dancers on each side.
2. Hampton Gardens – one with a steam train on the front and railway line on the sides and one with a miner on the front and mining tools on the side.
3. RSL Hall – Soldier on the front and the poppy plant for the sides.

CARRIED 6/0

12.11.5 2017 - 18 ANNUAL ELECTORS MEETING (ITEM 7.5.5)

Moved Cr STEWART, seconded Cr KRAKOUER

That the Annual Electors meeting be held Wednesday 16th January 2019 commencing at 5.30pm at the Northampton Council Chambers.

CARRIED 6/0

**12.11.6 NON PAYMENT OF RATES – LOT 7 HAMPTON ROAD, NORTHAMPTON
(ITEM 7.5.6)**

Moved Cr SMITH, seconded Cr STEWART

That Council instruct its legal advisors to commence recovery proceedings for all outstanding rates and charges on Lot 7 Hampton Road, Northampton.

CARRIED 6/0

12.11.7 OUTSTANDING RATES – RODNEY MACKENZIE (ITEM 7.5.7)

Moved Cr SIMKIN, seconded Cr SUCKLING

The Council accept the offer by Mr Mackenzie to pay all outstanding rates, charges and penalty interest totaling \$78,640.76 as at 30 November 2018 by a \$30,000 instalment by 31 December 2018, an instalment of \$18,640.76 by 30 June 2019 and a final instalment of the balance of all rates, charges and penalty interest by 31 December 2019, however is subject to:

1. That the interest rate for all charges on rates and ESL current and arrears to continue to be levied until the debt is paid in full and these amounts are to be paid in addition to the scheduled repayments.
2. That should a default occur in the payment of any instalments for current and arrears charges then legal action be undertaken for the recovery of the debt.

CARRIED 6/0

12.12 DEPUTY PRESIDENT'S REPORT

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

28/11/2018 Native Title Determination Ceremony

12.13 COUNCILLORS' REPORTS

12.13.1 CR PIKE

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

21/11/2018 Kalbarri Roadwise Committee Meeting

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30/11/2018 Kalbarri District High School Assembly and Roadwise presentation

12.13.2 CR SMITH

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

11/12/2018 Kalbarri Visitor Centre Meeting

12.14 NEW ITEMS OF BUSINESS

12.14.1 QANTAS PILOT TRAINING ACADEMY

Cr Smith presented an article to Council which detailed a Qantas pilot training academy program, and suggested that Council correspond with Qantas to discuss the possibility of utilising the Kalbarri Airport for such a training program.

Moved Cr STEWART, seconded Cr KRAKOUER

That Council correspond with Qantas to discuss the possibility of the Kalbarri Airport being used as a training facility.

CARRIED 6/0

12.14.2 PROPOSED IMPROVEMENTS TO KALBARRI SHOPPING CENTRE THOROUGHFARE, PORTER STREET KALBARRI

Cr Pike has received correspondence from Mr M. Morgan, which he presented to Council, requesting consideration for improvements to the paved thoroughfare area near the Kalbarri Shopping Centre, including a roofed undercover area, potted plants, park seating and tables and other fixtures.

Moved Cr STEWART, seconded Cr PIKE

That Council seek costings for the proposed project, and list the project for consideration in the Draft 2019/2020 Budget.

CARRIED 6/0

12.15 NEXT MEETING OF COUNCIL

The next Ordinary Meeting of Council will be held on Friday the 15th February 2018 commencing at 1.00pm at the Allen Centre, Kalbarri.

12.16 CLOSURE

There being no further business, the President thanked everyone for their attendance and declared the meeting closed at 2.32pm.

THESE MINUTES CONSISTING OF PAGES 1 TO 17 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON FRIDAY 15TH FEBRUARY 2018

PRESIDING MEMBER: _____

DATE: _____