

**SHIRE OF NORTHAMPTON**  
**Minutes of Ordinary Meeting of Council held via electronic means on**  
**17<sup>th</sup> April 2020**

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**4.1 OPENING**

The President thanked all Councillors and staff receiving the broadcast of this electronic meeting for their attendance and declared the meeting open at 1.12pm.

**4.2 PRESENT**

The President asked Council Members and staff to confirm that they were connected and in attendance, with the following attendees so confirmed:

Cr C Simkin	President	Northampton Ward
Cr S Krakover	Deputy President	Kalbarri Ward
Cr R Suckling		Northampton Ward
Cr T Hay		Northampton Ward
Cr S Smith		Kalbarri Ward
Cr P Stewart		Kalbarri Ward
Cr D Pike		Kalbarri Ward
Cr L Sudlow		Northampton Ward
Cr S Stock-Standen		Northampton Ward
Mr Garry Keefe	Chief Executive Officer	
Mr Grant Middleton	Deputy Chief Executive Officer	
Mrs Michelle Allen	Planning Officer	

**4.2.1 LEAVE OF ABSENCE**

Nil

**4.2.2 APOLOGIES**

Nil

**4.3 QUESTION TIME**

None

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**4.4 DISCLOSURE OF INTEREST**

No disclosure of interests were declared.

**4.5 CONFIRMATION OF MINUTES**

**4.5.1 CONFIRMATION OF MINUTES – ORDINARY COUNCIL MEETING 20<sup>th</sup> MARCH 2020**

Moved Cr SUCKLING, seconded Cr SUDLOW

That the minutes of the Ordinary Meeting of Council held on the 20<sup>th</sup> March 2020 be confirmed as a true and correct record.

CARRIED 9/0

**4.5.2 CONFIRMATION OF MINUTES – SPECIAL MEETING OF COUNCIL 26<sup>th</sup> MARCH 2020**

Moved Cr STEWART, seconded Cr SMITH

That the minutes of the Special Meeting of Council held on the 26<sup>th</sup> March 2020 be confirmed as a true and correct record.

CARRIED 9/0

**4.5.3 BUSINESS ARISING FROM MINUTES**

Nil

**4.6 RECEIVAL OF MINUTES**

Nil

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**4.7 WORKS & ENGINEERING REPORT**

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

Noted

**4.8 HEALTH & BUILDING REPORT**

**4.8.1 BUILDING APPROVALS (ITEM 7.2.1)**

Noted.

**4.9 TOWN PLANNING REPORT**

**4.9.1 PROPOSED DEVELOPMENT APPROVAL AND LICENSE AGREEMENT RENEWAL – MOBILE FOOD VEHICLE – JETTY FISH TRUCK – RESERVE 52436 GREY STREET, KALBARRI AND COMMERCIAL PARKING AND STORAGE OF FOOD VAN UPON LOT 755 (NO. 26) BATAVIA CIRCLE, KALBARRI (ITEM 7.3.1)**

Moved Cr SUCKLING, seconded Cr HAY

That Council, having taken into consideration the provisions of the Shire of Northampton's Local Planning Scheme No. 11 (Kalbarri) and the Shire's Local Planning Policies *Mobile Food Vehicles* grant approval for a mobile food vehicle to operate upon Reserve 52436, subject to the following conditions:

1. Development/use shall be in accordance with the attached approved plans dated 17 April 2020 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;

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3. This Development Approval and Mobile Food Vehicle Permit is valid until 16 April 2021, after which the further renewal of the approval by the local government is required annually. It is the responsibility of the operator to apply in good time before expiration, and the local government will not automatically re-issue approvals;
  4. That Council determines the application renewal fee of \$30 plus mobile food vehicle permit fee of \$250 for a three month period (as per Local Planning Policy – *Mobile food Vehicles*) as the appropriate fee for this application;
  5. That it is the responsibility of the operator to pay the appropriate mobile food vehicle permit fee in good time before expiration, and the local government will not automatically issue renewal notices;
  6. That the scheduled quarterly payment fee of \$250 per three month period is due and payable on the following dates:
    - 17 July 2020;
    - 16 October 2020;
    - 15 January 2021; and
    - 16 April 2021.
  7. Should payment of the permit fee not be received by the due date, the current application will become void and no longer valid;
  8. The Mobile Food Vehicle Permit issued shall be displayed on the dash or another prominent visible location of the approved vehicle at all operating times;
  9. The approval is for one (1) Mobile Food Vehicle only;
  10. 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;
  11. Should substantiated ongoing complaints be received in relation to Condition No. (10), the Shire of Northampton reserves the right to review and/or revoke this Development Approval;
  12. 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 – Mobile Food Vehicles*;
  13. The approved hours of operation of this food van are between 8am and 6pm, 7 days per week;
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14. This approval allows the following signs:
- Reserve 52436 - two (2) portable A-Frame or flag 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;
15. The approved signs as per Condition No. (14) must be removed at the end of trading each day and shall only be displayed when trading is currently being undertaken;
16. No further signs shall be permitted in relation to this Development Approval;
17. This approval is issued only to R. Smith 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;
18. The food van is approved to sell fresh and frozen seafood items only;
19. 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;
20. 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;
21. The mobile food vehicle 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;
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. The Applicant shall be wholly financially responsible for the use of electricity accessed via the metered outlet upon Reserve 52436;
24. Subject to no objections being received after the close of the advertising period on 13 April 2020, the mobile food vehicle is permitted to be stored within the property boundaries of Lot 755

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(No. 26) Batavia Circle, Kalbarri outside of trading hours subject to:

- (i) the van being stored within the property boundaries;
  - (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 26, as per below;
25. Should a valid, author identified planning objection be received during the advertising period with regards to parking and storing of the vehicle on Lot 755 (No. 26) Batavia Circle, Kalbarri, delegated authority will be authorised to the Chief Executive Officer to determine the matter that relates to parking and storage of the mobile food vehicle in Kalbarri;
26. No food is to be prepared within the dwelling upon Lot 755 (No. 26) Batavia Circle, Kalbarri and all food preparation shall be contained within the food vehicle, unless further application is made to, and approval is granted by, the Shire of Northampton;
27. The parking and storage of the commercial vehicle (food vehicle) upon Lot 755 (No. 26) Batavia Circle, 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 (30<sup>th</sup> June) to gain approval for the parking of the food van upon this residential lot; and
28. The Shire of Northampton reserves the right to reposition the mobile food vehicle's permitted trading area, 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;*



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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.*
  
4. *If a commercial vehicle owner/driver, who has been granted approval to park a vehicle on a lot, wishes to replace the vehicle with a different type of commercial vehicle, or park the vehicle in a different location to that approved, a new application is required to be lodged with the local government.*

CARRIED 9/0

4.9.2 SUMMARY OF PLANNING INFORMATION ITEMS (ITEM 7.3.2)

Noted.

**4.10 FINANCE REPORT**

4.10.1 ACCOUNTS FOR PAYMENT (ITEM 7.4.1)

Moved Cr SMITH, seconded Cr STEWART

That Municipal Fund Cheques 21867 to 21882 inclusive totalling \$79,102.75, Municipal EFT payments numbered EFT20496 to EFT20619 inclusive totalling \$360,673.19, Trust Fund Cheques 2505 to 2509, totalling \$1,216.15, Direct Debit payments numbered GJ09005 to GJ0913 inclusive totalling \$245,502.31 be passed for payment and the items therein be declared authorised expenditure.

CARRIED BY AN ABSOLUTE MAJORITY 9/0

4.10.2 MONTHLY FINANCIAL STATEMENTS – MARCH 2020 (ITEM 7.4.2)

Moved Cr SUDLOW, seconded Cr SMITH

That Council adopts the Monthly Financial Report for the period ending 31<sup>st</sup> March 2020.

CARRIED 9/0

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**4.10.3 BANK OVERDRAFT/SHORT TERM FACILITY (ITEM 7.4.3)**

Moved Cr STEWART seconded Cr SUCKLING

That Council authorise the use of a credit facility with WATC of \$1,000,000 and the credit facility be included in the 2020/2021 budget.

CARRIED BY AN ABSOLUTE MAJORITY 9/0

**4.11 ADMINISTRATION & CORPORATE REPORT**

**4.11.1 LEASE/RENT FEE REDUCTIONS (ITEM 7.5.2)**

Moved Cr STOCK-STANDEN, seconded Cr SMITH

That Council consider rent/lease reductions when considering the 2020/21 Budget for the following businesses:

- Horrocks Caravan Park (Summerstar Pty Ltd)
- Murchison Caravan Park (Lots 588 & 589)
- Kalbarri Fishing Fuel Supplies (4 Degrees)
- Kalbarri Boat Hire
- Northampton Oval (Education Department for school use); and
- Kalbarri Air Charter (annual hangar lease and landing fees).

CARRIED 9/0

**4.12 PRESIDENT'S REPORT**

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

11/04/2020      Regional Road Group Meeting

**4.15 NEW ITEMS OF BUSINESS**

Nil

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**4.16 NEXT MEETING OF COUNCIL**

The next Ordinary Meeting of Council will be held on Friday 15<sup>th</sup> May 2020 commencing at 1.00pm at a venue to be advised.

**4.17 CLOSURE**

There being no further business, the President thanked everyone for their attendance and declared the meeting closed at 2.00pm.

THESE MINUTES CONSISTING OF PAGES 1 TO 11 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON FRIDAY 15<sup>th</sup> MAY 2020.

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

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