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**7.1 OPENING**

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

**7.2 PRESENT**

Cr C Simkin	President	Northampton Ward
Cr S Krakouer	Deputy President	Kalbarri Ward
Cr R Suckling		Northampton Ward
Cr T Carson		Northampton Ward
Cr T Hay		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	
Mrs Debbie Carson	Planning Officer	
Mrs Michelle Allen	Planning Officer	

Cr Simkin was unable to perform the function of presiding member. Cr Krakouer, as deputy presiding member, performed the function of presiding member of the meeting as per Section 5.13 of the Local Government Act 2015.

**7.2.1 LEAVE OF ABSENCE**

Nil

**7.2.2 APOLOGIES**

Cr Stock-Standen

**7.3 QUESTION TIME**

Mr Tony Stringer had no questions but addressed Council regarding *Item 7.3.7 Proposed Boundary Fencing – R-Code variations Lot 35 (No. 12) Castaway Street, Kalbarri*. Mr Stringer's stated that the reasons for requiring solid fencing and not permeable fencing on his side boundary fences was that lighting from vehicles driving by his property impacted on his quality of sleep and that outside activity seen by his dogs in the yard caused them to bark and be disruptive.

**7.4 DISCLOSURE OF INTEREST**

Nil.

**7.5 CONFIRMATION OF MINUTES**

**7.5.1 CONFIRMATION OF MINUTES – ORDINARY COUNCIL MEETING 21<sup>ST</sup> JUNE 2019**

Moved Cr STEWART, seconded Cr SUCKLING

That the minutes of the Ordinary Meeting of Council held on the 21<sup>st</sup> June 2019 be confirmed as a true and correct record.

CARRIED 8/0

**7.5.2 BUSINESS ARISING FROM MINUTES**

The CEO advised that no submissions had been received to date with regard to *Item 6.11.6 Kalbarri PAW Proposed Shelter Design*.

**7.6 RECEIVAL OF MINUTES**

Nil.

**7.7 FINANCE REPORT**

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

Moved Cr SIMKIN, seconded Cr SUCKLING

That Municipal Fund Cheques 21689 to 21712 inclusive totalling \$110,016.91, Municipal EFT payments numbered EFT19429 to EFT19611 inclusive totalling \$695,741.70, Trust Fund Cheques 2435 to 2440, totalling \$4,162.55, Direct Debit payments numbered GJ1211 to GJ1217 inclusive totalling \$220,740.74 be passed for payment and the items therein be declared authorised expenditure.

CARRIED BY AN ABSOLUTE MAJORITY 8/0

Mr Neil Broadhurst entered the meeting at 1.10pm.

**7.7.2 MONTHLY FINANCIAL STATEMENTS – JUNE 2019 (ITEM 7.4.2)**

Moved Cr CARSON, seconded Cr SIMKIN

That Council adopts the Monthly Financial Report for the period ending 30 June 2019.

CARRIED 8/0

**7.7.3 SIGNIFICANT ADVERSE TREND 2018 AUDIT REPORT (ITEM 7.4.3)**

Moved Cr SUCKLING, seconded Cr KRAKOUER

That Council acknowledges the status of the Operational Surplus Ratio addressed at the Audit Committee Meeting held on the 14<sup>th</sup> December 2018 and recommends the letter addressing the significant adverse ratio trend (Appendix 1) be forwarded to the Minister for Department of Local Government, Sport and Cultural Industries.

CARRIED 8/0

**7.7.4 2019-2020 FEES AND CHARGES SCHEDULE CHANGES (ITEM 7.4.4)**

Moved Cr SMITH, seconded Cr SUCKLING

That Council adopts the following changes to the Fees and Charges Schedule for the 2019/2020 Financial Year as presented.

1. Add the annual lease fee for Lot 101 Mitchell Street Horrocks at the rate of \$12,789.15 inclusive of GST
2. Removal of the Email and Internet Service charge of \$5.50 per half hour and Printer Fee of 50 cents per page from Schedule 11.

CARRIED 8/0

Mr Grant Middleton departed the meeting at 1.19pm.

**7.8 WORKS & ENGINEERING REPORT**

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

Noted

Mr Neil Broadhurst departed the meeting at 1.31pm.

**7.9 HEALTH & BUILDING REPORT**

**7.9.1 BUILDING APPROVALS (ITEM 7.2.1)**

Noted.

**7.10 TOWN PLANNING REPORT**

**7.10.1 PROPOSED BBQ PONTOONS AND RENEWAL OF LICENSE AGREEMENT  
– RESERVES 25307, 26591 AND 12996, MURCHISON RIVER  
FORESHORE, KALBARRI (ITEM 7.3.1)**

Moved Cr STEWART, seconded Cr SUCKLING

That Council:

1. Grant Development Approval for the experiential use (BBQ Pontoon Hire) of Reserves 25307, 26591 and 12996 Murchison River Foreshore Kalbarri, with 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 Agreement/Licence with the Shire of Northampton or the State of Western Australia in their capacities as management bodies of the reserve within which the use is proposed to be located;
  - b. The Pontoon Hire shall be limited to two (2) motorised pontoons with trailers;
  - c. The Applicant shall contact the Shire of Northampton's Environmental Health Officer to ensure compliance with all environmental health regulations;
  - d. The Applicant shall obtain any appropriate approvals for commercial vessel safety with the Australian Maritime Safety Authority, and use approved vessels only, for the two BBQ Pontoons;
  - e. 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

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

- f. 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)*;
  - (iii) A License Agreement being entered into by the Applicant and the Shire in accordance with Council'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 Licence Agreement, this Development Approval shall cease to be valid;
2. Authorise delegation to the Chief Executive Officer and Planning Officer for preparation and execution of the Licence Agreement as per the above, with any disputes to be referred back to Council for final determination; and
3. Refer the License Agreement to the Department of Planning, Lands and Heritage for Ministerial consent.

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. *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 8/0

7.10.2 PROPOSED SIGNAGE – LOT 28 (NO. 7) FOURTH AVENUE, NORTHAMPTON (ITEM 7.3.2)
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Moved Cr SIMKIN, seconded Cr PIKE

1. That Council refuse to grant development approval for the existing pylon sign located upon Lot 28 (No. 7) Fourth Avenue, Northampton for the following reasons:
    - a) The location of the pylon sign located upon a Residential landholding is not considered to comply with the objectives of the Residential zone;
    - b) The location of the pylon sign is considered to be remote from the place of business and may detrimentally affect the amenity of the residential locale;
    - c) The existing Caltex service station business already exceeds the number of allowable signs under the Local Planning Policy provisions, being a maximum of two freestanding signs and two service station signs, that are to be located wholly within the service station business lot/s.
  2. That the Applicant be advised to remove the pylon sign located upon Lot 28 (No. 7) Fourth Avenue, Northampton, so as to avoid contravention of the Shire of Northampton's Local Planning Scheme No. 10 and the initiation of compliance processes, which may include fines and/or removal orders.
  3. That the Applicant be advised the following in relation to signage on (or in close proximity to) Lots 132 and 133 Hampton Road, Northampton:
    - a. The Applicant shall remove two of the existing four freestanding (non-fixed) signs;
    - b. The Applicant is allowed to retain two (2) freestanding signs subject to the following requirements being met:
      - i) the signs shall each not exceed 1 m<sup>2</sup> in area;
      - ii) the signs must be removed at the close of business each day;
      - iii) the signs being secured to the ground whilst on display so as not to create a potential traffic hazard; and
      - iv) the signs being removed from the Hampton Road road reserve and being wholly contained within Lots 132/133 Hampton Road, Northampton at all times.
-



- c. Should the Applicant fail to adhere to the above, the Applicant will be in contravention of the Shire of Northampton's Local Planning Scheme No. 10 and the initiation of compliance processes, which may include fines and/or removal orders, will be commenced.

Advice Note

1. 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.

CARRIED 8/0

<p>7.10.3 LOCAL PLANNING POLICY REVIEW – COMMERCIAL RECREATIONAL TOURISM ACTIVITY LPP (ITEM 7.3.3)</p>
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Cr Hay declared a financial interest in Item 7.3.3, as he operates a tour listed within the Policy being determined and therefore may incur a financial loss or gain from the decision of Council, and departed the meeting at 1.38pm.

Moved Cr SUCKLING, seconded Cr PIKE

That Council:

1. Considers the amendment to the Local Planning Policy to be a minor amendment; and
2. Adopts the amended Local Planning Policy – Commercial Recreational Tourism Activity as presented but with the following amendment:

That information pertaining to Pink Lake and Lucky Bay Sight-seeing tours is to be retained within Attachment 1, as negotiations are continuing between the tour operator and DPLH.

CARRIED 7/0

Cr Hay returned to the meeting at 1.40pm.

7.10.4 PROPOSED AMENDMENT TO DEVELOPMENT APPROVAL CONDITION – CARAVAN AND CHALET PARK – LOT 101 GLANCE STREET, HORROCKS (ITEM 7.3.4)
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Cr Suckling declared a proximity interest in Item 7.3.4 as she owns property that is located adjacent to the subject land, therefore may incur a financial loss or gain from the decision of Council, and departed the meeting at 1.41pm.

Moved Cr CARSON, seconded Cr SIMKIN

That Council:

1. Consider the modification of Condition No. 27 of DA 2019-010 as being a minor amendment to the development pursuant to Schedule 2, Part 9, cl. 77(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*;

2. Modify Condition No. 27 of D/A 2019-010 to read:

The approval of the 'Caravan Park and Camping Grounds' component is subject to the approval of a Scheme Amendment to Local Planning Scheme No. 10 to permit the 'Caravan Park' use within the 'Town Centre' zone. Should a Scheme Amendment for this purpose not be supported by the Western Australian Planning Commission, the local government will require a new development application to be lodged that addresses any new development or uses of the site.

3. Include an additional Advice Note to D/A 2019-010 to read:

In regard to Condition No. 27 above, the local government supports the commencement of internal road works and other such works that will facilitate the development of the chalet components ahead of the Scheme Amendment. This is on the basis that the 'Town Centre' zone includes the use class of 'Chalet' as a 'D' use and that it is considered to meet the objectives of the 'Town Centre' zone.

CARRIED 7/0

Cr Suckling returned to the meeting at 1.45pm.

7.10.5 TOWN PLANNING SCHEME NO. 10 – SCHEME CONVERSION (ITEM 7.3.5)
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Moved Cr HAY, seconded Cr SUCKLING

That Minute 6.9.1 of the Ordinary Meeting of Council on 21 June 2019 be amended to read as per the following wording:

That Council:

1. Pursuant to Section 75 of the Planning and Development Act 2005, amend Shire of Northampton Planning Scheme No. 10 by:
  - 1.1 Amending the Preamble and Scheme Details pages as follows:
    - Replace the first paragraph with ‘This Local Planning Scheme of the Shire of Northampton consists of this Scheme Text, the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015*), the supplemental provisions contained in Schedule A and the Scheme Maps. The Scheme should be read in conjunction with the Local Planning Strategy for the Shire.’
    - Replace the words ‘Scheme Text’ with ‘deemed provisions’ in the second paragraph.
    - Delete the word ‘Text’ in the third paragraph.
    - Delete the words ‘District Zoning Scheme’ on the ‘Scheme Details’ page.
  - 1.2 Amending Part 1 in accordance with Part 1 of the model provisions and inserting ‘the supplemental provisions contained in Schedule A’ in clause 7(1).
  - 1.3 Deleting the following in their entirety:
    - Parts 2, 7, 8, 9, 10 and 11.
    - Schedules 1, 3, 6, 7, 8, 9, 10, 13, 15, 16 and 17.
    - Clauses 1.7, 3.4, 3.5, 4.7.2.2, 4.7.3, 5.7, 5.10.1, 5.13.7 and 5.13.8.
  - 1.4 Amending Part 3 in accordance with Part 2 of the model provisions, including inserting the model objectives for the following reserves: environmental conservation; public open space; public purposes; government services; medical services; emergency services; infrastructure services; education; heritage; cemetery; and primary distributor road.

- 1.5 Amending Part 4 in accordance with Part 3 of the model provisions.
- 1.6 Amending the zones throughout the Scheme Text and on the Scheme Maps as follows:
- Town Centre Zone to Centre Zone
  - Industry Zone to General Industry Zone
  - General Rural Zone to Rural Zone
  - Development Zone to Urban Development Zone
- 1.7 Deleting the Rural Smallholdings Zone and Bushland Protection Zone and all references to these zones throughout the Scheme Text and Scheme Maps including development requirements specific to those zones
- 1.8 Modifying the Zoning Table to update the following land use class names and permissibility:
- Agroforestry to Tree farm
  - Guesthouse to Holiday accommodation
  - Industry - General to Industry
  - Industry - Mining to Mining operations
  - Holiday Home to Holiday house
  - Restaurant to Restaurant/cafe
  - Retirement Village to Residential Care Complex
  - Rural pursuit to Rural pursuit/hobby farm
  - Showroom to Bulky goods showroom
  - Wind Farm or Wind Energy Facility to Renewable energy facility
  - Temporary Accommodation Camp to Workforce accommodation
  - Warehouse to Warehouse/storage
  - Industry - Rural to Industry - Primary Production
  - Amending the permissibility of 'Tourism Development' to 'A' in the 'Rural' and 'Caravan, Camping and Cabin' zones
  - Amending the permissibility of 'Telecommunications Infrastructure' to 'A' in all zones
- 1.9 Deleting the following land use classes and their permissibility from the Zoning Table:
- aged and dependent persons dwellings; amusement facility; cabin; chalet; community services depot; cultural use; dry cleaning premises; eco tourist facility; equestrian centre; factory unit building; farm stay; home business - hire; industry - hazardous; industry - noxious; lodging house;
-

nursing home; open air display; produce store; public amusement; public utility; radio and tv installation; salvage yard; single bedroom dwelling; tourist resort; veterinary hospital; wayside stall

1.10 Amend the permissibility of “Telecommunications Infrastructure” to an ‘A’ use across all zones

1.11 Adding the following note under model clause 18:

Note: 3. If a proposed development is identified as a 'P' use in the zoning table, but the proposed development does not comply with all of the development standards and requirements of this Scheme then it is to be treated as a 'D' use.

1.12 Amending Part 5 in accordance with Part 4 of the model provisions, including:

- retaining clauses 4.7 and 5.8 to 5.13 under 'General Development Standards and Requirements'.
- inserting State Planning Policy 2.5 – Rural Planning under the list of other State Planning Policies to be read as part of Scheme
- inserting the word 'is' between the words 'road' and 'provided' in clause 5.9.3(a).
- shifting the provisions under clause 5.10.3 to clause 5.13.5 and inserting the additional clause:-

Tourism development in the Rural Zone:-

- shall be designed, constructed, operated and of a scale so as not to destroy the natural resources and qualities; and
- should utilise sustainable power, have a low energy demand through incorporation of passive solar design, provide for water consumption, ecologically sensitive waste processing and disposal with no pollutant product

- inserting the following under clause 5.11.5:

Note: Development approval is not required for exempted classes of advertisement listed in Schedule 2.

- modifying the table of carparking requirements to update the following land use class names:

Agroforestry to Tree farm

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Guesthouse to Holiday accommodation  
Industry - General to Industry  
Industry - Rural to Industry – Rural/Industry - Primary Production  
Industry - Mining to Mining operations  
Holiday Home to Holiday house / Holiday accommodation  
Restaurant to Restaurant/café  
Retirement Village to Residential care complex  
Rural pursuit to Rural pursuit/hobby farm  
Showroom to Bulky goods showroom  
Wind Farm or Wind Energy Facility to Renewable energy facility  
Temporary Accommodation Camp to Workforce accommodation  
Warehouse to Warehouse/storage

- deleting the following land use classes from the table of carparking requirements:  
  
aged and dependent persons dwellings; amusement facility; bank, building society, post office; cabin, chalet, community services; cultural use; dry cleaning premises; eco tourist facility; equestrian centre; factory unit building; farm stay; guesthouse; home business - hire; industry - hazardous; industry - noxious; lodging house; open air display; public amusement; public utility; radio and tv installation; single bedroom dwelling; tourist resort; veterinary hospital.
  - deleting all notes under the table of carparking requirements and deleting the words 'excludes bank, building society, post office' in the Table.
  - converting clauses 5.13.1.1 to 5.13.1.13 to Footnotes.
  - deleting the sub-headings 'Residential Development', 'Mixed Use Development' and 'Plot Ratio' under clause 5.13.3.
  - amending the words "all factory unit buildings" to "all factory unit industrial buildings industrial buildings or structures used for production or storage areas" under clause 5.13.4.2.2
  - adding the words 'or in a provision of the Scheme that applies the R-Codes' to model clause 25(4).
  - replacing the heading of model clause 32 to 'General development standards and requirements'.
  - replacing the heading of model clause 33 to 'Site specific development standards and requirements'.
-

- adding the following to model clause 32(2): Where an inconsistency arises between the standards and requirements contained in clause 32 and clause 33, those in clause 33 prevail.
  - replacing the words in model clause 34(1) to: *additional site and development requirements* means any site or development requirement contained in the Scheme.
  - adding the following to model clause 34(2): except for development in respect of which the R-Codes apply or variations to land use permissibility contained in the zoning table.
- 1.13 Amending Part 6 in accordance with Part 5 of the model provisions, including:
- adding the following to clause 6.1:
    - (3) The provisions contained in a Special Control Area apply in addition to the provisions that apply to the underlying zone.
  - amending 6.3.3.1(a) to: The local planning strategy and the purpose and intent of the Moresby Range Landscape Protection SCA.
  - deleting the following from Clause 6.3.3.1(b): The local government may consider supporting subdivision applications where i) the subdivision proposed for land within the Rural Smallholdings zone is consistent with the Local Planning Strategy and the purpose and intent of and the Moresby Range Landscape Protection SCA.
- 1.14 Deleting the following terms and replacing them with the corresponding term throughout the Scheme Text:
- planning approval with development approval
  - council replaced with local government
  - Local Government Authority with local government
  - Council of a municipality with local government
  - Development Plan with Structure Plan or local development plan (as applicable)
  - Department of Mines and Petroleum with Department responsible for mining and industry regulation
  - Department of Water with Department responsible for water and environmental regulation
-

1.15 Amending the following clauses by removing the cross reference to the clause deleted and replacing them as follows:

- Clause 5.7 with Part 4 of the deemed provisions
- Clause 8.2(f) with Clause 61(1)(o) of the deemed provisions
- Clause 9.2(d) with Clause 63 of the deemed provisions

1.16 Amending Schedule 1 in accordance with Division 1 and 2 of the model provisions, including:

- refining the following definitions as follows:

animal husbandry - intensive: means premises used for keeping, rearing or fattening of alpacas, beef, and dairy cattle, goats, pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production), sheep and other livestock in feedlots, sheds or rotational pens; but excludes agriculture extensive.

bulky goods showroom - update definition by replacing the word 'or' between subclause (a) and (b) to 'and'.

hospital - means premises used as a hospital as defined in the *Hospitals and Health Services Act 1927* section 2(1) but excludes a nursing home.

residential care complex - means premises used

(a) primarily as a residential complex that provides a range of accommodation, from independent living to low and high care accommodation; and

(b) for any associated support services for meals, recreation, wellness, rehabilitation, medical, nursing, cleaning and respite care for the occupants and authorised visitors.

renewable energy facility - means premises used to generate energy from a renewable energy source and includes any building or other structure used in, or in connection with, the generation of energy by a renewable resource. It does not include solar panels or a wind turbine located on a lot with a single house where the energy produced only supplies that house or private rural use or anemometers.

roadhouse - means premises that has direct access to a State road other than a freeway and which provides the services or facilities provided by a freeway service centre and may provide any of the following facilities or services-

(a) a full range of automotive repair services;

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- (b) wrecking, panel beating and spray painting services;
- (c) transport depot facilities;
- (d) short-term accommodation for guests;
- (e) facilities for being a muster point in response to accidents, natural disasters and other emergencies; and
- (f) dump points for the disposal of black and/grey water from recreational vehicles.

service station - means premises used for-

- (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience retail nature; and/or
- (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles;

- deleting the following definitions:

advertisement; ancillary use; amenity; caravan; cultural heritage significance; environmental harm; façade; gross leasable area; local government; local planning strategy; place; premises; residential design codes; substantially commenced; zone.

- moving the definitions for repurposed dwelling and second hand dwelling from general definitions to land use definitions.
- moving the definitions for cabin and chalet from land use definitions to general definitions.
- including the following definitions from the model provisions:

building height; short-term accommodation; wall height

1.17 Amending Schedule 5 by deleting the words 'theatre' and replacing Warehouse with warehouse/storage.

1.18 Amending Schedule 14 by deleting the words 'under Part 7 of the Scheme'.

1.19 Amending the title of Schedule A and inserting the following provisions:  
Schedule A - Supplemental Provisions  
Clause 61(1):

- (m) the demolition of any building or structure except where the building or structure is:

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- (i) located in a place that is entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
  - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
  - (iii) included on the Heritage List under Part 7 of the deemed provisions; or
  - (iv) located in a heritage area designated under this Scheme.
- (n) any of the exempted classes of advertisements listed in Schedule 3 except in respect of a place included in the Heritage List or in a heritage area or within the Town Centre Conservation Special Control Area.
- 1.20 Renumbering the scheme provisions, tables and schedules sequentially and updating any cross referencing to the new clause numbers and deemed provisions as required and updating the Table of Contents.
- 1.21 Amending the Scheme Map legend by replacing local scheme reserves as follows:
- National parks and conservation to Environmental conservation
  - Parks and recreation to Public open space
  - Public Purposes: Ambulance, Fire Station and Council Depot to Infrastructure services
  - Public Purposes: Cemetery to Cemetery
  - Public Purposes: Church to Public purposes
  - Public Purposes: Council offices to Government services
  - Public Purposes: Dune Preservation to Environmental conservation
  - Public Purposes: Fire Station to Emergency services
  - Public Purposes: Freight Depot Station to Public purposes
  - Public Purposes: Government Requirements to Government services
  - Public Purposes: Grain handling facility to Public purposes
  - Public Purposes: Gwalia cemetery to Cemetery
  - Public Purposes: High school to Education
  - Public Purposes: Historical purposes to Heritage
  - Public Purposes: Hospital to Medical Services
  - Public Purposes: Police to Emergency Services
  - Public Purposes: Primary School to Education
  - Public Purposes: Public Toilet to Public Purposes
  - Public Purposes: Railway Station to Heritage
-

- Public Purposes: Rubbish Disposal to Infrastructure Services
  - Public Purposes: Water supply, sewerage and drainage to Infrastructure services
  - Major road to Primary Distributor Road
2. resolves, pursuant to the Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), that Amendment 6 is a basic amendment in accordance with r.34(c) of the Regulations as it proposes to amend the Scheme text to delete provisions that have been superseded by the deemed provisions in Schedule 2 of the Regulations;
  3. authorise Council officers to prepare the scheme amendment documentation.
  4. authorise the affixing of the common seal to and endorse the signing of the amendment documentation.
  5. pursuant to Section 81 of the *Planning and Development Act 2005*, refers Amendment 6 to the Environmental Protection Authority;
  6. pursuant to r.58 of the Regulations, provides Amendment 6 to the Western Australian Planning Commission.

CARRIED 8/0

7.10.6 SUMMARY OF PLANNING INFORMATION ITEMS (ITEM 7.3.6)

Noted.

7.10.7 PROPOSED BOUNDARY FENCING – R-CODE VARIATIONS – LOT 36  
(NO. 12) CASTAWAY STREET, KALBARRI

Moved Cr HAY, seconded Cr PIKE

That Council:

1. Determines not to support the Applicant's request for a solid side boundary fence up to the front property boundary line for the following reasons:

**SHIRE OF NORTHAMPTON**

**Minutes of Ordinary Meeting of Council held at the Council Chambers, Northampton on  
19<sup>th</sup> July 2019**

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- a) the proposal does not meet the Deemed-to-Comply provisions, nor sufficiently addresses the Design Principles, of State Planning Policy 7.3 – Residential Design Codes, in relation to Section 5.2.4 - Street walls and fences;
  - b) the proposal does not meet the requirements of the Shire’s Local Planning Policy - Street Walls & Front Fences in Kalbarri Residential Areas (2018), in relation to the Brownes Farm R5 Residential Area.
2. Determines to support the application for a boundary fence upon Lot 36 (No. 12) Castaway Street, Kalbarri, subject to the following conditions being met:-
- a) Development shall be in accordance with the attached approved plan(s) dated 19 July 2019 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plan(s) shall not be modified or altered without the prior written approval of the local government;
  - b) 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;
  - c) The first 4.8 metres of the southern and northern boundary fences, as marked in ‘RED’ on the attached approved plan(s) dated 19 July 2019, shall be modified to be visually permeable above 1.2 metres so as to comply with the definition of “visually permeable” of the State Planning Policy 7.3 - Residential Design Codes (refer to Advice Note 3 for further information);
  - d) A building permit shall be issued by the local government prior to the commencement of any work on the site;
  - e) Any soils disturbed or deposited on site shall be stabilised to the approval of the Local Government;
  - f) The materials used in the construction of the fence shall be as per the schedule of materials provided to the local government. This schedule shall not be modified or altered
-

without the prior written approval of the local government;  
and

- g) The external face/s of the brick piers and other brickwork shall have a smooth surface finish with tooled joints, to the approval of the local government.

Advice Notes:

- i. 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.
- ii. 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;
- iii. The Applicant is advised that “visually permeable” is defined with the State Planning Policy 7.3 – 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.
- iv. 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 8/0

7.10.8 SUBDIVISION APPLICATION - PROPOSED THREE (3) LOT SUBDIVISION – LOTS 995 AND 996 (NO. 29) ATKINSON CRESCENT, KALBARRI (ITEM 7.3.8)
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Moved Cr SIMKIN, seconded Cr SMITH

That Council:

- 1) Advise the Western Australian Planning Commission that it defers consideration of the Subdivision Application No. 158128, for the subdivision of Lots 995 & 996 (No. 29) Atkinson Crescent, Kalbarri into three (3) lots in its current configuration;
- 2) Advise the Western Australian Planning Commission that it would be willing to consider a three (3) lot subdivision where the following information is provided and amendments to the plan are made:
  - a) Proposed Lot 2 is increased in size to include additional land area, with the inclusion of the existing access on the adjacent Lot 3; or
  - b) A shared access arrangement is made between proposed Lot 2 and 3 to include additional access/egress in favour of Lot 2; and
  - c) Additional detail is provided on the plans demonstrating how the existing uses, 'Garden Centre', 'Bulky Goods Showroom' and 'Transport Depot' on proposed Lots 1 and 2 comply with the development requirements of Local Planning Scheme No. 11 with particular reference to landscaping, car parking, vehicular movement, storage and bin areas.

CARRIED 8/0

**7.11 ADMINISTRATION & CORPORATE REPORT**

**7.11.1 WA LOCAL GOVERNMENT ASSOCIATION MEMBER MOTIONS FOR AGM (ITEM 7.5.1)**

Moved Cr SUCKLING, seconded Cr KRAKOUER

That:

1. Council delegates vote the affirmative for all agenda items.
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 the Council.

CARRIED 8/0

**7.11.2 AFL FIGURES – NORTHAMPTON (ITEM 7.5.3)**

Moved Cr SIMKIN, seconded Cr PIKE

That Council defers a decision as to the location of the nine AFL figures until the Northampton Tourist Association provides a detailed design of the proposed structures and Councillors inspect areas within the Northampton townsite for the siting of the structures.

CARRIED 8/0

**7.11.3 JACQUES POINT ABLUTIONS (ITEM 7.5.4)**

Moved Cr SIMKIN, seconded Cr PIKE

That Council invite submitters to meet on site to inspect the area at Jacques Point on Friday 16<sup>th</sup> August 2019 at 10am to discuss the proposed ablutions.

CARRIED 8/0

**7.11.4 OUTSTANDING RATES (ITEM 7.5.5)**

Moved Cr HAY, seconded Cr SUCKLING

That Council discuss this item “*in-camera*” at 2.33pm

CARRIED 8/0

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Moved Cr STEWART, seconded Cr SMITH

That Council continue the meeting “*out of camera*” at 2.39pm.

CARRIED 8/0

Moved Cr SIMKIN, seconded Cr HAY

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 42 Banksia Street, Kalbarri, vacant lot - Robert Milligan
2. Lot 984 Mainwaring Drive, Kalbarri, vacant lot Helen McVee & Adrien Hipper
3. Lot 191 Stephen Street, Northampton, residence - Vivienne Gill

CARRIED 8/0

## **7.12 SHIRE PRESIDENT'S REPORT**

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

4/7/2019 Meeting with Darren West re Pink Lake and Northampton Bypass issues

## **7.13 NEW ITEMS OF BUSINESS**

### **7.13.1 STAIR ACCESS FROM PORT GREGORY CARPARK TO BEACH**

Cr Hay raised with Council that there are safety concerns regarding the access to Port Gregory beach, in particular from the carparking area to the beach access, as the stairs in that location are no longer in situ.

Moved Cr SMITH, seconded Cr STEWART

That Council refer the issue of the stair access from the carpark to the jetty and beach at Port Gregory to the Department of Transport, as owners of the land, to improve safety in that area.

CARRIED 8/0



<b>7.13.2 REQUEST FOR FUNDING FROM NORTHAMPTON DISTRICT HIGH SCHOOL</b>
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Cr Suckling declared a financial interest in the item as she is an employee of the school, and therefore may incur a financial gain or loss from the decision of Council, and departed the meeting at 2.52pm.

Cr Hay raised that the NDHS is developing an educational “farming” site at the school for the students to learn more about agriculture, and have requested that Council consider a financial contribution to the project for the provision of fruit trees.

Moved Cr CARSON, seconded Cr SMITH

That Council support the request of the Northampton District High School and contribute \$400 towards the purchase of fruit trees for their agriculture project, and this be declared authorised expenditure.

CARRIED BY AN ABSOLUTE MAJORITY 7/0

Cr Suckling returned to the meeting at 2.55pm.

<b>7.13.3 CEMETERY MEMORIAL TREE CONCEPT PLAN</b>
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Cr Suckling requested if Council would consider financing \$500 towards the preparation of a concept plan in the area of the proposed Northampton Cemetery Memorial Tree.

Moved Cr KRAKOUER, seconded Cr STEWART

That Council support the request of the Northampton Friends of the Cemetery for the preparation of a concept plan for the Northampton Cemetery’s Memorial Tree and contribute \$500 for this purpose, and this be declared as authorised expenditure.

CARRIED BY AN ABSOLUTE MAJORITY 8/0

<b>7.14 NEXT MEETING OF COUNCIL</b>
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The next Ordinary Meeting of Council will be held on Friday 16<sup>th</sup> August 2019 commencing at 1.00pm at the Allen Centre, Kalbarri.

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**7.15 CLOSURE**

There being no further business, the President thanked everyone for their attendance and declared the meeting closed at 3.02pm.

THESE MINUTES CONSISTING OF PAGES 1 TO 26 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON FRIDAY 19<sup>TH</sup> JULY 2019.

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

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