

SHIRE OF NORTHAMPTON

Minutes of Ordinary Meeting of Council held at the Kalbarri Sport and Recreation Building, Porter Street, Kalbarri on Friday 18th July 2008

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1.17 CLOSURE

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1.1 OPENING

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

1.2 PRESENT

Cr G Parker	President	Northampton Ward
Cr G Wilson	Deputy President	Northampton Ward
Cr O Simkin		Northampton Ward
Cr V Maskrey		Northampton Ward
Cr E Simkin		Northampton Ward
Cr S Stock-Standen		Northampton Ward
Cr P Gliddon		Kalbarri Ward
Cr L Parker		Kalbarri Ward
Cr R Allen		Kalbarri Ward
Mr Garry Keeffe	Chief Executive Officer	
Mr Anthony Gollan	Deputy Chief Executive Officer	
Mrs Hayley Williams	Principal Planner	
Mr Rod Bayliss	Environmental Health/Building Surveyor	
Mr Neil Broadhurst	Manager of Works and Technical Services	

1.2.1 LEAVE OF ABSENCE

Nil

1.2.2 APOLOGIES

Cr A Link	Kalbarri Ward
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1.3 QUESTION TIME

Members of the public were present, with the following questions being presented;

1.3.1 MR BARRY KRAMER

Mr Kramer asked the following questions of Council;

1. On the 18th of April 2008, during Council's Question time I asked if Council would allow a statement to be read out and recorded in the minutes. The President's response to my request was an emphatic no!

The record show in the past few years Council has accepted nine (9) statements from members of the public, six (6) of those were recorded in the minutes of the Council Meeting.

Why was I discriminated against and not allowed an equal opportunity to have my statement read out and recorded?

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The President informed the meeting that as President and presiding chairman of Council it is in his view in accordance with the Local Government Act 1995 that statements do not need to be recorded in Council minutes, question time is question time unless otherwise decided upon by the President.

2. In referring to Motion 11.11.19 Town Planning Scheme No.9, carried 10/0, Friday 28th November 2003.

McLeod's Barristers and Solicitors have ruled that with the exception of the word "require" there is nothing else in the Council Resolution 11.11.19 that was "ultra virus", beyond the power of the Council.

Minutes of Council Meeting 16th May 2008 recorded that Council didn't see a need to amend that resolution or replace the incorrect word "require" with the correct word "ask". Council resolved to not apologise to Kramer for its mistake and to take no further action. Therefore along with the error that resolution stands unchanged and enforceable.

Therefore Council Motion 11.18.1 Sea Container – Kalbarri, carried 5/4, 17th November 2005 was also ultra virus only to the extent that the word "require" was again used in the same context as before and instead of the correct word "ask". Using the advice Council received from McLeod's Barristers and Solicitors it is now clear that once again Council had the power to move a motion and ask Councillor Ron Allen to officially apologise for breaches of the Council Code of Conduct.

After voting unanimously on the Kramer motion will this Council, without showing fear or favour be consistent in its decision making process and correct its blunder by also voting unanimously to *ask* (not *require*) Councillor Ron Allen for his apologies as described in the 11.18.1, 2005 motion for breaches of the Council Code of Conduct, failing to comply with a majority decision of Council for three years and will the President withdraw the "in-Council" apology he gave Councillor Ron Allen on Council's behalf for the inconvenience the 11.18.1, Motion may have caused him?

If not, why not?

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The President informed the meeting that this issue has been dealt with by Council in the past and based on legal advice received and also advice from the Department of Local Government the matter is finished with.

3. As a ratepayer I recently wrote to Cr. Lou Parker, Cr. Pat Gliddon, Deputy President Cr. Gordon Wilson and President Cr. George Parker.

Three months have now past. Why haven't I been given the courtesy of a response to any of those letters?

The President advised the meeting that it is an individual Councillors choice in which he cannot answer for those Councillors however, if they wish to respond to correspondence addressed to them they do and if not so be it. If a Councillor does respond to a Council matter however, they must provide a copy of that response to Management in accordance with the Local Government Act 1995.

1.4	CONFIRMATION OF MINUTES
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1.4.1	CONFIRMATION OF MINUTES – ORDINARY COUNCIL MEETING 20 TH JUNE 2008
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Moved Cr O Simkin, seconded Cr E Simkin

That the minutes of the Ordinary Meeting of Council held on the 20th June 2008 be confirmed as a true and correct record.

CARRIED 9/0

1.4.1.1	BUSINESS ARISING FROM MINUTES
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Nil

1.5	RECEIVAL OF MINUTES
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1.5.1	RECEIVAL OF MINUTES – HOUSING COMMITTEE 26 TH JUNE 2008
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Moved Cr Maskrey, seconded Cr E Simkin

That the minutes of the Housing Committee Meeting held on the 26th June 2008 be received.

CARRIED 9/0

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1.5.1.1 BUSINESS ARISING FROM MINUTES – HOUSING COMMITTEE 26TH JUNE 2008

1.5.1.1.1 FUTURE RURAL HALL MAINTENANCE

Moved Cr Maskrey, seconded Cr L Parker

That Council not accept the Housing Committees recommendation however;

1. Council undertake general maintenance of the Ajana and Ogilvie Halls with no major upgrades to be considered to these buildings.
2. The Binu Community be advised of upgrade costs requirements to the hall and it be recommended that the hall be demolished and a new facility be considered for in the 2009/2010 Budget.
3. If the Binu Community does not approve of a new facility, Council no longer maintain the Binu Hall and all maintenance become the responsibility of the Binu Community.

CARRIED 9/0

1.5.2 RECEIVAL OF MINUTES – HOUSING COMMITTEE 27TH JUNE 2008

Moved Cr Maskrey, seconded Cr O Simkin

That the minutes of the Housing Committee Meeting held on the 27th June 2008 be received.

CARRIED 9/0

1.5.2.1 BUSINESS ARISING FROM MINUTES – HOUSING COMMITTEE 27TH JUNE 2008

1.5.2.1.1 STRUCTURAL REPORT – ADMINISTRATION OFFICE

Moved Cr Stock-Standen, seconded Cr Maskrey

That Council obtain a structural report on the Northampton Administration Building to address cracking within the building.

CARRIED 9/0

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1.5.2.1.2 STRUCTURAL REPORT – NORTHAMPTON DOCTORS SURGERY

Moved Cr O Simkin, seconded Cr E Simkin

That Council obtain a structural report on the Northampton Doctors Surgery due to the excessive cacking and movement visible within the building.

CARRIED 9/0

1.6 WORKS, RESERVES & BEACHES REPORT

1.6.1 MAINTENANCE WORKS/PROGRAM WORKS
(ITEM 6.1.1)

Noted

The Manager of Works and Technical Services, Mr Neil Broadhurst left the meeting at 1.32pm.

1.7 TOWN PLANNING REPORT

1.7.1 DRAFT KALBARRI TOWNSITE LOCAL PLANNING STRATEGY (ITEM 6.2.1)

Moved Cr Stock-Standen, seconded Cr Gliddon

That Council resolve to adopt the Draft Kalbarri Local Planning Strategy (as per Attachment A1-A2 to Item 6.2.1 of the July 2008 Town Planning Report) for public comment purposes and seek consent from the Department for Planning and Infrastructure to advertise the Strategy in accordance with the *Town Planning Regulations 1967*.

CARRIED 9/0

1.7.2 PROPOSED AMENDMENT TO USE/HIRE SITE AGREEMENT GUIDED QUAD BIKE TOURS, RESERVE 35206 GEORGE GREY DRIVE, YALLABATHARRA (ITEM 6.2.2)

Moved Cr L Parker, seconded Cr O Simkin

That Council:

1. Approve an amendment to Item 8 of Use/Hire Site Agreement 008-07 on Reserve 35206, George Grey Drive, Yallabatharra (Wagoe Chalets) from six (6) quad bikes to seven (7) quad bikes.
2. Use/Hire Site Agreement 008-07 being amended to reflect Point 1 above.

CARRIED 9/0

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1.7.3	INFORMATION ITEM – UPDATE ON DRAFT LOCAL PLANNING STRATEGY (ITEM 6.2.3)
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Noted

1.7.4	LEGAL ADVICE REGARDING INCLUSION OF PENALTY CLAUSE WITHIN USE/HIRE SITE AGREEMENTS (ITEM 6.2.6)
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Moved Cr Wilson, seconded Cr Maskrey

That Council:

1. Refer the current Use/Hire Site Agreement Template to McLeod’s Barristers & Solicitors for review and re-drafting;
2. Seek additional advice from McLeod’s in regard to drafting a *Council Policy* that will require an Applicant to enter into a "Contractual Agreement" with the Shire for the use of "Crown Reserves" for a commercial/tourism activity;
 - a) When drafting this Council Policy a clause be included that explicitly requires the Applicant to cover all legal and other costs which may be incurred in the formulation of any "Contractual Agreement";
3. Refer the existing Local Planning Policy - Commercial Recreational Tourism Activity on Crown Reserves to McLeod’s for review.

CARRIED 9/0

1.8	HEALTH AND BUILDING REPORT
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1.8.1	INFORMATION ITEMS (ITEM 6.3.1)
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Noted

1.8.2	DISABILITY SERVICES ANNUAL REPORT (ITEM 6.3.2)
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Noted

1.8.3	NORTHAMPTON WASTE MANAGEMENT FACILITY - ACCOMMODATION (ITEM 6.3.3)
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Moved Allen, seconded Cr Wilson

That Council authorise the purchase of a second hand caravan for an amount of \$7,000 and a Chemical Toilet (“portaloo”) from Geraldton Hire and Scaffolding Services for the amount (including installation costs) of \$3,000 in its 2008/2009 Budget.

CARRIED 8/1

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1.8.4	BUILDING STATISTICS (ITEM 6.3.4)
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Noted

1.8.5	APPLICATION FOR TRANSFER OF AN ITINERANT FOOD VENDORS LICENCE – B M KILGALLON (ITEM 6.3.5)
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Noted

1.8.6	APPLICATION TO LIVE ON SITE DURING THE CONSTRUCTION OF A DWELLING 28 BATEMAN STREET, NORTHAMPTON – A STANDERING (ITEM 6.3.6)
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Moved Cr Maskrey, seconded O Simkin

That Allen Standering be advised of Councils concern as to his lack of compliance with the intent of its previous approval for him to live on site during the construction of a dwelling on 28 Bateman Street, Northampton and his lack of progress in building the dwelling for which such approval was granted.

1. That Allen Standering be advised that Council cannot and will not permit him or any other person to occupy a shed on 28 Bateman Street, Northampton during the construction of a dwelling.
2. That, subject to Mr Standering confirming his acceptance in writing, he be permitted to live in a caravan or transportable building (“donga”) for a period of six (6) months during the construction of a dwelling on 28 Bateman Street, Northampton in accordance with Councils Policy.
3. That Mr Standering be advised that any extension to this initial six (6) month period will only be approved subject to his having made substantial progress in the constructing of his dwelling.

CARRIED 9/0

The Environmental Health/Building Surveyor, Mr Rod Bayliss and The Principal Planner, Mrs Hayley Williams left the meeting at 2.05pm.

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1.9	FINANCE REPORT
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1.9.1	ACCOUNTS FOR PAYMENT (ITEM 6.4.1)
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Moved Cr Maskrey, seconded Cr O Simkin

1. That Municipal Fund Cheques 17433 to 17481 and 17483 to 17485 inclusive, totalling \$124,818.16; Municipal Electronic Fund Transfer (EFT) payments numbered EFT5562 to EFT5645 inclusive totalling \$135,210.16; Trust Fund Cheques 1679 to 1684 inclusive, totalling \$2,560.70, be passed for payment and the items therein be declared authorised expenditure.
2. That Municipal Fund Cheque 17482 be withheld from payment pending clarification on the cost of services supplied.

CARRIED BY ABSOLUTE MAJORITY 9/0

1.9.2	MONTHLY FINANCIAL STATEMENTS – 30 TH JUNE 2008 (ITEM 6.4.2)
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Moved Cr Gliddon, seconded Cr Stock-Standen

That the Monthly Financial Statements for the period ending 30th June 2008 as presented in the July 2008 Finance Report be received.

CARRIED 9/0

1.9.3	FINANCIAL MANAGEMENT REVIEW 2008 (ITEM 6.4.3)
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Moved Cr Parker, seconded Cr O Simkin

That Council receive the Financial Management Review as presented by UHY Haines Norton Chartered Accountants in accordance with the Local Government (Financial Management) Regulations 1996 and endorse the actions of Management in addressing issues raised.

CARRIED 9/0

1.9.4	LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) AMENDMENT REGULATIONS 2008 (ITEM 6.4.4)
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Noted

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1.9.5	BILLEXPRESS – BILL PAYMENT SERVICES (ITEM 6.4.5)
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Moved Cr Gliddon, seconded Cr Stock-Standen

That Council:

1. Terminate its services with BillExpress immediately as it is in breach of Section 15 (a) of its agreement with the Shire of Northampton.
2. Endorse Managements action in appointing the Commonwealth Bank's "BPoint" services as its preferred bill payment provider for IVR (Phone) and Internet facilities.

CARRIED 9/0

1.9.6	HORROCKS SHADE SAILS – INSURANCE CLAIM (ITEM 6.4.6)
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Moved Cr E Simkin, seconded Cr Maskrey

That Council defer the replacement of the Horrock's shade sails for six months pending community concern.

CARRIED 5/4

1.10	ADMINISTRATION AND CORPORATE REPORT
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1.10.1	COMPULSORY VOTING – LOCAL GOVERNMENT ELECTIONS (ITEM 6.5.1)
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Moved Cr L Parker, seconded Cr Maskrey

That Council provide the following comments to the Western Australian Local Government Association in relation to compulsory voting for local government elections;

1. Council does not support the in principle of compulsory voting in Local Government elections – all things being equal.
2. Council does not support the introduction of compulsory voting in Local Government elections under current electoral arrangements.
3. Council does not support the introduction of compulsory voting under current electoral arrangements.
4. Council supports the introduction of optional preferential voting in Local Government elections as an alternative to proportional preferential voting.

CARRIED 9/0

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1.10.2 KALBARRI AIRPORT PAPI SYSTEM (ITEM 6.5.2)

Moved Cr Gliddon, seconded Cr Stock-Standen

That Council undertake the upgrade of the Kalbarri Airport Precision Approach Path Indicator system at a cost of \$3,892 and this expense be declared authorised expenditure and the allocation be secured within the 2008/2009 budget.

CARRIED 9/0

1.10.3 KALBARRI SPORT & RECREATION FACILITIES (ITEM 6.5.3)

Moved Cr L Parker, seconded Cr Allen

That Council re-new the existing lease on Recreation Reserve 25447 for the amenities, including the area incorporating the storage shed to the Kalbarri Sport and Recreation Club for a period of 21 years.

CARRIED 9/0

1.10.4 CONTROL OF OFF ROAD VEHICLES (ITEM 6.5.4)

Moved Cr Gliddon, seconded Cr E Simkin

1. That Council support the Department of Local Government and Regional Development and have the whole of the Kalbarri townsite declared as a prohibited area for off road vehicles under the provisions of the *Control of Vehicles (Off Road Areas) Act 1978*.
2. That Council accept the offer made by Department of Local Government and Regional Development to fund land use planning studies to progress possible approved areas for off road vehicle use.

CARRIED 9/0

1.10.5 KALBARRI DRINKING WATER SOURCE PROTECTION PLAN (ITEM 6.5.5)

Moved Cr Wilson, seconded Cr Maskrey

That the Department of Water be advised of the errors within the plan and they be requested to withdraw the plan and have it corrected then re-printed for distribution and comment.

CARRIED 9/0

1.10.6 PATHWAY & BOARDWALK - HORROCKS (ITEM 6.5.6)

Moved Cr Maskrey, seconded Cr Stock-Standen

That Council endorse the submitting of an application for a grant under the Community Coast Care Programme for a pathway and boardwalk at Horrock's.

CARRIED 9/0

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1.10.7 KALBARRI ST JOHN AMBULANCE CENTRE (ITEM 6.5.7)
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Moved Cr Allen, seconded Cr O Simkin

1. That Council request the Department for Planning and Infrastructure to change the purpose of Crown Reserve 35181 from “Recreation” to “Ambulance Purposes” or similar with power to lease.

2. If the advice from the Department for Planning and Infrastructure or St John Ambulance is that the reserve needs to be transferred to the Ambulance Service then this option also be approved subject to no cost to Council or the St John Ambulance service.

CARRIED 9/0

1.10.8 EXTENSION OF NANDA DRIVE (ITEM 6.5.8)
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Noted

1.11 PRESIDENTS REPORT

Since the last Council meeting the President reported on his attendance to the following:

- Rural Health Country week, University Students
- SkyWest Meeting
- Geraldton University Scholarship awards
- Regional Development Committee Forum
- Annual Lions Changeover night
- Horrock’s Stage 2 Land Sale

Moved Cr G Parker, seconded Cr Wilson

That Council pass its sincere appreciation to the Chief Executive Officer in achieving another successful Horrock’s Stage 2 land sale for the Shire of Northampton.

CARRIED 9/0

1.12 DEPUTY PRESIDENTS REPORT

Since the last Council meeting the Deputy President reported on his attendance to the following:

- Rural Health Country week, University Students
- Regional Development Committee Forum

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1.13 COUNCILLORS REPORTS

1.13.1 CR GLIDDON

Since the last Council meeting Cr Gliddon reported on her attendance to the following:

- SkyWest Meeting
- David Blake movie “Temper, Blood, Fury”

1.13.2 CR ALLEN

Since the last Council meeting Cr Allen reported on his attendance to the following:

- SkyWest Meeting

1.14 INFORMATION BULLETIN

Nil

1.15 NEW ITEMS OF BUSINESS

Nil

1.16 NEXT MEETING

The next Ordinary Meeting of Council will be held at the Northampton Council Chambers, Hampton Road, Northampton on the 15th August 2008.

1.17 CLOSURE

There being no further business, the President thanked all present for their attendance and declared the meeting closed at 2.43pm.