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SHIRE OF NORTHAMPTON

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Friday 15th October 2021**

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10.1 OPENING

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

10.2 PRESENT

Cr C Simkin	President	Northampton Ward
Cr S Krakouer		Kalbarri Ward
Cr P Stewart		Kalbarri Ward
Cr S Smith		Kalbarri Ward
Cr S Stock-Standen		Northampton Ward
Cr D Pike		Kalbarri Ward
Cr R Suckling		Northampton Ward
Cr L Sudlow		Northampton Ward
Cr T Hay	From 2-00pm	Northampton 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	

10.2.1 LEAVE OF ABSENCE

Nil

10.2.2 APOLOGIES

Nil

10.2.3 WALGA RECOGNITION OF SERVICE TO LOCAL GOVERNMENT

On behalf of the Department of Local Government, Sport and Cultural Industries, Cr Simkin presented Cr Stock-Standen with a 'Long and Loyal Service Award' on behalf of the Western Australian Local Government Association in acknowledgement of 17 years of service as Councillor for the Shire of Northampton.

10.3 QUESTION TIME

Nil

10.4 DISCLOSURE OF INTEREST

Cr Krakouer declared a financial interest in Item 7.3.3 Mobile Food Vehicle 'Mad Macaws' as Cr Krakouer has a financial interest in a similar business and may incur a financial gain or loss from the decision of Council.

10.5 CONFIRMATION OF MINUTES

**10.5.1 CONFIRMATION OF MINUTES – ORDINARY COUNCIL MEETING
FRIDAY 17th SEPTEMBER 2021**

Moved Cr KRAKOUER seconded Cr SUCKLING

That the minutes of the Ordinary Meeting of Council held on the 17th September be confirmed as a true and correct record.

CARRIED 8/0

**10.5.2 RESCINDMENT OF MOTION 9.10.1 SPECIAL MEETING OF COUNCIL
(ITEM 7.5.1) OF MINUTES – ORDINARY COUNCIL MEETING FRIDAY
17th SEPTEMBER 2021**

Cr Sudlow raised the matter of the inability of some Councillors to attend the Special Meeting of Council scheduled for Monday 18 October 2021 and sought to reschedule the date of the meeting.

Moved Cr SUDLOW seconded Cr STOCK-STANDEN

That Council rescind the motion 9.10.1 Special Meeting of Council of the minutes of Ordinary Council Meeting Friday 17 September 2021 and set a new date and time for a Special Meeting of Council.

CARRIED 8/0

SHIRE OF NORTHAMPTON
Minutes of Ordinary Meeting of Council held at the Northampton Council Chamber on
Friday 15th October 2021

Moved Cr KRAKOUER seconded Cr STEWART

That the date for a Special Meeting of Council be rescheduled for Tuesday 19 October 2021 commencing at 9.30am to be held at the Northampton Council Chamber, Hampton Road, Northampton with the order of Business to be:

1. Swearing in of Councillors
2. Election of President
3. Election of Deputy President
4. Election of Committees
5. Election/Appointment of Delegates

CARRIED 8/0

10.6 WORKS & ENGINEERING REPORT

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

Noted

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

Council determined that a Sale by Tender method should be undertaken for the sale of the trade in loader to ensure an equitable and transparent process is applied to the sale of this item of plant.

Moved Cr STOCK-STANDEN seconded Cr KRAKOUER

That Council defer the decision to purchase a new loader and the current loader (Shire plant number P252-NR10101) be advertised for sale by public tender process with results presented to Council for determination at their November 2021 meeting.

CARRIED 8/0

Neil Broadhurst departed the meeting at 1.26pm.

10.7 HEALTH & BUILDING REPORT

10.7.1 BUILDING APPROVALS (ITEM 7.2.1)

Noted.

10.8 TOWN PLANNING REPORT

10.8.1 RENEWAL OF LICENSE AGREEMENT – CANOE SAFARI TOURS (ITEM 7.3.1)

Moved Cr SMITH seconded Cr SUCKLING

That Council:

1. Grant Development Approval for an experiential use (canoe safaris) over Reserves 12996, 25307 & 26591 and Lot 1545, Murchison River Foreshore, Kalbarri subject to 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 and 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;
 - b) 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)*; and
 - (iii) A license agreement being entered into by the applicant and the Shire in accordance with Council's *Policy 9.2 – Requirements for License Agreements to Use Crown Reserves for Commercial, Recreational and Tourism Activities*;

- c) This Development Approval shall remain valid whilst the License Agreement referred to in Condition (b)(iii) remains current and valid, and on the expiration or in the termination of such License Agreement, this Development Approval shall cease to be valid.
2. Authorise delegation to the Chief Executive Officer and Planning Officer for the preparation and execution of the License Agreement, with any disputes to be referred back to Council for final determination.

Advice Notes:

- Note 1: The Applicant is advised that this development approval does not negate the requirement for any additional approvals which may be required under separate legislation including but not limited to Environmental Protection Act 1986, Fire and Emergency Services Act 1998 and Aboriginal Heritage Act 1972, It is the Applicant's responsibility to obtain any additional approvals required before the use lawfully commences.*
- Note 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>*
- Note 3. 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;*
- Note 4. 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.*
- Note 5: 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

10.8.2 SUMMARY OF PLANNING INFORMATION ITEMS (ITEM 7.3.2)

Noted.

Cr Krakouer declared a financial interest in Item 7.3.3 Mobile Food Vehicle 'Mad Macaws' as Cr Krakouer has a financial interest in a similar business and may incur a financial gain or loss from the decision of Council.

Cr Krakouer departed the meeting at 1.25pm.

10.8.3 PROPOSED DEVELOPMENT APPROVAL – MOBILE FOOD VEHICLE –
MAD MACAWS – RESERVE 25307 GREY STREET, KALBARRI (ITEM
7.3.3)

Moved Cr STEWART, seconded Cr SUCKLING

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 Policy *Mobile Food Vehicles*, grant approval for a mobile food vehicle to operate upon Reserve 25307 in the carparking area opposite the Kalbarri Riverview Resort at the intersection of Clotworthy and Grey Streets, Kalbarri, subject to the following conditions:

1. Development/use shall be in accordance with the attached approved plans dated 15 October 2021 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;
3. This Development Approval and Mobile Food Vehicle Permit is valid until 30 January 2022, after which the further renewal of the approval by the local government will be required. It is the responsibility of the operator to reapply 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. Should payment of the permit fee not be received by the due date, the current application will become void and no longer valid;
7. 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;
8. The approval is for one (1) Mobile Food Vehicle only;
9. The approved hours of operation of this food van are between 5pm and 9pm, 5 days per week from Thursday through to Monday;
10. The Applicant shall at no time interfere or obstruct the operations and activities of Reserves 25307 and Reserve 52436, or any approved users of the Reserves 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. No signage is permitted in relation to this Development Approval unless otherwise approved in writing by the local government;
14. This approval is issued only to D. Richardson 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;

15. The food van is approved to sell pastas, burgers, nachos, sushi, and salads and cool drink items only;
16. 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;
17. 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;
18. 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;
19. The use of a generator upon Reserve 25307 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;
20. The Applicant shall be wholly financially responsible for the use of electricity accessed via the metered outlet upon Reserve 25307;
21. The parking and storage of the commercial vehicle (mobile food vehicle) upon Lot 830 (No. 14) Bridgeman Rd, Kalbarri shall be provided for within the property boundary and the street verge areas are to be kept free of such vehicles;
22. 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;*
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 8/0

Cr Krakouer returned to the meeting at 1.39pm.

10.9 FINANCE REPORT

10.9.1 ACCOUNTS FOR PAYMENT (ITEM 7.4.1)

Moved Cr SMITH, seconded Cr STOCK-STANDEN

That Municipal Fund Cheques 22119 to 22127 inclusive totalling \$61,394.17, Municipal EFT payments numbered EFT22628 to EFT22728 inclusive totalling \$949,911.54, Trust Fund Cheques 2637 to 2644, totalling \$5,657.20, Direct Debit payments numbered GJ0303 to GJ0312 inclusive totalling \$383,049.23 be passed for payment and the items therein be declared authorised expenditure.

CARRIED BY AN ABSOLUTE MAJORITY 8/0

10.9.2 MONTHLY FINANCIAL STATEMENTS – SEPTEMBER 2021 (ITEM 7.4.2)

Moved Cr STEWART, seconded Cr STOCK-STANDEN

That Council adopts the Monthly Financial Report for the period ending 30 September 2021.

CARRIED 8/0

10.10 ADMINISTRATION & CORPORATE REPORT

10.10.1 CAR PARK LIGHTING (ITEM 7.5.1)

Moved Cr STOCK-STANDEN seconded Cr STEWART

That Council defer the installation of solar lighting towers at the Allen Centre car parks for consideration in the 2022/23 Budget.

CARRIED 7/1

Cr PIKE wished for his name to be recorded as voting against the motion.

10.10.2 SUPERANNUATION FOR ELECTED MEMBERS (ITEM 7.5.2)

Moved Cr SMITH, seconded Cr SUCKLING

That Council, in response to the Western Australian Local Government Associations (WALGA) Draft Superannuation for Elected Members Policy, not support the payment of superannuation to Elected Members or an amendment to the Local Government Act 1995 to pay superannuation to elected Members.

CARRIED 8/0

10.10.3 REQUEST TO LEASE – LOT 81 SEVENTH AVE/KITSON CIRCUIT,
NORTHAMPTON (ITEM 7.5.3)

Moved Cr SUCKLING, seconded Cr STEWART

That Council:

1. Approve the leasing of Lot 81 Seventh Avenue/Kitson Circuit Northampton to John Van Maanen for the purpose of a laydown and storage area for fabrication equipment, machinery, steel supplies and workspace subject to:
 - (a) that the lessee to construct a commercial grade security fence on the boundary of Lot 81 within six months from the commencement of the lease term; and
 - (b) that the lessee to construct a light industrial shed on the lot with the same material and colours as existing sheds in the area within two years from the commencement of the lease.
2. That Council determine that the leasing of Lot 81 has no significant benefit to any other person as the lot has been vacant for many years and no other person/s have shown an interest in either leasing or purchasing the lot and therefore determine it be exempt from advertising requirements as per Section 3.58 of the Local Government Act 1995.

CARRIED 8/0

10.10.4 CHANGE TO BOUNDARY – RESERVE 36615 PORT GREGORY (ITEM
7.5.4)

Moved Cr STOCK-STANDEN, seconded Cr SUDLOW

That Council commence procedures to widen the foreshore severance of Port Street, including the facilities situated both on Reserve 36615 and on the adjoining UCL into the dedicated Port Street road reserve pursuant to section 56 of the *Land Administration Act* and Regulation 8 of the *Land Administration Regulations*.

CARRIED 8/0

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Cr HAY joined the meeting at 2-00pm.

10.10.5 VIDEO CONFERENCING SYSTEM (ITEM 7.5.5)

Moved Cr SIMKIN, seconded Cr SMITH

That Council approves the purchase of a video conferencing system to include mobile screen with microphone, speaker, minimum 65" television screen, full integration with Council computer system, delivery, setup and training for a total cost of \$8,645 excl GST and this be declared authorised expenditure.

CARRIED BY AN ABSOLUTE MAJORITY 9/0

10.10.6 REQUEST FOR FINANCIAL ASSISTANCE – CREATIVE OBSESSIONS
(ITEM 7.5.6)

Moved Cr SIMKIN, seconded Cr KRAKOUER

That Council not support the request by Creative Obsessions for a \$5,000 per annum contribution from Council for operational expenses and defers a decision on the request for an upfront grant to assist with the purchase of Lot 42 Hampton Road, Northampton for consideration at the 19 November 2021 Council meeting following clarification on the ownership and operation of the property.

CARRIED 9/0

10.10.7 CAMPFIRES – REQUEST FOR BAN (ITEM 7.5.7)

Moved Cr SUDLOW seconded Cr SMITH

That Council ban open campfires during the restricted and burning periods, being 15th October to 14th April each year at Lucky Bay, Little Bay and Half Way Bay camp areas as per Section 25 of the Bushfires Act 1954.

CARRIED 9/0

**10.10.8 LETTER OF SUPPORT – EASTERN STATE WORKERS APPROVALS (ITEM
7.5.8)**

Moved Cr STOCK-STANDEN seconded Cr SUDLOW

That Council provides a Letter of Support to Geraldton Building Services and Cabinets supporting the request to secure eastern state workers to relocate to the Midwest Region of Western Australia to address current worker shortages.

CARRIED 9/0

10.11 PRESIDENT'S REPORT

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

- 21/09/2021 Western Australian Local Government Week, Perth
- 22/09/2021 Hon. Minister for Emergency Services Reece Whitby MLA, Perth – Workforce Accommodation
- 24/09/2021 Western Australian Local Government Association, West Leederville – Health Support
- 12/10/2021 Mid-West Regional Road Group Meeting, Geraldton

10.12 VICE PRESIDENT'S REPORT

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

- 20 - 21/09/2021 Western Australian Local Government Week, Perth
- 29/09/2021 Hon. Sandra Carr, MLC and Peter Foster, MLC, Kalbarri
- 5/10/2021 Kalbarri Foreshore Revitalisation meeting, Kalbarri

10.13 COUNCILLORS' REPORTS

10.14.1 CR SUDLOW

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

- 20 - 21/09/2021 Western Australian Local Government Convention, Perth
- 5/10/2021 Kalbarri Foreshore Revitalisation meeting, Kalbarri

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10.14.2 CR PIKE

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

29/09/2021 Hon. Sandra Carr, MLC and Peter Foster, MLC, Kalbarri
5/10/2021 Kalbarri Foreshore Revitalisation meeting, Kalbarri

10.14.3 CR STEWART

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

20 - 21/9/2021 Western Australian Local Government Convention, Perth
29/09/2021 Hon. Sandra Carr, MLC and Peter Foster, MLC, Kalbarri
5/10/2021 Kalbarri Foreshore Revitalisation meeting, Kalbarri

10.14.4 CR HAY

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

20 – 21/09/2021 Western Australian Local Government Convention, Perth

10.14.5 CR SMITH

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

12/10/2021 Kalbarri Visitor Centre meeting, Kalbarri

10.14.6 CR SUCKLING

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

5/10/2021 Kalbarri Foreshore Revitalisation meeting, Kalbarri

10.14 NEW ITEMS OF BUSINESS

10.14.1 INTERNET CAPACITY IN KALBARRI

Cr Stewart raised concern about slow internet speeds in Kalbarri and their continued decline which is impacting on businesses.

Moved Cr STEWART seconded Cr SUDLOW

That Council forward correspondence to Telstra and NBN seeking an explanation for slow internet speeds and their continued decline in Kalbarri.

CARRIED 9/0

10.14.2 EXPRESSION OF THANKS TO OUTGOING SHIRE PRESIDENT

Cr Stock-Standen acknowledged the efforts and commitment of Craig Simkin in his role as Shire President over the past ten years.

Moved Cr KRAKOUER seconded Cr SMITH

That Council records an official vote of thanks to Craig Simkin for the dedication and commitment shown in his term as Shire President of the Shire of Northampton.

CARRIED 9/0

10.15 NEXT MEETING OF COUNCIL

The next Ordinary Meeting of Council will be held on Friday 19th November 2021 commencing at 1.00pm at the Allen Centre, Kalbarri.

10.16 CLOSURE

There being no further business, the President thanked everyone for their attendance and declared the meeting closed at 2.45pm.

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THESE MINUTES CONSISTING OF PAGES 1 TO 13 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON FRIDAY 19TH NOVEMBER 2021.

PRESIDING MEMBER: _____

DATE: _____