

**SHIRE OF NORTHAMPTON**  
**Minutes of Ordinary Meeting of Council held at the Allen Centre, Kalbarri on**  
**Friday 19<sup>th</sup> November 2021**

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**11.1 OPENING**

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

**11.2 PRESENT**

Cr L Sudlow	President	Northampton Ward
Cr R Horstman	Deputy President	Northampton Ward
Cr P Stewart		Kalbarri Ward
Cr S Stock-Standen		Northampton Ward
Cr D Pike		Kalbarri Ward
Cr R Suckling		Northampton Ward
Cr T Hay		Northampton Ward
Cr T Gibb		Kalbarri Ward
Mr Garry Keeffe	Chief Executive Officer	
Mr Grant Middleton	Deputy Chief Executive Officer	
Mr Neil Broadhurst	Manager of Works and Technical Services	
Mrs Michelle Allen	Planning Officer	

**11.2.1 LEAVE OF ABSENCE**

Nil

**11.2.2 APOLOGIES**

Nil

**11.3 QUESTION TIME**

**11.3.1 ROBERT TENAGLIA**

Robert Tenaglia had no questions but addressed Council regarding Item 7.3.1 Proposed Land-Based Fishing Tours License Agreement. Mr Tenaglia provided more information on the application stating that as the tour operator he would be providing a free tour for three military veterans once a month and that he was active in the tag and release program 'Westag' and prided himself on never exceeding bag limits.

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**11.3.1 ALEX MUSMARRA**

Alex Musmarra addressed Council asking why communication in Kalbarri was so bad and why there were so many rules and laws to abide by.

CEO, Garry Keeffe, responded explaining that Local Governments generally act only within powers specifically delegated to them by law and are required to uphold laws and regulations set by higher levels of government. The CEO and Cr Stock-Standen responded advising the methods of communication utilised by the Shire of Northampton included social media posts, website posts, letter drops and 'greet and meet' occasions which provides the community with a variety of ways to communicate and be informed.

**11.4 DISCLOSURE OF INTEREST**

Cr Sudlow declared an impartiality interest in Item 7.5.3 Request for Sponsorship by the Isolated Children's Parents' Association as Cr Sudlow is a member of the Association.

Cr Horstman declared an impartiality interest in Item 7.5.1 Northampton Old School Initiative Inc as Cr Horstman is member of the group.

Cr Horstman declared an impartiality interest in Item 7.5.4 Northampton Stud Breeders Shed as Cr Horstman has a family member who is a member of the Northampton Stud Breeders.

Chief Executive Officer, Garry Keeffe, declared an impartiality interest in Item 7.5.5 Offer to Purchase Lot 25 Rake Place as the CEO is a neighbouring property owner to Lot 25.

**11.5 CONFIRMATION OF MINUTES**

**11.5.1 CONFIRMATION OF MINUTES – ORDINARY COUNCIL MEETING**  
**FRIDAY 15<sup>th</sup> OCTOBER 2021**

Moved Cr STEWART seconded Cr SUCKLING

That the minutes of the Ordinary Meeting of Council held on the 15<sup>th</sup> October 2021 be confirmed as a true and correct record.

CARRIED 8/0

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**11.6 RECEIVAL OF MINUTES**

**11.6.1 SPECIAL MEETING OF COUNCIL – 19 OCTOBER 2021**

Moved Cr SUCKLING, seconded Cr STOCK-STANDEN

That the minutes of the Special Meeting of Council for the purpose of swearing in of Councillors and the Election of the President, Deputy President, Committees and Delegates held on 19<sup>th</sup> October 2021 be confirmed as a true and correct record.

CARRIED 8/0

**11.7 WORKS & ENGINEERING REPORT**

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

Noted

**11.7.2 REQUEST FOR QUOTE (RFQ – 03/2022) SUPPLY OF FLEET VEHICLES – 2021/2022, ONE (1) X 4 WHEEL ARTICULATED LOADER (ITEM 7.1.2)**

Moved Cr STOCK-STANDEN seconded Cr STEWART

That Council accept the tender submitted by Westrac Pty Ltd to supply a Caterpillar 938K (IT) 4 Wheel Articulated Loader with Bucket at \$319,483.00 (exc GST). Trade vehicle/s (Shire plant number P252 – NR10101) be released to Mr Nolan Harris at the trade price of \$80,000.00 (exc GST). The listed option of a spare tyre and rim be purchased with the loader at \$5,577.00 (exc GST). Total price to Council \$245,060.00 (exc GST).

CARRIED 8/0

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**11.7 HEALTH & BUILDING REPORT**

**11.7.1 BUILDING APPROVALS (ITEM 7.2.1)**

Noted.

**11.8 TOWN PLANNING REPORT**

**11.8.1 PROPOSED LAND-BASED FISHING TOURS LICENSE AGREEMENT –  
RESERVE 12996 (NORTH), RESERVE 26591 MURCHISON RIVER  
FORESHORE, KALBARRI AND COMMERCIAL VEHICLE PARKING AND  
STORAGE UPON LOT 202 (NO. 137) STILES ROAD, KALBARRI (ITEM  
7.3.1)**

Moved Cr STOCK-STANDEN seconded Cr STEWART

That Council:

1. Grant Development Approval for the experiential use (land-based fishing tours) of Reserve 12996 (North) and Reserve 26591 Murchison River Foreshore Kalbarri, and Lot 944 on Deposited Plan 74339 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 reserves/lots within which the use is proposed to be located;
  - b) The proposed tours that traverse the Murchison River from Reserve 12996 to Reserve 26591, and land areas of Reserves 12996 and 26591, and coast-line north of Kalbarri (Lot 944 of Deposited Plan 74339) shall be limited to a maximum of one 5.1 metre barge vessel, one 4 metre tender boat and two all-terrain vehicles (quad bikes);

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- c) This approval is issued only to R. Tenaglia and is NOT transferable to any other person or to any other land parcel. Should there be a change of the occupier on the land in respect of which this planning approval is issued this approval shall no longer be valid;
- d) The proposed Land-based Fishing tours shall only operate in the locations indicated upon the attached approved plan(s) dated [insert date] as follows:
  - (i) Half day tours;
  - (ii) Night tours; and
  - (iii) Whiting tours (November to April).
- e) This approval is valid for a period of two years from the date of this advice, after which the further renewal of the approval by the local government is required. This is the responsibility of the applicant, and the local government will not automatically re-issue approvals.
- f) The Applicant shall provide an Emergency Management Plan, including a Fire Management Plan, to the Shire of Northampton, and to the approval of the local government, prior to the commencement of the proposed use;
- g) Prior to commencement of the proposed use, the Applicant is required to contact the Shire of Northampton's Environmental Health Officer to ensure compliance with the *Health (Miscellaneous Provisions) Act 1911* and *Food Act (2008)*;
- h) This development approval shall remain valid so long as the necessary food registration remains current and valid and upon expiration or earlier termination of the food registration this development approval shall cease to be valid;
- i) The barge, tender vessel and two all-terrain vehicles is permitted to be stored at Lot 202 (No. 137) Stiles Road, Kalbarri when not in operation subject to the vehicles being stored within the property boundaries and the vehicles 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;

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- j) The Applicant shall conduct the tours using existing pathways, roads and tracks, and shall not negatively impact, degrade or damage the natural amenity within the approved land locations in any way;
- k) The Applicant shall obtain appropriate approvals for commercial vessel safety with the Australian Maritime Safety Authority, and/or use approved vessels only, to traverse the Murchison River between Reserves 12996 and 26591;
- l) Pursuant to Section 15 of Regulation 128I of the Fish Resources Management Regulations 1995 the applicant/operator is required to obtain a Fishing Tour Operator's Licence for the West Zone prior to commencement of the approved use;
- m) The applicant shall comply with Department of Transport's vehicle and vessel licensing requirements and use navigational lights during hours of restricted visibility;
- n) The Applicant shall at no time interfere or obstruct the operations and activities of the commercial fishing activities upon areas adjacent to the boat launching area, to the satisfaction of the local government;
- o) The Applicant shall at no time interfere or obstruct the activities of other Reserve/beach users, to the satisfaction of the local government;
- p) Should substantiated ongoing complaints be received in relation to Condition (n), the Shire of Northampton reserves the right to review and/or revoke this Development Approval;
- q) 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;
- r) 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*;



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- s) No freestanding signs or hoardings advertising the operation of the Land-based fishing tours are permitted to be erected whether temporary or permanent in nature:
- t) 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 licence agreement being entered into by the Applicant and the Shire in accordance with Council's *Local Planning Policy – Commercial Recreational Tourism Activity on Crown Reserves*;
- u) This Development Approval shall remain valid whilst the agreement referred to in Condition 1t (iii) remains current and valid, and on the expiration or in the termination of such Licence Agreement, this Development Approval shall cease to be valid;
- v) Authorise delegation to the Chief Executive Officer and Principal Planner for preparation and execution of the Licence Agreement in Condition 1t (iii) above with any disputes to be referred back to Council for final determination; and
- w) 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.

Advice Notes

1. *The Applicant is advised that this development approval does not negate the requirement for any additional approvals and compliance with any and all governmental legislation and regulations which may be required under separate legislation including but not limited to the Health (Miscellaneous Provisions) Act 1911, the Food Act 2008, Environmental Protection Act 1986, Fire and Emergency Services Act 1998, Aboriginal Heritage Act 1972 and Fish Resources Management Resources Act 1994;*

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2. *The Applicant is advised that they should undertake due diligence and take into consideration the State's Aboriginal Heritage when planning specific developments associated with the proposal so as to mitigate any risks where heritage sites may be present. More information is available at <https://www.wa.gov.au/organisation/department-of-planning-lands-and-heritage/aboriginal-heritage>*
3. *The Applicant is advised that this approval confers no right of exclusive occupation of the approved areas of operation upon the Applicant, including its employees and clients, and at all times must exercise other Reserve and beach users rights to possess and enjoy the whole or any part of the approved areas;*
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 reviewed by the State Administrative Tribunal. Such application must be made within 28 days from the date of this notice.*
5. *If a commercial vehicle owner, 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 8/0

11.8.2 SUMMARY OF PLANNING INFORMATION ITEMS (ITEM 7.3.2)
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Noted.

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**11.9 FINANCE REPORT**

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

Moved Cr PIKE, seconded Cr GIBB

That Municipal Fund Cheques 22128 to 22140 inclusive totalling \$65,737.55, Municipal EFT payments numbered EFT22729 to EFT22849 inclusive totalling \$781,988.45, Trust Fund Cheques 2645 to 2655, totalling \$129,545.24, Direct Debit payments numbered GJ0406 to GJ0410 inclusive totalling \$243,428.74 be passed for payment and the items therein be declared authorised expenditure.

CARRIED BY AN ABSOLUTE MAJORITY 8/0

**11.9.2 MONTHLY FINANCIAL STATEMENTS – OCTOBER 2021 (ITEM 7.4.2)**

Moved Cr HAY, seconded Cr SUCKLING

That Council adopts the Monthly Financial Report for the period ending 31 October 2021.

CARRIED 8/0

**11.9.3 CHILD CARE FEES AND CHARGES CHANGE (ITEM 7.4.3)**

Moved Cr HORSTMAN, seconded Cr SUCKLING

That Council reviews and adopts the amended Child Care Fees as presented.

CARRIED BY AN ABSOLUTE MAJORITY 8/0

**11.10 ADMINISTRATION & CORPORATE REPORT**

Cr Horstman declared an impartiality interest in Item 7.5.1 as Cr Horstman is member of the Northampton Old School Initiative Inc. group.

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11.10.1 LEASE – NORTHAMPTON OLD SCHOOL COMMUNITY INITIATIVE  
INC (ITEM 7.5.1)

Moved Cr STOCK-STANDEN seconded Cr GIBB

That Council approve the renewal of the lease for Lot 31 Robinson Street to the Northampton Old School Initiative Inc. for a further term of ten years.

CARRIED 8/0

11.10.2 REQUEST FOR FINANCIAL ASSISTANCE – CREATIVE OBSESSIONS  
(ITEM 7.5.2)

Moved Cr HAY, seconded Cr SUCKLING

That Council not support the request by Creative Obsessions for an upfront grant of \$20,000 to assist with the purchase of Lot 42 Hampton Road, Northampton as it would set a precedent for other similar community organisations to make similar requests.

CARRIED 8/0

Cr Sudlow declared an impartiality interest in Item 7.5.3 as Cr Sudlow is a member of the Isolated Children's Parents' Association.

11.10.3 REQUEST FOR SPONSORSHIP – ISOLATED CHILDREN'S PARENTS  
ASSOCIATION (ITEM 7.5.3)

Moved Cr STEWART, seconded Cr STOCK-STANDEN

That Council sponsor the ICPA to the value of \$1000 to assist with the holding of their 2022 State Conference.

CARRIED 8/0

Cr Horstman declared an impartiality interest in Item 7.5.4 as Cr Horstman has a family member who is a member of the Northampton Stud Breeders group.

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11.10.4 NORTHAMPTON STUD BREEDERS SHED (ITEM 7.5.4)

Moved Cr PIKE, seconded Cr GIBB

That Council accept the quote submitted by Norwest Building Group (Aussie Sheds Group) of \$360,000 plus GST for the construction of a new stud breeders shed as per presented plans at the Northampton Recreation Centre.

CARRIED 8/0

Chief Executive Officer, Garry Keeffe, declared an impartiality interest in Item 7.5.5 Offer to Purchase Lot 25 Rake Place as the CEO is a neighbouring property owner.

11.10.5 OFFER TO PURCHASE LOT 25 RAKE PLACE, NORTHAMPTON (ITEM 7.5.5)

Council reviewed the Officer's recommendation following receipt of a current market valuation that was lower than the 2017 valuation of \$67,000 and determined to offer the lot to Peter and Aimee North for the sum of \$50,000.

Moved Cr STOCK-STANDEN, seconded Cr SUCKLING

That Council:

1. Due to the revised market valuation, that Council offers the applicants a revised purchase price of \$50,000 for the purchase of Lot 25 Rake Place, Northampton as it considers the \$60,000 offer is far in excess of the market valuation and the \$60,000 offer was based on the valuation established in 2017.
2. Should the applicants accept the revised purchase price then Council undertakes advertising of the proposed sale as per the requirements of Section 3.58 of the Local Government Act 1995 and associated regulations.
3. That the sale proceeds be deposited to the Councils Land Development Reserve Fund.

CARRIED 8/0

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11.10.6 LOCAL ROAD & COMMUNITY INFRASTRUCTURE PROGRAMME (ITEM 7.5.6)

Moved Cr PIKE, seconded Cr GIBB

That Council nominates the following projects for the Local Road and Community Infrastructure Programme:

- |                                     |           |
|-------------------------------------|-----------|
| • Kalbarri Airport Runway Re-seal   | \$200,000 |
| • Little Bay Road                   | \$520,000 |
| • Public Toilets – Northampton Oval | \$140,000 |

CARRIED 8/0

11.10.7 PROPOSED MULTI-PURPOSE COMMUNITY CENTRE, KALBARRI (ITEM 7.5.7)

Moved Cr STEWART seconded Cr GIBB

That Council consider all submissions provided and progress with the calling of Expressions of Interest for a preliminary design of the new facility to incorporate all uses suggested from submissions received with the exception of a swimming pool where the preliminary design is to allow for the possible inclusion of a swimming pool at a later stage but not form part of the initial design to be pursued.

CARRIED 8/0

11.10.8 REQUEST TO WAIVER LEGAL FEES – OUTSTANDING RATES (ITEM 7.5.8)

Moved Cr HAY seconded Cr STOCK-STANDEN

That Council refuses the request to waiver legal fees associated with the outstanding rates and that the sum of \$2,336.71 is to be paid in full

CARRIED 8/0

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**11.10.9 NORTHAMPTON PUMP TRACK PROJECT (ITEM 7.5.9)**

Council did not agree with the Officer's recommendation as they believe the appropriate place for the Northampton Pump Track is at the Lions Park and that the design should be reconfigured to fit within the park.

Moved Cr SUCKLING seconded Cr STOCK-STANDEN

1. That the pump track is redesigned so it does not encroach onto Lot 33 and is located further south at the Lions Park on Shire land;
2. That approval for the project is obtained from Telstra; and
3. That any additional costs incurred for the construction of the redesigned pump track, be declared authorised expenditure.

CARRIED BY AN ABSOLUTE MAJORITY 8/0

**11.10.10 REQUEST FOR ACCESS EASEMENT – RESERVE 48528 (ITEM 7.5.10)**

Moved Cr STEWART seconded Cr HAY

That Council approves of the establishment of a road reserve on a portion of Reserve 48528 as requested to provide access to proposed light industrial lots and that the excision of the required land from Reserve 48528, dedication and construction of the new road reserve to be at Development WA cost.

CARRIED 8/0

**11.11 PRESIDENT'S REPORT**

Since the last Council meeting Cr SUDLOW reported on her attendance at:

- 21/10/2021 Safe Work Method Statements training, Kalbarri
- 2/11/2021 Hon. Martin Aldridge MLC, Council Chambers Northampton
- 3/11/2021 Luke Sanders, WAFL & Football Operations Manager, West Australian Football Commission
- 4/11/2021 Regional Drought Resilience meeting, Geraldton Department Primary Industries and Regional Development

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- 6/11/2021 RSL Remembrance Dinner, Northampton RSL
- 12/11/2021 Western Australian Local Government Association Training, Perth Convention Centre
- 13/11/2021 AFL Legends Dinner, Northampton Community Centre
- 16/11/2021 Shaping the State's Tourism Future, Hon. David Templeman, MLA

**11.12 VICE PRESIDENT'S REPORT**

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

- 12/11/2021 Western Australian Local Government Association Training, Perth Convention Centre
- 15/11/2021 Local Government Act Reform Measures, Zoom meeting
- 16/11/2021 Local Community Recovery Group Meeting, Geraldton

**11.13 COUNCILLORS' REPORTS**

**11.13.1 CR STEWART**

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

- 20/10/2021 David Bougourd, Australian Garnet Pty Ltd

**11.13.2 CR PIKE**

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

- 27/10/2021 Kalbarri Development Association meeting, Kalbarri
- 9/10/2021 Kalbarri Visitor Centre meeting, Kalbarri

**11.13.3 CR HAY**

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

- 15/11/2021 Local Government Act Reform Measures, Zoom meeting



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**11.13.4 CR GIBB**

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

12/11/2021 Western Australian Local Government Association Training,  
Perth Convention Centre

**11.14 NEW ITEMS OF BUSINESS**

Nil

**11.15 NEXT MEETING OF COUNCIL**

The next Ordinary Meeting of Council will be held on Friday 17 December 2021 commencing at 1.00pm at the Council Chambers, Northampton.

**11.16 CLOSURE**

There being no further business, the President thanked everyone for their attendance and declared the meeting closed at 3.22pm.

THESE MINUTES CONSISTING OF PAGES 1 TO 17 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON FRIDAY 17<sup>th</sup> DECEMBER 2021.

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

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