

SHIRE OF NORTHAMPTON

**Minutes of Ordinary Meeting of Council held at the Council Chambers Hampton Road,
Northampton on 22 July 2016**

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7.1 OPENING

The President thanked all Councillors and staff members present for their attendance and declared the meeting open at 1.02pm.

7.2 PRESENT

Cr C Simkin	President	Northampton Ward
Cr M Scott	Deputy President	Kalbarri Ward
Cr T Carson		Northampton Ward
Cr R Suckling		Northampton Ward
Cr M Holt		Kalbarri Ward
Cr D Pike		Kalbarri Ward
Cr S Krakouer		Kalbarri Ward
Mr Garry Keeffe	Chief Executive Officer	
Mr Grant Middleton	Deputy Chief Executive Officer	
Mr Neil Broadhurst	Manager of Works	
Mr Glenn Bangay	Principal Building Surveyor	
Mrs Deb Carson	Planning Officer	

7.2.1 LEAVE OF ABSENCE

Nil

7.2.2 APOLOGIES

Cr Stock-Standen and Cr Stanich

7.3 QUESTION TIME

Nil

7.4 CONFIRMATION OF MINUTES

7.4.1 CONFIRMATION OF MINUTES – ORDINARY COUNCIL MEETING 17th JUNE 2016

Moved Cr SCOTT, seconded Cr KRAKOUER

That the minutes of the Ordinary Meeting of Council held on the 17th June 2016 be confirmed as a true and correct record subject to the following amendment:

Minute 6.8.4 in Cr Scott's declaration of an impartiality interest insert the word "partner" following the word staff.

CARRIED 7/0

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7.4.2 BUSINESS ARISING FROM MINUTES

Nil

7.5 RECEIVAL OF MINUTES

Nil

7.6 WORKS REPORT

7.6.1 INFORMATION ITEMS – MAINTENANCE/CONSTRUCTION WORKS PROGRAM (ITEM 6.1.1)

Noted

Neil Broadhurst departed the meeting at 1:14pm.

7.7 HEALTH/BUILDING REPORT

7.7.1 BUILDING STATISTICS (ITEM 6.2.1)

Noted

Glenn Bangay departed the meeting at 1:15pm.

Grant Middleton departed the meeting at 1:17pm returning at 1:18pm.

7.8 TOWN PLANNING REPORT

7.8.1 LAND-BASED FISHING TOURS LICENSE AGREEMENT – RESERVE 12996 (NORTH) AND R26591 – PAYMENT OF LICENSE FEES IN INSTALLMENTS REQUEST (ITEM 6.3.1)

Moved Cr SCOTT, seconded Cr KRAKOUER

That Council refuse the applicant's request and that Council require full payment of the \$1,500 License fees.

CARRIED 7/0

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7.8.2 PROPOSED FREESTANDING SIGN – KALBARRI FISH TRUCK (ITEM 6.3.2)

Moved Cr HOLT, seconded Cr PIKE

That Council refuses to grant development approval to one (1) freestanding sign on Reserve 25307, Kalbarri due to the following reasons:

1. The location of freestanding signs located on Reserve 25307 is not considered to comply with the purpose and intent of the reserve for recreation and parklands.
2. The location of freestanding signs located on Reserve 25307 at the intersection of Grey and Woods Streets is considered to be remote and will detrimentally affect the amenity of the locale.

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 7/0

7.8.3 PROPOSED BBQ PONTOON AND LICENSE AGREEMENT – RESERVES 25307 AND 26591, MURCHISON RIVER FORESHORE, KALBARRI (ITEM 6.3.3)

Cr Scott declared an impartiality interest in this item, as the applicant's partner is a member of his staff, and departed the meeting at 1:26pm.

Moved Cr KRAKOUER, seconded Cr HOLT

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:
 - i. This Development Approval is an approval for the proposed use for the purposes of the Shire of Northampton's *Town Planning Scheme No. 9 – Kalbarri* and the *Planning and Development Act (2005)* only and does not constitute an Agreement/Licence with the Shire of Northampton or the

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- State of Western Australia in their capacities as management bodies of the reserve within which the use is proposed to be located;
- ii. The proposed Pontoon Hire that traverses the Murchison River and utilising Reserves 25307, 26591 and 12996, shall be limited to one (1) motorised pontoon and trailer for the initial period of twelve months;
 - iii. The Applicant shall provide an Emergency Management Plan to the Shire of Northampton to the approval of the local government prior to the commencement of the proposed use;
 - iv. The Applicant shall contact the Shire of Northampton's Environmental Health Officer to ensure compliance with all environmental health regulations prior to commencement of the proposed use;
 - v. The Applicant shall obtain appropriate approvals for commercial vessel safety with the Australian Maritime Safety Authority, and use an approved vessel only, for the BBQ Pontoon;
 - vi. 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*;
 - vii. This Development Approval is subject to:
 - (a) In-principle approval of the Shire in its capacity as management body of the reserve within which the proposed use is to be located;
 - (b) Approval of the Minister of Lands in accordance with the provisions of the *Land Administration Act (1997)*;
 - (c) A license 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*;
 - viii. This Development Approval shall remain valid whilst the agreement referred to in Condition 1vii (c) remains current and valid, and on the expiration or in the termination of such Licence Agreement, this Development Approval shall cease to be valid;

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- ix. Authorise delegation to the Chief Executive Officer and Planning Officer for preparation and execution of the Licence Agreement in Condition 1vii(c) above with any disputes to be referred back to Council for final determination; and
- x. Refer the modified agreement to Department of Regional Development and Lands – State Land Services for approval.

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.*
- 3. A registered Aboriginal heritage place (DAA 10222 Gidamarra Spring) exists upon Reserve 26591 and it is therefore recommended that the applicant undertake an Aboriginal heritage due diligence assessment of the proposed works prior to project implementation.

CARRIED 6/0

Cr Scott returned to the meeting at 1:32pm

7.8.4	DEVELOPMENT APPROVAL AND LICENSE AGREEMENT FOR NEW OWNERS – BIG RIVER RANCH HORSE TRAIL RIDES, KALBARRI (ITEM 6.3.4)
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Moved Cr CARSON, seconded Cr SUCKLING

That Council:

Grant Development Approval for the experiential use (horse trail rides) upon Reserve 12996 (Lots 12678, 1018 and 120), Murchison River Foreshore Kalbarri, with the following conditions:

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1. This Development Approval is an approval for the proposed use for the purposes of the Shire of Northampton's *Town Planning Scheme No. 9 – Kalbarri* and the *Planning and Development Act (2005)* only and does not constitute an approval of the proposed use by the Shire in its capacity as management body of the reserve within which the use is proposed to be located;

2. Development Approval is subject to:
 - (a) In-principle approval of the Shire in its capacity as management body of the reserve within which the proposed use is to be located;

 - (b) Approval of the Minister of Lands in accordance with the provisions of the *Land Administration Act (1997)*;

 - (c) A Licence Agreement being entered into by the applicant and the Shire in accordance with Council's Policy 9.2 – *Requirements for Licence Agreements to Use Crown Reserves for Commercial, Recreational and Tourism Activities*;

3. This Development Approval shall remain valid whilst the agreement referred to in Condition 2(c) remains current and valid, and on the expiration or in the termination of such Licence Agreement, this Development Approval shall cease to be valid;

4. Authorise delegation to the Chief Executive Officer and Planning Officer for preparation and execution of the Licence Agreement in Condition 2(c) above with any disputes to be referred back to Council for final determination;

5. Refer the modified agreement to Department of Regional Development and Lands – State Land Services for approval;

6. The proposed trail rides that traverse the Murchison River upon Reserve 12996 shall be limited to a maximum of twenty one (21) horses (including staff horses);

7. The Applicant shall provide an Emergency Management Plan, to the approval of the Shire of Northampton, by no later than 31 August 2016; and

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8. The Applicant shall obtain Public Liability Insurance coverage to a minimum of \$20 million, and forward a copy of this certificate to the Shire of Northampton, to comply with the provisions of the Shire of Northampton's *Local Planning Policy – Commercial Recreational Tourism Activity*.

Advice Notes

1. *If the development/use the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect;*
2. *Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.*
3. *If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of determination.*
4. *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.*
5. *Tour operations will take place on land that is within an environmentally sensitive area that provides important habitat for wildlife. Activities should be conducted in a manner that minimises any disturbance, including keeping to existing tracks.*
6. *The Applicant is advised of their obligation to comply with the Aboriginal Heritage Act.*

CARRIED 7/0

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7.8.5 PROPOSED DISPLAY SHELTER – LOT 123 (NO. 239) HAMPTON ROAD, NORTHAMPTON (RSL HALL GROUNDS), AND WAIVE IF DEVELOPMENT FEES REQUEST (ITEM 6.3.5)

Moved Cr PIKE, seconded Cr SUCKLING

That Council:

1. Grant Development Approval for a display shelter and military display upon Lot 123 (No. 239) Hampton Road, Northampton, with the following conditions:
 - i. Development shall be in accordance with the attached approved plan(s) dated 25 July, 2016 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;
 - 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 schedule of materials, finishes and colours as provided shall be strictly adhered to, with the Colorbond corrugated roof being heritage red (Manor Red) and the steel posts and trim being of cream colour;
 - iv. A building permit shall be issued by the local government prior to the commencement of any work on the site;
 - v. All stormwater is to be disposed of onsite to the approval of the local government; and
 - vi. Any soils disturbed or deposited on site shall be stabilised to the approval of the local government.

Advice Notes

1. *If the development/use the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.*

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2. *Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.*
3. *If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of determination.*
2. Waives the Application for Development Approval fee of \$147, and any associated building fees that may otherwise be incurred.

CARRIED 7/0

7.8.6	PROPOSED DWELLING USING PREFABRICATED MATERIALS – LOT 13 (NO. 31) FOURTH AVENUE, NORTHAMPTON (ITEM 6.3.6)
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Moved Cr SUCKLING, seconded Cr CARSON

That Council grants formal development approval to the single house on Lot 13 (No. 31) Fourth Avenue, subject to the following conditions:

1. Development shall be in accordance with the attached approved plan(s) dated 25 July 2016 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plan(s) shall not be modified or altered without the prior written approval of the local government;
2. Any additions to or change of use of any part of the building or land (not the subject of this approval) requires further application and development approval for that use/addition;
3. A building permit shall be issued by the local government prior to the commencement of any work on the site;
4. All stormwater is to be disposed of on-site to the specifications and approval of the local government;
5. Any soils disturbed or deposited on site shall be stabilised to the approval of the local government;

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6. A wastewater apparatus shall be provided and maintained in accordance with the *Health (Treatment of Sewerage & Disposal of Effluent & Liquid Waste) Regulations 1974* to the approval of the Shire of Northampton's Environmental Health Officer;
7. A maneuvering/vehicle turnaround area shall be provided on the southern side of the dwelling and adjacent to the garage, as marked in 'RED' on the attached approved plan(s) dated 25 July 2016;
8. A vehicle access driveway shall be constructed and drained to a compacted gravel standard, and thereafter maintained to the approval of the local government;
9. Bin storage and clothes drying areas shall be provided to the rear of the dwelling, or screened from the view from the street, to the approval of the local government;
10. The building shall not be inhabited until the internal fit out of the building has been completed in accordance with Class 1a National Construction Code Series standards to the approval of the local government;
11. The Applicant shall lodge a Statutory Declaration with the Shire of Northampton, providing a commitment to complete the modifications to the prefabricated shed structure, including windows, doors and verandahs to the approval of the local government, within 24 months from the date of the attached approved plan(s).

Advice Notes

1. *If the development/use the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect;*
2. *Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained;*
3. *If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of determination.*

CARRIED 6/1

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Cr Scott voted against the motion

7.8.7	PROPOSED EXTRACTIVE INDUSTRY – HARD ROCK QUARRY – LOTS 29, 52 & 7890 (NO. 199) HATCH ROAD, BOWES (ITEM 6.3.7)
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Moved Cr SCOTT, seconded Cr PIKE

That Council:

1. Defer a decision on the Application for Development Approval to the August meeting of Council;
2. Conduct a site inspection at the proposed site for development; and
3. Coordinate meetings with both the Applicant and adjoining landowners of Lots 29, 52 and 7890 (No. 199) Hatch Road, Bowes, prior to the August meeting.

CARRIED 7/0

7.8.8	SUMMARY OF PLANNING INFORMATION ITEMS (ITEM 6.3.8)
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Noted

7.9 FINANCE REPORT

7.9.1	ACCOUNTS FOR PAYMENT (ITEM 6.4.1)
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Moved Cr SUCKLING, seconded Cr SCOTT

That Municipal Fund Cheques 20951 to 20989 inclusive totalling \$114,665.77, Municipal EFT payments numbered EFT15161 to EFT15321 inclusive totalling \$1,180,887.80, Trust Fund Cheques 2137 to 2154, totalling \$22,219.73, Direct Debit payments numbered GJ1218 to GJ1224 inclusive totalling \$292,743.24 be passed for payment and the items therein be declared authorised expenditure.

CARRIED BY AN ABSOLUTE MAJORITY 7/0

7.9.2	MONTHLY FINANCIAL STATEMENTS JUNE 2016 (ITEM 6.4.2)
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Moved Cr HOLT, seconded Cr CARSON

That Council adopts the Monthly Financial Report for the period ending 30 June 2016.

CARRIED 7/0

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7.10 ADMINISTRATION & CORPORATE REPORT

7.10.1 PROPOSED ROAD TRAIN ASSEMBLY AREA (ITEM 6.5.1)

Moved Cr SIMKIN, seconded Cr HOLT

That Council supports the North Road option as the best option for a road train assembly area and advise Main Roads WA accordingly.

CARRIED 6/1

Cr Suckling voted against the motion

7.10.2 WA LOCAL GOVERNMENT ASSOCIATION MEMBER MOTIONS FOR AGM (ITEM 6.5.2)

Moved Cr SCOTT, seconded Cr SIMKIN

That:

1. Council delegates vote the affirmative for agenda items 4.2 to 4.11.
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 7/0

7.10.3 REQUEST FOR ADDITIONAL DOG EXERCISE AREA - KALBARRI (ITEM 6.5.3)

Moved Cr SCOTT, seconded Cr PIKE

That Council not approve an additional dog exercise area as requested by Christopher Jeakings as it considers there are adequate exercise areas provided within the Kalbarri townsite and further, due to the lack of response by the residents of Kalbarri, it provided no indication to the Council of a general consensus to provide a clear direction for Council to take.

CARRIED 7/0

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7.10.4 EXPRESSION OF INTEREST FOR LEASE OF COUNCIL LAND (ITEM 6.5.4)

Moved Cr CARSON, seconded Cr SCOTT

That Council

1. Not support the lease of a portion of Lot 101 Mitchell Street, Horrocks to Reg and Sharon Reynolds, as per the draft plan (being the area in white border contained within the Agenda).
2. Obtain an annual rental valuation, and once a valuation is received and considered by Council that expressions of interest for the lease of the area as described within the agenda be called.

CARRIED 7/0

7.10.5 HORROCKS COMMUNITY CENTRE PROGRESS AND CAR PARKS (ITEM 6.5.5)

Noted

7.10.6 OFFICIAL OPENING OF HORROCKS COMMUNITY CENTRE (ITEM 6.5.6)

Moved Cr SUCKLING, seconded Cr SIMKIN

That Council invites guests, as per the proposed list contained within the agenda with the additions of Matt Burrell and John Crothers Jr, to the official opening of the Horrocks Community Centre, to be held on Friday 2nd September 2016.

CARRIED 7/0

Cr Suckling departed the meeting at 2:39pm returning at 2:41pm.

Cr Carson departed the meeting at 2:44pm.

ADJOURNMENT

Council adjourned at 2:44pm.

Meeting reconvened at 2:57pm with the following in attendance:

Cr Simkin, Cr Scott, Cr Suckling, Cr Holt, Cr Krakouer, Cr Pike, Garry Keeffe, Grant Middleton and Debbie Carson.

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7.11 SHIRE PRESIDENT'S REPORT

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

- 22/6/16 Meeting of the Northern Zone Council in Mingenew
- 13/7/16 Meeting regarding Shark Bay safari road with Shire of Shark Bay and Midwest Development Commission representatives

7.12 DEPUTY SHIRE PRESIDENT'S REPORT

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

- 13/7/16 Meeting regarding Shark Bay safari road with Shire of Shark Bay and Midwest Development Commission representatives

7.13 COUNCILLORS' REPORTS

7.13.1 CR HOLT

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

- 12/7/16 Kalbarri Development Association Meeting
- 19/7/16 Western Power meeting

7.14 INFORMATION BULLETIN

Noted

7.15 NEW ITEMS OF BUSINESS

Nil

7.16 NEXT MEETING OF COUNCIL

The next Ordinary Meeting of Council will be held on Friday the 19 August 2016 commencing at 1.00pm at the Council Chambers, Hampton Road, Northampton.

7.17 CLOSURE

There being no further business, the President thanked everyone for their attendance and declared the meeting closed at 3:16pm.