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**9.1 OPENING**

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

**9.2 PRESENT**

Cr S Krakouer	Deputy President	Kalbarri Ward
Cr R Suckling		Northampton Ward
Cr T Carson		Northampton Ward
Cr T Hay		Northampton Ward
Cr S Stock-Standen		Northampton Ward
Cr S Smith		Kalbarri Ward
Cr P Stewart		Kalbarri Ward
Cr D Pike		Kalbarri Ward
Mr Garry Keeffe	Chief Executive Officer	
Mr Grant Middleton	Deputy Chief Executive Officer	
Mr Neil Broadhurst	Manager of Works & Technical Services	
Mrs Debbie Carson	Planning Officer	
Mrs Michelle Allen	Planning Officer	

**9.2.1 LEAVE OF ABSENCE**

Nil

**9.2.2 APOLOGIES**

Cr C Simkin	President	Northampton Ward
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**9.3 QUESTION TIME**

Nil

**9.4 DISCLOSURE OF INTEREST**

Cr Suckling declared a financial interest in Item 7.5.6 – Container Deposit & Recycling Collection Point as she is employed by the Northampton District High School and may incur a financial gain or loss from the decision of Council.

Cr Krakouer declared a financial interest in Items 7.3.2, Item 7.3.4 and Item 7.3.5 as he is a sub-contractor employed by the Applicant, Summerstar and may incur a financial gain or loss from the decision of Council.

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**9.5 CONFIRMATION OF MINUTES**

**9.5.1 CONFIRMATION OF MINUTES – ORDINARY COUNCIL MEETING 16<sup>TH</sup>  
AUGUST 2019**

Moved Cr STEWART, seconded Cr HAY

That the minutes of the Ordinary Meeting of Council held on the 16<sup>th</sup> August 2019 be confirmed as a true and correct record, subject to the following amendment:

Item 8.9.4 be changed from “Moved SS” to read ‘Moved Cr Stock-Standen’

CARRIED 8/0

**9.5.2 BUSINESS ARISING FROM MINUTES**

- Minute 8.9.6 Compliance review/audit of non-conforming and unapproved fences within Brownes Farm R5 Residential Area – CEO Garry Keeffe advised that discussions were underway with City of Greater Geraldton Compliance Officer re undertaking initial review.
- Minute 8.11.1 Kalbarri PAW – Public submissions – CEO Garry Keeffe advised that no response had been received after additional correspondence on the matter was sent to interested parties.

**9.6 RECEIVAL OF MINUTES**

Nil.

**9.7 WORKS & ENGINEERING REPORT**

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

Noted

Mr Neil Broadhurst departed the meeting at 1.09pm.

**9.8 HEALTH & BUILDING REPORT**

**9.8.1 BUILDING APPROVALS (ITEM 7.2.1)**

Noted.

**9.9 TOWN PLANNING REPORT**

**9.9.1 REQUEST FOR EXTENSION OF DEVELOPMENT APPROVAL – PROPOSED THREE STOREY – SIX (6) MULTIPLE DWELLINGS (RESIDENTIAL) – LOT 400 (NO.28) GREY STREET, KALBARRI (ITEM 7.3.1)**

Moved Cr PIKE, seconded Cr SMITH

That Council grant a two (2) year extension to Development Approval 2013-074 for the development of six (6) multiple dwellings on Lot 400 (No. 28) Grey Street, Kalbarri subject to:

1. The Planning Service fee of \$145.00 being paid by the Applicant/Owner for the extension of current Development Approval.
2. The Approval lapsing on 18 December 2021 unless the proposed development is considered to have been substantially commenced.
3. That no further extensions to this approval be provided after 18 December 2021.

CARRIED 8/0

**9.9.2 AMENDED DEVELOPMENT APPLICATION – PROPOSED TEMPORARY CABINS (3) AND ENSUITES (2) – LOT 10646 (NO. 399) RED BLUFF ROAD, KALBARRI (ITEM 7.3.2)**

Cr Krakouer declared a financial interest in Items 7.3.2, Item 7.3.4 and Item 7.3.5 as he is a sub-contractor employed by the Applicant, Summerstar Pty Ltd and may incur a gain or loss from the decision of Council, and left the meeting at 1.16pm.

Moved Cr PIKE, seconded Cr CARSON

That Cr Smith preside in the role of Chairperson in the absence of the President and Deputy President for Agenda Items 7.3.2, 7.3.4, and 7.3.5.

CARRIED 7/0

Cr Krakouer departed the meeting at 1.16pm with Cr Smith taking the Chair.

Moved Cr CARSON, seconded Cr PIKE

1. That Council determine that the proposed amendments to DA 2018-037 for the provision of Temporary Cabins (3) and Ensuites (2) on Lot 10646

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(No. 399) Red Bluff Road, Kalbarri constitutes a minor amendment in accordance with Clause 77(1) (c) of the “Deemed Provisions” of the *Planning and Development (Local Planning Schemes) Regulations 2015*;

2. That Council approve the proposed amendment to DA 2018-037 for the extended provision of Temporary Cabins (3) and Ensuites (2) on Lot 10646 (No. 399) Red Bluff Road, Kalbarri under the same conditions and associated advice notes being applied, with the exception of:
  - a) Condition No. 6 - Modifying the timeframe for removal of all buildings so as to commence from the date of the approved amended plans, being the 20<sup>th</sup> September 2019, for an extended period of six (6) months;
  - b) Applying the following additional Condition - Condition No. 16 - That no time extensions to this approval, in relation to Condition No. 6, shall be allowed.

CARRIED 8/0

<p>9.9.3 PROPOSED AMENDMENT TO DEVELOPMENT APPROVAL – CARAVAN &amp; CHALET PARK, MANAGER’S RESIDENCE &amp; RECEPTION AREA – LOT 10646 (NO. 399) RED BLUFF ROAD, KALBARRI (ITEM 7.3.4)</p>
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Moved Cr PIKE, seconded Cr STEWART

1. That Council determine that the proposed amendments to DA 2016-063 for the development of a Caravan & Chalet Park on Lot 10646 (No. 399) Red Bluff Road, Kalbarri constitute a minor amendment in accordance with Clause 77(1) (c) of the “Deemed Provisions” of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
2. That Council approve the proposed amendments to DA 2016-063 for the development of a Caravan & Chalet Park and Caretaker’s Dwelling on Lot 10646 (No. 399) Red Bluff Road, Kalbarri subject to the same conditions and associated advice notes being applied, with the exception of:
  - a) Modifying Condition No. 1 so that it reads “Development shall be in accordance with the attached approved plan(s) dated 18 November 2016 and where applicable amended plans dated 20 September 2019 and as well as being subject to any modifications required as a consequence of any condition(s) of this approval. The

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endorsed plans shall not be modified or altered without the prior written approval of the Local Government”;

- b) Removing Condition No. 12 in relation to access/egress points, due to the reconfiguration of the access and egress points upon the lot;
- c) Renumbering existing Condition No. 13 to become Condition No. 12;
- d) Applying the following additional Conditions:

Condition No. 13. The transformer shall be screened from view from the street to the satisfaction of the local government.

Condition No. 14. The approval of the two outbuildings is subject to them being in good condition, and shall be to the further approval of the local government.

Condition No. 15. The rear BBQ area, as marked in RED on the attached approved plans dated 20 September 2019, shall be located wholly outside of the 9m DFES rear setback area.

CARRIED 7/0

9.9.4 REQUEST FOR FEE REDUCTION – AMENDMENT TO DEVELOPMENT APPROVAL – CARAVAN & CHALET PARK, MANAGER’S RESIDENCE & RECEPTION AREA – LOT 10646 (NO. 399) RED BLUFF ROAD, KALBARRI (ITEM 7.3.5)
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Moved Cr STEWART, seconded Cr PIKE

That Council support the request of the Applicant to reduce the planning application fee in relation to the proposed amendments to the Red Bluff Caravan Park development from \$7,017 to \$2,017, on the grounds that substantial planning fees relating to this development have already been paid.

CARRIED BY AN ABSOLUTE MAJORITY 7/0

Cr KRAKOUER returned to the meeting at 1.41pm and resumed the Chair.

<p>9.9.5 CHANGE OF OWNER AND LICENSE AGREEMENT – THE MURCHISON EXPERIENCE RESERVE 12996 (NORTH AND SOUTH), LOTS 3 AND 13 (MURCHISON HOUSE STATION) MURCHISON RIVER (ITEM 7.3.3)</p>
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Moved Cr HAY, seconded Cr SMITH

That Council:

1. Grant Development Approval for an experiential use (canoe safaris) over Reserve 12996 and Lots 3 and 13, Murchison River Foreshore, Kalbarri subject to the following conditions:
  - a) 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 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;
  - b) This Development 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); and
    - (iii) A license agreement being entered into by the applicant and the Shire in accordance with Council's Policy 9.2 – Requirements for License Agreements to Use Crown Reserves for Commercial, Recreational and Tourism Activities;
  - c) The Canoe Hire shall be limited to twelve (12) licensed canoes, two 4WD vehicles and two (2) trailers;
  - d) The Applicant shall contact the Shire of Northampton's Environmental Health Officer to ensure compliance with all environmental health regulations;
  - e) The Applicant shall obtain any appropriate approvals for commercial vessel safety with the Australian Maritime Safety Authority, and use approved vessels only;
  - f) The Applicant shall maintain 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



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Northampton's Local Planning Policy – Commercial Recreational  
Tourism Activity;

- g) This Development Approval shall remain valid whilst the License Agreement referred to above remains current and valid, and on the expiration or in the termination of such License Agreement, this Development Approval shall cease to be valid.

Advice Notes

Note 1: 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.

Note 2. 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.

Note 3. 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.

2. Authorise delegation to the Chief Executive Officer and Planning Officer for the preparation and execution of the License Agreement, with any disputes to be referred back to Council for final determination.

3. Refer the License Agreement to the Department of Planning, Lands and Heritage for Ministerial consent.

CARRIED 8/0

9.9.6 SUMMARY OF PLANNING INFORMATION ITEMS (ITEM 7.3.6)
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Noted.

9.9.7 PROPOSED INCREASE IN PATRON NUMBERS – FINLAY'S RESTAURANT – LOT 376 (NO. 13) MAGEE CRESCENT, KALBARRI (ITEM 7.3.7)
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Moved Cr STEWART, seconded by Cr KRAKOUER

1. That Council authorise delegation to the Chief Executive Officer and Planning Officer for the preparation of a Development Approval, subject to there being no valid, author-identified planning objections to the

proposed use within the specified advertising timeframe, with any objections to be referred back to Council for their final determination.

2. That any Development Approval granted for the proposed increase in numbers upon Lot 376 (No. 13) Magee Crescent, Kalbarri, and the use of Lot 377 (No. 15) Magee Crescent, Kalbarri for overflow and staff parking, be subject to the following conditions:
    - a) Development shall be in accordance with the attached approved plan(s) dated [insert date] 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;
    - b) Any additions to or change of use of any part of the buildings or land (not the subject of this consent/approval) requires further application and development approval for that use/addition;
    - c) The proponent is to implement and maintain reporting mechanisms for complaints concerning the operation of the development. In the event of a substantiated complaint being received the applicant is required to demonstrate mitigation response(s) to the approval of the local government. Such response(s) will be treated as conditions of approval/required modifications to the Management Plan;
    - d) All parking of vehicles associated with the development shall be provided for within the property boundary of Lot 376 (No. 13) Magee Crescent, Kalbarri and within the property boundary of Lot 377 (No. 15) Magee Crescent, Kalbarri as marked in RED on the attached approved plans dated [insert date], and the street verge area shall be kept free of vehicles;
    - e) Staff carparking shall be limited to Lot 377 (No. 15) Magee Crescent, Kalbarri, as marked in RED on the attached approved plans dated [insert date], so as to maximise available patron carparking upon Lot 376 (No. 13) Magee Crescent, Kalbarri;
    - f) That a formal signed agreement be entered into by both the applicant and the adjacent lot owner, formalising the shared car parking space arrangements and be to the approval of the local government;
    - g) This approval is valid only whilst the carparking agreement with the landowner of Lot 377 (No. 15) Magee Crescent, Kalbarri remains
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valid. Should the landowner of Lot 377 Magee Crescent revoke their consent for use of their land for carparking purposes, this Development Approval shall be considered void, and the Applicant shall be required to lodge a new Application for Development Approval, detailing how carparking requirements will be sufficiently addressed so as to accommodate 175 patrons associated with the Restaurant/Microbrewery upon Lot 376 (No. 13) Magee Crescent, Kalbarri;

- h) Further to Condition (c) above, should substantiated, ongoing complaints be received in relation to any unapproved carparking (associated with this Development Approval) within the road reserve area or that encroaches upon or blocks adjacent landholdings, and it is considered that management of the issue has not been sufficiently dealt with so as to mitigate the unauthorised parking of vehicles, then the Shire of Northampton reserves the right to revoke this approval;
- i) The Applicant shall install and maintain signage (to be no larger than 1m<sup>2</sup> in size) within the defined carparking areas, so as to identify the overflow caparking location upon Lot 377, and to advise patrons that no parking within the road verge area is permitted;
- j) The loading and/or unloading of vehicles is to occur on-site and in a manner that does not interfere with the parking of patrons' vehicles within the car park; and
- k) This approval is subject to approval being granted by the Department of Racing, Gaming and Liquor for the increase in patron numbers from 100 to 175 persons. Should no approval be granted to increase the number of patrons under that Liquor License approval, then this development approval shall be considered to be void.

CARRIED 8/0

**9.10 FINANCE REPORT**

**9.10.1 ACCOUNTS FOR PAYMENT (ITEM 7.4.1)**

Moved Cr SUCKLING, seconded Cr STOCK-STANDEN

That Municipal Fund Cheques 21730 to 21752 inclusive totalling \$87,879.01, Municipal EFT payments numbered EFT19687 to EFT19831 inclusive totalling \$820,181.30, Trust Fund Cheques 2449 to 2454, totalling \$5,999.63, Direct Debit payments numbered GJ0203 to GJ0208 inclusive totalling \$223,914.66 be passed for payment and the items therein be declared authorised expenditure.

CARRIED BY AN ABSOLUTE MAJORITY 8/0

**9.10.2 MONTHLY FINANCIAL STATEMENTS – AUGUST 2019 (ITEM 7.4.2)**

Moved Cr CARSON, seconded Cr SMITH

That Council adopts the Monthly Financial Report for the period ending 31 August 2019.

CARRIED 8/0

**9.11 ADMINISTRATION & CORPORATE REPORT**

**9.11.1 SPECIAL MEETING – SWEARING IN OF NEW COUNCILLORS, ELECTION OF PRESIDENT, DEPUTY PRESIDENT AND MEMBERS OF COMMITTEES (ITEM 7.5.1)**

Moved Cr STOCK-STANDEN, seconded Cr STEWART

That a Special meeting of Council be held Tuesday 22 October 2019 commencing at 9.30am to be held at the Northampton Council Chamber, Hampton Road Northampton, with the order of Business to be:

1. Swearing in of Councillors
2. Election of President
3. Election of Deputy President
4. Election of Committees
5. Election/Appointment of Delegates

CARRIED 8/0

9.11.2 NORTHAMPTON MOTORS & MACHINERY RESTORATION GROUP –  
RENEWAL OF LEASE (ITEM 7.5.2)

Moved Cr STOCK-STANDEN, seconded Cr SUCKLING

That Council:

1. Renew the existing lease on Reserve 44264 Third Avenue, Northampton to the Northampton Motors and Machinery Restoration Group Inc for a further term of 21 years.
2. That Council determine as per Regulation 30 of the *Local Government (Functions and General) Regulations 1996*, that the renewal of the lease does not require advertising due to the land is used by a community group where the members are not entitled or permitted to receive any pecuniary profit from the body's transactions and that the land is of no use or benefit to other persons.

CARRIED 8/0

9.11.3 OUTSTANDING RATES & CHARGES (ITEM 7.5.3)

Moved Cr SUCKLING, seconded Cr KRAKOUER

That Council commence the selling of the following lots as per Division 6 of the Local Government Act 1995 to recover outstanding rates and charges:

1. Lot 873 Portree Elbow, Kalbarri, residential property owned by Alannah Madden and Anthony Van Haren.
2. Lot 31 Clematis Crescent, Kalbarri, vacant lot owned by Agudo Pty Ltd.

CARRIED 8/0

9.11.4 FINANCIAL ASSISTANCE & UNTIED ROAD GRANT (ITEM 7.5.4)

Moved Cr SMITH, seconded Cr SUCKLING

That Council amend the adopted 2019/20 Budget to account for the shortfall in the financial assistance grants of \$41,742, by removing the provision for the creation of a road reserve to Little Bay of \$50,000.

CARRIED BY AN ABSOLUTE MAJORITY 8/0

9.11.5 PROPOSED SALE OF LOT 82 KITSON CIRCUIT, NORTHAMPTON (ITEM 7.5.5)

Moved Cr CARSON, seconded Cr STEWART

That Council:

1. Approve the sale of Lot 82 Kitson Circuit, Northampton to Landmark at a purchase price of \$50,000 exclusive of GST.
2. That Council determine as per regulation 2(a)(ii) of the *Local Government (Functions and General) Regulations 1996* that the sale of Lot 82 Kitson Circuit, Northampton, is not of significant benefit to anyone other than the transferee and therefore advertising of the sale not be required.
3. The sale proceeds be deposited into the Land Development Reserve Fund.

CARRIED 8/0

9.11.6 CONTAINER DEPOSIT & RECYCLING COLLECTION POINT (ITEM 7.5.6)

Cr Suckling declared a financial interest in item 7.5.6 as she is employed by the Northampton District High School and may incur a gain or loss from the decision of Council, and left the meeting at 2.17pm.

Moved Cr HAY, seconded Cr STOCK-STANDEN

That Council support and approve the placement of bins for use as a waste and container refund and recycling collection point on the area of recreation reserve 23432, being the area of land west of the Agricultural Society (old) exhibition hall neighbouring the Northampton District High School, subject to the following conditions:

1. That the area is to be kept neat and tidy at all times by the Northampton District High School and E-Waste.
2. That should the area become in a state of untidiness then Council has the right to cease its operations and have the bins removed from site.
3. That when events such as the Northampton District Agricultural Show and other events that may be operational in close proximity of this area that

the bins either be removed or locked so as they are not used for general refuse disposal.

CARRIED 7/0

Cr Suckling returned to the meeting at 2.26pm.

**9.11.7 LUCKY BAY CARETAKER VEHICLE (ITEM 7.5.7)**

Moved Cr PIKE, seconded Cr SMITH

That Council amend the 2019/20 Budget by utilising the budget provision for the replacement of one grader operator utility and use that provision plus the \$20,000 to replace the Lucky Bay caretaker's vehicle with a second hand Toyota Landcruiser from Geraldton Auto Wholesalers for \$50K (GST exempt) with Endrust treatment to be applied to the vehicle and relist the grader operator utility for replacement in 2020/21.

CARRIED BY AN ABSOLUTE MAJORITY 8/0

**9.12 DEPUTY PRESIDENT'S REPORT**

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

26/8/2019 Northern Country Zones Council meeting in Mingenew

**9.13 COUNCILLORS REPORTS**

**9.13.1 CR PIKE**

Since the last council meeting Cr Pike reported his attendance at:

18/9/2019 Kalbarri Development Association AGM (representing Cr STEWART)  
18/9/2019 Kalbarri Roadwise Committee – Road Trauma Day

**9.13.2 CR SMITH**

Since the last council meeting Cr Smith reported his attendance at:

10/9/2019 Kalbarri Visitor Centre

**9.13.3 CR STOCK-STANDEN**

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

12/9/2019 CHRMAP Steering Committee telephone conference

CEO Garry Keeffe reported that GHD will undertake a presentation of draft CHRMAP report to Council at their December meeting. A public meeting is planned for Horrocks in February 2020 to present the draft report to the Community.

**9.14 NEW ITEMS OF BUSINESS**

**9.14.1 STANDARD FENCE CONDITIONS FOR PLANNING APPROVALS**

Cr Smith raised with Council his concerns over the non-conforming fence issue that has previously been given consideration by Council, and asked if there were standard conditions that could be applied to planning approvals that provide more information regarding fence requirements.

Moved Cr SMITH, seconded Cr PIKE

That staff be directed to investigate options to inform applicants/residents of planning provisions for fencing related to relating to various zones and report back to Council at the next meeting.

CARRIED 8/0

**9.14.2 GMA COMMUNITY GRANT FUND**

Cr STOCK-STANDEN advised that GMA have developed a Community Grant Fund with a budget estimated of \$60,000 per annum. Criteria and further information will be provided to Council, as details are finalised.

Noted.

**9.15 NEXT MEETING OF COUNCIL**

The next Ordinary Meeting of Council will be held on Friday 18<sup>th</sup> October 2019 commencing at 1.00pm in the Council Chambers, Northampton.



**9.16 CLOSURE**

There being no further business, the Deputy President thanked everyone for their attendance and declared the meeting closed at 2.55pm.

THESE MINUTES CONSISTING OF PAGES 1 TO 17 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON FRIDAY 18<sup>TH</sup> OCTOBER 2019.

PRESIDING MEMBER: \_\_\_\_\_

DATE: \_\_\_\_\_