

**SHIRE OF NORTHAMPTON**  
**Minutes of Ordinary Meeting of Council held at the Allen Centre, Kalbarri**  
**on 15<sup>th</sup> June 2018**

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**6.1 OPENING**

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

**6.2 PRESENT**

Cr C Simkin	President	Northampton Ward
Cr S Krakouer	Deputy President	Kalbarri Ward
Cr T Carson		Northampton Ward
Cr R Suckling		Northampton Ward
Cr T Hay		Northampton Ward
Cr S Smith		Kalbarri Ward
Cr P Stewart		Kalbarri Ward
Mr Garry Keeffe	Chief Executive Officer	
Mr Grant Middleton	Deputy Chief Executive Officer	
Mr Glenn Bangay	Building Surveyor	
Mr Neil Broadhurst	Manager of Works	
Mrs Deb Carson	Planning Officer	

**6.2.1 LEAVE OF ABSENCE**

Cr D Pike

**6.2.2 APOLOGIES**

Cr S Stock-Standen

**6.3 QUESTION TIME**

Nil

**6.4 DISCLOSURE OF INTEREST**

Cr Tim Hay declared a financial interest in Item 7.3.4 as he is the Applicant and may incur a gain or loss from the decision of Council.

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**6.5 CONFIRMATION OF MINUTES**

**6.5.1 CONFIRMATION OF MINUTES – ORDINARY COUNCIL MEETING 18<sup>th</sup> MAY 2018**

Moved Cr SUCKLING, seconded Cr KRAKOUER

That the minutes of the Ordinary Meeting of Council held on the 18<sup>th</sup> May 2018 be confirmed as a true and correct record, subject to the following changes:

- Heading numbering from Minute 5.9.3 onwards to be corrected.

CARRIED 7/0

**6.5.2 BUSINESS ARISING FROM MINUTES**

Nil

**6.6 RECEIVAL OF MINUTES**

Nil

**6.7 WORKS & ENGINEERING REPORT**

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

Noted

Mr Neil Broadhurst departed the meeting at 1.06pm.

**6.8 HEALTH & BUILDING REPORT**

**6.8.1 HORROCKS GREEN – WASTE DUMPING STATION (ITEM 7.2.1)**

Moved Cr CARSON, seconded Cr SMITH

That Council:

1. Permit the use of the designated area to the North of Mitchell Street Horrocks to be used as a green-waste only dumping area by the general public, for a trial period of 6 months.

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2. Approve of purchase and erection of appropriate signage for control of the green waste site.
3. Require the Horrocks Community Centre Inc to monitor the site on the behalf of the Council and to ensure only green-waste is dumped on this site by the general public.
4. Require Management to present a report to the February 2019 meeting of Council advising of the effectiveness of the site and recommendations for continued use or closure of the site.

CARRIED 7/0

<b>6.8.2 BUILDING APPROVALS (ITEM 7.2.2)</b>
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Noted

<b>6.9 TOWN PLANNING REPORT</b>
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<b>6.9.1 LOCAL PLANNING POLICY REVIEW (ITEM 7.3.1)</b>
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Moved Cr SUCKLING, seconded Cr STEWART

That Council, pursuant to Schedule 2 - Deemed Provisions, Part 2, cl 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to:

1. Adopt the amended Local Planning Policies for public comment and advertise them for a period of 21 days;
2. Should no written, author-identified objections be received during the 21 day advertising period, then adopt for final approval the amended Local Planning Policies and proceed to publish a notice to this effect in the local newspaper; and
3. Should there be any written, author-identified objections received during the advertising period, require staff to present to Council a further report.

CARRIED 7/0

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6.9.2 REVIEW OF SHIRE OF NORTHAMPTON LOCAL PLANNING SCHEME  
NO.10 HERITAGE LIST & UPDATE OF MUNICIPAL HERITAGE INVENTORY  
(ITEM 7.3.2)

Moved Cr KRAKOUER, seconded Cr STEWART

That Council resolve to initiate:

1. A review of the Shire of Northampton Local Planning Scheme No. 10 Heritage List 2015 for the purposes of consultation, and pursuant to Schedule 2 - Deemed Provisions, Part 3, cl 8 (3) of the *Planning and Development (Local Planning Schemes) Regulations*; and
2. An update of the Shire of Northampton Municipal Heritage Inventory, for the purposes of consultation.

CARRIED 7/0

6.9.3 RENEWAL OF AGREEMENT – KALBARRI BOAT HIRE – CANOE SAFARIS  
(ITEM 7.3.3)

Moved Cr SUCKLING, seconded Cr SMITH

That Council:

1. Grant Development Approval for an experiential use (canoe safaris) over Reserves 12996, 25307 & 26591 and Lot 1545, 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 and 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;

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- (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) This Development Approval shall remain valid whilst the License Agreement referred to in Condition (b)(iii) 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.

CARRIED 7/0

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Cr Hay declared a financial interest in Item 7.3.4 as is the applicant and may incur a financial gain or loss from the decision of Council and left the meeting at 1.23pm.

<p>6.9.4 APPLICATION FOR DEVELOPMENT APPROVAL AND LICENSE AGREEMENT – PINK LAKE AND LUCKY BAY SIGHT-SEEING TOURS (ITEM 7.3.4)</p>
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Moved Cr SIMKIN, seconded Cr CARSON

1. That Council grant Development Approval for an experiential use (sightseeing tours) over the land areas of Unallocated Crown Land as identified, 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. 10 – Northampton* and the *Planning and Development Act (2005)* only;
  - b) This Development Approval is subject to the continuing Approval of the Minister of Lands by means of a valid License Agreement with the Department of Planning, Lands and Heritage (or relevant state lands authority) in accordance with the provisions of the *Land Administration Act (1997)*;
  - c) This Development Approval shall remain valid whilst the License Agreement referred to in Condition (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;
  - d) The proposed tour, to traverse the areas of Unallocated Crown Land as identified in the attached approved plans dated 15 June 2018, shall be limited to the provision of one (1) six-seater side-by-side buggy;
  - e) The Applicant shall provide an Emergency Management Plan to the Shire of Northampton, and be to the approval of the local government, prior to the commencement of the proposed use;
  - f) The Applicant shall contact the Shire of Northampton's Environmental Health Officer to ensure compliance with the Food Act (2008) prior to commencement of the proposed use;
  - g) Tour times shall be limited to the hours of 8am and 5pm, Sunday to Saturday inclusive;



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- h) The Applicant shall comply with the requirements set out by the Department of Biodiversity, Conservation and Attractions, to the satisfaction of the Local Government, for the protection of migratory bird species;
- i) The Applicant shall conduct the tours ONLY using existing pathways, roads and tracks as identified in the attached approved plans dated 15 June 2018, and shall not negatively impact, degrade or damage the natural amenity within the approved land locations in any way; and
- j) 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.

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. *The Applicant is advised to familiarise themselves with the Aboriginal Heritage Due Diligence Guidelines, which are designed to assist proponents to identify and mitigate any risks to Aboriginal Heritage, available at <https://www.daa.wa.gov.au/globalassets/pdf-files/ddg>.*
- Note 4. *With regard to Condition 1(h), the Applicant will be provided with advice from the Department of Biodiversity, Conservation and Attractions (Parks and Wildlife) relating to the environmental significance of the Hutt Lagoon system and migratory shorebirds and waders located there.*
- Note 5: *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.*
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2. That Council not approve the proposed sign at the Pink Lake Lookout, on the basis that it is not considered appropriate that signs of a commercial nature be approved in this location, as this would set a precedent for other signs and would have a detrimental result of the visual amenity of the area, and that the sign is considered to be remote from the primary place of business activity.

CARRIED 6/0

Cr Hay returned to the meeting at 1.31pm.

6.9.5 PROPOSED CONDITIONS OF SUBDIVISION OF MULTIPLE GENERAL RURAL LOTS, PORT GREGORY ROAD, SANDY GULLY (ITEM 7.3.5)
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Moved Cr SUCKLING, seconded Cr STEWART

1. That Council correspond with the Department of Planning, Lands and Heritage to reiterate that Council does not support the original subdivision application for an eight lot subdivision, as it is not supported by the provisions of Council's Local Planning Strategy;
2. That, should an approval for subdivision be considered in relation to WAPC 155721, then the following conditions be imposed:
  - (a) Prior to the commencement of subdivisional works, an environmental management plan for the Hutt River tributary is to be prepared and approved to ensure the protection and management of the sites' environmental assets, with satisfactory arrangements being made for the implementation of the approved plan. (with the Department of Water and Environmental Regulation to be the clearing authority);
  - (b) A fence restricting vehicle and stock access to the Hutt River tributary is to be constructed on the Hutt River tributary vegetation boundary to protect native vegetation;
  - (c) A bushfire management plan is to be prepared and information be provided to demonstrate that the measures contained within the bushfire management plan have been implemented during subdivisional works;
  - (d) The landowner/applicant shall provide a written undertaking to the satisfaction of the Western Australian Planning Commission to advise prospective purchasers of the provisions of the local government's local planning scheme that relate to the use and management of the land; and

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- (e) A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificates of title of the proposed lots (only to those lots where applicable). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: 'Reticulated sewerage, water and network electricity supply is not available to the lot'.
3. That Council request the WAPC to require the Applicant to provide transport, road and access detail for further consideration by Mains Roads WA and the Shire of Northampton, or apply suitable conditions so as to minimise and rationalise access points, as an increase in access points (particularly in that location) has the potential to impact upon traffic flow and the safe movement of vehicles entering and exiting the existing road network. Should an approval be granted that allows access points to Port Gregory Road, then Mains Roads WA should be the clearing authority for any transport, road and access conditions applied.

CARRIED 7/0

<b>6.9.6 PROPOSED FRONT BOUNDARY FENCE – LOT 92 (NO. 5) CHARLTON LOOP, KALBARRI (ITEM 7.3.6)</b>
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Moved Cr HAY, seconded Cr STEWART

That Council grant formal development approval for a 1.5m high colorbond and slat panel fence to be constructed along the front property boundary of Lot 92 (No. 5) Charlton Loop, Kalbarri, subject to the following conditions:

1. Development shall be in accordance with the attached approved plan(s) dated 15 June 2018 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;
2. Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and development approval for that use/addition;
3. The fence height shall be limited to 1.5 metres as amended and marked in 'RED' on the attached approved plan(s) dated 15 June 2018;
4. A building permit shall be issued by the local government prior to the commencement of any work on the site;

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5. Any soils disturbed or deposited on site shall be stabilised to the approval of the Local Government;
6. The existing fence, as approved by the State Administrative Tribunal in relation to Matter Number DR 142 2006, be removed prior to, or within three (3) months, of the new fence being constructed;
7. A manoeuvring/vehicle turnaround area shall be provided and maintained within the lot, so that all vehicles exiting the lot may do so in forward gear;
8. The materials used in the construction of the front fence shall be as per the schedule of colours and materials provided to the local government. This schedule shall not be modified or altered without the prior written approval of the local government; and
9. The slat panelling of the fence above 900mm from natural ground level shall comply with the definition of “visually permeable” of the State Planning Policy 3.1 - Residential Design Codes (refer to Advice Note 3 for further information).

Advice Notes:

1. 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.
  2. If the development/use the subject of this approval is not substantially completed within a period of 2 years after the date of the determination the approval shall lapse and be of no further effect;
  3. The Applicant is advised that “visually permeable” is defined with the State Planning Policy 3.1 – Residential Design Codes as meaning a vertical surface that has:
    - continuous vertical or horizontal gaps of 50mm or greater width occupying not less than one third of the total surface area;
    - continuous vertical or horizontal gaps less than 50mm in width, occupying at least one half of the total surface area in aggregate; or
    - a surface offering equal or lesser obstruction to view; as viewed directly from the street.
  4. If an applicant is aggrieved by this determination there is a right (pursuant to the *Planning and Development Act 2005*) to have the decision
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reviewed by the State Administrative Tribunal. Such application must be made within 28 days from the date of this notice.

CARRIED 7/0

**6.9.7 SUMMARY OF PLANNING INFORMATION ITEMS (ITEM 7.3.7)**

Noted.

**6.9.8 INFORMATION ITEM – MODERNISING WESTERN AUSTRALIA'S PLANNING SYSTEM – GREEN PAPER CONCEPTS FOR A STRATEGICALLY – LED SYSTEM (ITEM 7.3.8)**

Noted.

**6.10 FINANCE REPORT**

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

Moved Cr SUCKLING, seconded Cr KRAKOUER

That Municipal Fund Cheques 21449 to 21462 inclusive totalling \$52,206.87, Municipal EFT payments numbered EFT17882 to EFT18024 inclusive totalling \$585,418.03, Trust Fund Cheques 2323 to 2329, totalling \$4,255.39, Direct Debit payments numbered GJ1104 to GJ1109 inclusive totalling \$339,384.54 be passed for payment and the items therein be declared authorised expenditure.

CARRIED BY AN ABSOLUTE MAJORITY 7/0

**6.10.2 MONTHLY FINANCIAL STATEMENTS – MAY 2018 (ITEM 7.4.2)**

Moved Cr SMITH, seconded Cr CARSON

That Council adopts the Monthly Financial Report for the period ending 31 May 2018.

CARRIED 7/0

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**6.10.3 2018 – 2019 FEES AND CHARGES SCHEDULE/MINIMUM RATES**  
**(ITEM 7.4.3)**

Cr Hay declared a financial interest in 7.4.3 (in relation to the proposed Lucky Bay camp ground fee changes) as he is the operator of a caravan park and may incur a financial gain or loss from the decision of Council and left the meeting at 2.04pm.

Moved Cr SUCKLING, seconded Cr SMITH

That Council adopt an overnight charge to be applied to charter/commercial buses at a rate of \$5 per person per night, for the Lucky Bay and Little Bay camping grounds.

CARRIED 6/0

Cr Hay returned to the meeting at 2.09pm.

Moved Cr CARSON, seconded Cr SUCKLING

1. That Council adopts the Schedule of Fees and Charges for the 2018/2019 Financial Year as presented, subject to the following change:
  - Deletion of M Grove lease fee
2. That Council adopts the minimum rate on rateable Gross Rental Value and Unimproved Value properties be set at \$550 per assessment for the 2018/2019 Financial Year.

CARRIED BY AN ABSOLUTE MAJORITY 7/0

**6.11 ADMINISTRATION & CORPORATE REPORT**

**6.11.1 2018/2019 BUDGET MEETING (ITEM 7.5.1)**

Moved Cr SMITH, seconded Cr STEWART

That Council holds a Special Meeting of Council to consider the 2018/2019 Budget on Friday 27<sup>th</sup> July 2018, commencing 1.00pm at the Northampton Council Chambers.

CARRIED 7/0

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6.11.2 SHIRE OF NORTHAMPTON PROPERTY LOCAL LAW (ITEM 7.5.2)

Moved Cr SIMKIN, seconded Cr SUCKLING

That Council:

1. Resolves to make the *Shire of Northampton Local Government Property Local Law 2018*.
2. In accordance with section 3.12 of the Local Government Act 1995, give public notice of its intention to make the new Local Law.

CARRIED 7/0

6.11.3 APPOINTMENT OF AUTHORISED OFFICERS (ITEM 7.5.3)

Moved Cr SMITH, seconded Cr CARSON

That the following persons be declared authorised officers to exercise powers pursuant to the Bush Fires Act 1954:

Robert McKenzie – Chief Bush Fire Control Officer

Len Simmons - Deputy Bush Fire Control Officer North

Michael Morris - Deputy Bush Fire Control Officer South

Other Authorised Officers

Garry Keeffe

Grant Middleton

Kyle Carson

Chad Graham

Matt Johnson

Lindsay Rowe

Greg Poett

Scott Bridgeman

And that all previous appointments are hereby cancelled.

CARRIED 7/0

6.11.4 SALE OF HOLDEN CAPTIVA (ITEM 7.5.4)

Moved Cr KRAKOUER, seconded Cr SUCKLING

That the tender submitted by Cris Barton, offering a price of \$14,000 plus GST, for the Holden Captiva be accepted.

CARRIED 7/0

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**6.11.5 NORTHAMPTON IGA – ART SIGN (ITEM 7.5.5)**

Moved Cr SUCKLING, seconded Cr HAY

That Council approves the art signage on the railing at the front car park of the Northampton IGA as per the presented design, subject to the sign being maintained in good condition at all times and, should the sign become in a dilapidated state, then the Council reserves the right to remove the sign.

CARRIED 7/0

**6.11.6 SENIOR STAFF PERFORMANCE REVIEWS (ITEM 7.5.6)**

Mr Garry Keefe, Mr Glenn Bangay and Mr Grant Middleton declared a financial interest in Agenda Item 7.5.6 as they are senior staff of the Shire of Northampton, and may incur a gain or loss from the decision of Council.

Moved Cr STEWART, seconded Cr SUCKLING

That Council receives and adopts the performance reviews as presented, and:

1. Approves the request of the Deputy Chief Executive Officer for a salary increase of \$10,000 per annum; and
2. Approves the request of the change of employment conditions of the Building Surveyor to reduce working days from five days to three days as from 1 January 2019 as part of his transition to retirement, and extend the existing employment contract to 30 June 2020.

CARRIED 7/0

**6.12 SHIRE PRESIDENT'S REPORT**

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

26/05/2018	Northampton Volunteer Dinner and Recognition Evening
31/05/2018	Official opening of the Nature Playground in Kalbarri
11/06/2018	Senior Staff Performance Reviews

**6.13 DEPUTY SHIRE PRESIDENT'S REPORT**

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

31/05/2018	Official opening of the Nature Playground in Kalbarri
11/06/2018	Senior Staff Performance Reviews

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**6.14 COUNCILLORS' REPORTS**

**6.14.1 CR SMITH**

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

30/05/2018	Kalbarri Roadwise Committee meeting
31/05/2018	Kalbarri Health Group meeting
12/06/2018	Kalbarri Visitor Centre meeting
31/05/2018	Official opening of the Nature Playground in Kalbarri
11/06/2018	Senior Staff Performance Reviews

**6.14.2 CR CARSON**

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

11/06/2018	Senior Staff Performance Reviews
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**6.15 NEW ITEMS OF BUSINESS**

Nil

**6.16 NEXT MEETING OF COUNCIL**

The next Ordinary Meeting of Council will be held on Friday the 20<sup>th</sup> July 2018 commencing at 1.00pm at the Council Chambers, Hampton Road, Northampton.

**6.17 CLOSURE**

There being no further business, the President thanked everyone for their attendance and declared the meeting closed at 2.36pm.

THESE MINUTES CONSISTING OF PAGES 1 TO 17 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON FRIDAY 20<sup>TH</sup> JULY 2018

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

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