

SHIRE OF NORTHAMPTON

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

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4.1 OPENING

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

4.2 PRESENT

Cr G Parker	President	Northampton Ward
Cr G Wilson	Deputy President	Northampton Ward
Cr S Stock-Standen		Northampton Ward
Cr O Simkin		Northampton Ward
Cr P Gliddon		Kalbarri Ward
Cr A Link		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	
Mr Rod Bayliss	Environmental Health/Building Surveyor	
Mrs Hayley Williams	Principal Planner	
Mr Neil Broadhurst	Manager of Works and Technical Services	

4.2.1 LEAVE OF ABSENCE

Nil

4.2.2 APOLOGIES

Cr E Simkin	Northampton Ward
Cr V Maskrey	Northampton Ward

4.3 QUESTION TIME

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

4.3.1 MR BARRY KRAMER – APOLOGY

Mr Kramer asked the following question of Council, At the Ordinary Meeting of Council 28th November 2003 Council moved a motion to censure one of their Councillors for putting the number 9 instead of a number 4 in an article he wrote in the Kalbarri Town Talk magazine. The motion was carried, ordering the Councillor to print a public apology and also apologise to Council and its Staff. The new Councillor naively complied.

It is beyond the powers of a Council to pass a motion requiring a Councillor to make a public or any sort of apology or take any action.

On the 10th of October 2005 Cheryl Gwilliam, Executive Director of the LGRD confirmed this in her correspondence to Council.

On the 16th of December 2005 John Gilfellon, Manager, Local Government Support & Development, confirmed this in his email to Council.

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On the 4th of April 2008 the Hon Ljiljanna Ravlich MLC Minister of Local Government who states her advice came from the Department of LGRD also confirms this in her correspondence that was forwarded to the Council.

It has now been proven that the President, Cr. George Parker the Council and the CEO acted beyond their powers when they moved and carry that censure motion.

As a matter of principal will Council comply with the Local Government Act and all the professional advice its received from the Department and rescind this censure motion and officially apologies to all those who have been negatively affected by their blunder and lack of procedural fairness?

If not, why not?

The President advised the meeting that this issue was planned to be dealt with later today during the April 2008 Administration and Corporate Report Item 6.5.8 and no further comment will be made until that time.

4.3.2	MR BARRY KRAMER – LOT 588 GREY STREET KALBARRI
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Mr Kramer request that Council clarify on what negotiations took place in relation to the annual rent review of Crown Reserve 25448 being Lot 588 Grey Street, Kalbarri.

The Chief Executive Officer, Mr Garry Keefe advised the meeting as per Councils lease the lessee can if want negotiate with Council prior to any decision being made the amount which is to be charged. This negotiation however still needs to be approved by full Council. In this instance the current lessee has not requested any negotiation with Council on this matter.

4.4	CONFIRMATION OF MINUTES
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4.4.1	CONFIRMATION OF MINUTES – ORDINARY COUNCIL MEETING 19 TH MARCH 2008
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Moved Cr Stock-Standen, seconded Cr O Simkin

That the minutes of the Ordinary Meeting of Council held on the 19th March 2008 be confirmed as a true and correct record.

CARRIED 8/0

4.4.1.1	BUSINESS ARISING FROM MINUTES
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Nil

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4.5 RECEIVAL OF MINUTES

Nil

4.6 WORKS, RESERVES & BEACHES REPORT

4.6.1	MAINTENANCE (ITEM 6.1.1)	WORKS/PROGRAM	WORKS
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Noted

4.6.2	ECO FLORA KALBARRI VISION STAGE 1 (WAPC REF: 125532) ASPHALT DEFECTS (ITEM 6.1.2)		
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Moved Cr Allen, seconded Cr O Simkin

That Council hold a Special Meeting of Council onsite at Eco Flora Kalbarri to discuss the asphalt defects within the subdivision and that the date of this meeting be determined once all parties have been informed of this decision

CARRIED 8/0

4.7 TOWN PLANNING REPORT

4.7.1	PROPOSED HORROCKS BEACH STRUCTURE PLAN – LOTS 110, 112, 114 & 115 HORROCKS/WHITE CLIFFS ROADS, HORROCKS (ITEM 6.2.1)		
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Moved Cr Stock-Standen, seconded Cr L Parker

That Council:

1. Adopt the Horrocks Beach Structure Plan for Lots 110, 112, 114 & 115 Horrocks/White Cliffs Roads, Horrocks as shown on the submitted plan dated 18 April, 2008 subject to the following conditions and modifications:
 - a. The Applicant/Owner is to modify the title of the Structure Plan to “Proposed Structure Plan – Lots 110, 112, 114 & 115 Horrocks and White Cliffs Roads, Horrocks”;
 - b. The Applicant/Owner is to combine the contents of the current Structure Plan Report and relevant parts of the May 2007 Report, to enable the document to be read in a legible and coherent manner;
 - c. The eastern boundary of “Rural Land Subject to Further Planning” being modified to reflect topographical boundaries rather than cadastre boundaries. Include Part of Lot 27 along the ridgeline and west of ridgeline and omitting part of Lot 112 east of ridgeline (refer Attachment A2-A3);

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- d. The Structure Plan is to comply with WAPC Policy DC 3.7 and Planning for Bushfire Protection document and the Applicant/Owner preparing a Bushfire Management Strategy prior to subdivision. The Structure Plan Report being modified to reference this condition.
- e. The Applicant/Owner is to supply services for waste water and water supplies to residential lots within the Structure Plan area as negotiated and regulated with Department of Water and Water Corporation;
- f. The Applicant/Owner is to undertake a Geotechnical Assessment of the escarpment prior to subdivision occurring. The Structure Plan Report being modified to reference this condition;
- g. The Applicant/Owner is to remove all details pertaining to the Tourism Sites (Camel's Head & Three Mile Beach) and extension of White Cliffs Road over Lot 20 from the Structure Plan;
- h. The Applicant/Owner is to include specific Land Management Controls for "Rural Smallholdings" within any future rezoning amendment;
- i. The Applicant/Owner is to include specific Water Management Controls for "Rural Smallholdings" within any future rezoning amendment in accordance with Department of Water requirements;
- j. A Local Water Management Strategy is to be prepared by the Applicant/Owner prior to rezoning. The Structure Plan being modified to reference this condition;
- k. The Applicant/Owner is to include the following information within the Structure Plan Report:
 - i. Section 4.2 Planning Framework – Reference to SPP No. 1, 2.0, 2.9 and 3.0;
 - ii. Section 4.3 Existing and Future Land Use – Reference in detail SPP 3.0-Liveable Neighbourhoods;
 - iii. Section 5.11 Public Utilities – Provide a reference to the preparation of a Local Water Management Strategy being prepared as part of any rezoning amendment.
- l. The Applicant/Owner is to undertake a spring flora survey prior to subdivision occurring;

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- m. The Applicant/Owner is to provide detailed consideration of the interface between Public Open Space and Residential Lots prior to rezoning. The Structure Plan Report being modified to reference this condition;
 - n. Amend wording in Structure Plan Report from “WA Heritage Commission/WA Heritage Council Register” to “State Register of Heritage Places;
 - o. The Applicant/Owner is to remove reference to Camel’s Head from Section 5.5 Natural Features;
 - p. Amend wording “Northampton” (Northampton) Pg 10, “Capitalisation” (Capitalising) on Pg 13; and
 - q. Include reference to potential lot yield from “Rural Smallholding” area in Section 5.8.
- 2. Advise the owner/s of Lot 22 that give the Western Australian Planning Commission’s resolution dated 13 September, 2007 Council is not supportive of the inclusion of this land within the Structure Plan;
 - 3. Refer the Structure Plan to the Department for Planning and Infrastructure for their endorsement once the abovementioned modifications have been made to the Structure Plan Report and Maps; and
 - 4. Advise the Department of Planning and Infrastructure that the modifications to the Structure Plan are minor in nature and do not materially alter the WA Planning Commissions resolution dated 13 September, 2007. For this reason Council anticipates that the Structure Plan will be able to progress in a timely manner.

CARRIED 8/0

4.7.2 PROPOSED LANDSCAPE MANAGEMENT PLAN – CAPITAL HILL ESTATE, KALBARRI VISION (ITEM 6.2.2)

Council undertook some discussion on this matter until Cr L Parker realised he had an interest in this matter.

Cr L Parker declared a interest in this item as he owns property adjacent to the applicant and therefore may incur a financial gain or loss from Council’s decision and left the meeting at 1.35pm.

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Moved Cr Link, seconded Cr Allen

That Council:

1. Endorse the landscape masterplan as attached Item 6.2.2 of the April 2008 Town Planning Report subject to the following conditions/modifications:
 - a. Plans being modified to realign landscaped garden beds with property boundaries rather than verge, in particular Topaz Bend Public Open Space, Amber and Emerald Vista Public Open Space, as shown in red on the plan;
 - b. Placement of a pram ramp at Opal Court as shown in red on the plan;
 - c. The footpath along Sunstone/Topaz streets be amended to show asphalt infill between kerb and dual use path and the round-a-bout be amended to show a washed gravel seal as shown in red on the plan; and
 - d. An irrigation plan being approved by the Local Government prior to commencement of landscaping works.
2. Issue clearance to Condition No. 21 of the WA Planning Commission subdivisional approval Ref: 130753 subject to a legal agreement being entered into between the developer and the Shire (at the subdivider's cost) ensuring the undertaking and completion of landscaping works within 6 months and maintenance thereafter for a 5 year period of the endorsed landscape masterplan;
3. Advise the applicant that as the proposed landscaped entry statement is within road reserve Council will not be maintaining the entry statement other than in accordance with normal maintenance requirements of road reserves within the Shire.
4. Council authorise management to investigate if a bond can be levied on this work and if so this be brought back to Council for ratification at the next Ordinary Council Meeting.
5. The cash bond if applicable be supported by a legal agreement, prepared by Council's appointed solicitor at the subdivider's cost.

CARRIED 7/0

Cr L Parker entered the meeting at 1.37pm.

The Manager of Works and Technical Services, Mr Neil Broadhurst left the meeting at 1.37pm.

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4.7.3 TEMPORARY TRAILERLISED STORAGE FACILITY –
FORESHORE RESERVE 25307, KALBARRI (ITEM 6.2.3)

Cr Allen declared a interest in this item as his family business is adjacent to the applicants and therefore may incur a financial gain or loss from Council's decision and left the meeting at 1.38pm.

Moved Cr Stock-Standen, seconded Cr Link

That Council grant planning approval for a temporary trailerlised storage facility on Reserve 25307, Kalbarri subject to the following conditions:

1. Development shall be in accordance with the attached approved plan(s) dated 18 April, 2008 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; and
2. The trailerised storage facility being maintained to the approval of the local government.

Advice Note:

1. The Lessee is not to bring on permit to be brought onto the said area any vehicle or structure without the prior written approval of the Shire.

CARRIED 7/0

Cr Allen entered the meeting at 1.40pm.

4.7.4 SUMMARY OF PLANNING INFORMATION ITEMS
(ITEM 6.2.4)

Noted

4.7.5 PROPOSED BOUNDARY RATIONALISATION – LOTS 4
& 775 LARRARD ROAD, BOWES (ITEM 6.2.5)

Moved Cr Wilson, seconded Cr O Simkin

That Council support the proposed boundary relocation of Lots 4 and 775 Larrard Road, Bowes as shown on WAPC File 137287 on the basis that:

1. There is no increase in the number of titles created as a result of this application;
2. The resultant lot sizes of 60 and 37 hectares is consistent with lot sizes in the vicinity of the application;
3. The proposal allows for a relocation of the existing boundaries whilst still maintaining the present rural uses; and

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4. The proposal does not allow for any additional dwelling entitlements on either of the properties.

CARRIED 8/0

4.8	HEALTH AND BUILDING REPORT
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4.8.1	INFORMATION ITEMS (ITEM 6.3.1)
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Noted

4.8.2	SUBMISSION ON THE DRAFT PUBLIC HEALTH BILL 2008. (ITEM 6.3.2)
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Moved Cr O Simkin, seconded Cr Gliddon

That Council confirms its support for the Draft Public Health Bill 2008 and forward its submission based upon the comments contained in April 2008 Heath Building Report.

CARRIED 8/0

4.8.3	TOBACCO PRODUCTS CONTROL ACT 2006 AND TOBACCO PRODUCTS CONTROL REGULATIONS – EXTENDING THE SMOKING BAN TO ALFRESCO DINING AND PUBLIC BEACHES. (ITEM 6.3.3)
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Moved Cr Link, seconded Cr Wilson

That Council confirm its support subject to the clarifications as indicated in the April 2008 Heath Building Report to the Department of Health.

CARRIED 8/0

4.8.4	REQUEST FOR USE OF SHIRE RESERVE 39474 FOR TEMPORARY STORAGE – J & B BROCKWELL (ITEM 6.3.4)
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Moved Cr Allan, seconded Cr Wilson

That Jarrod and Brenda Brockwell of No. 1, Lot 308 Maver Street, Kalbarri be permitted to store two sea containers on Reserve No. 39474 for the duration of the construction of their dwelling house subject to:

- (a) The sea containers being located immediately adjacent to Lot 308 Maver Street to the satisfaction of Senior Management;
- (b) The areas around the sea containers being maintained in a safe and clean condition at all times;
- (c) Security of the sea containers being the responsibility of the applicants;
- (d) The sea containers being removed from the Reserve immediately they are emptied;

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- (e) At the conclusion of usage of the area it be reinstated to the satisfaction of Senior Management.

CARRIED 8/0

4.8.5	BUILDING STATISTICS (ITEM 6.3.5)
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Noted

The Environmental Health/Building Surveyor, Mr Rod Bayliss and the left Principal Planner, Mrs Hayley Williams left the meeting at 1.57pm.

4.9	FINANCE REPORT
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4.9.1	ACCOUNTS FOR PAYMENT (ITEM 6.4.1)
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Moved Cr L Parker, seconded Cr Gliddon

That Municipal Fund Cheques 17305 to 17342 inclusive, totalling \$259,294.20; Municipal EFT payments numbered EFT5321 to EFT5389 inclusive totalling \$270,157.95; Trust Fund Cheques 1654 to 1660 inclusive, totalling \$1,154.35, be passed for payment and the items therein be declared authorised expenditure.

CARRIED BY ABSOLUTE MAJORITY 8/0

4.9.2	MONTHLY FINANCIAL STATEMENTS – 31 ST MARCH 2008 (ITEM 6.4.2)
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Moved Cr Link, seconded Cr Wilson

That the Monthly Financial Statements for the period ending 31st March 2008 as presented in the April 2008 Finance Report be received.

CARRIED 8/0

4.10	ADMINISTRATION AND CORPORATE REPORT
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4.10.1	NORTHAMPTON WORKS DEPOT (ITEM 6.5.1)
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Moved Cr L Parker, seconded Cr Stock-Standen

That Council:

1. Not accept the tender submitted by the KMC Group.
2. Re-advertise calling for tenders and the submitted tenderer be advised of this and their tender to be considered with others received.
3. Management be authorised to obtain quotes for the construction of the depot and these be presented to Council when finalised.

CARRIED 8/0

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4.10.2 CROWN RESERVE 25448 – LOT 588 GREY STREET, KALBARRI (ITEM 6.5.2)

Cr Allen declared an interest in this item as his family business currently leases Lot 588 Grey Street and therefore may incur a financial gain or loss from Council's decision and left the meeting at 2.11pm.

Moved Cr Link, seconded Cr Stock-Standen

That Council adopt an annual rent of \$17,800 for Crown Reserve 25448, Lot 589 Grey Street, Kalbarri

ADMENDMENT

Moved Cr Gliddon, seconded Cr L Parker

That the annual rent for Lot 588 Grey Street, Kalbarri be \$15,000.

LOST 3/4

The original motion was then put.

CARRIED 7/0

Cr Allen entered the meeting at 2.20pm.

4.10.3 LOT 11 HAMPTON ROAD – NORTHAMPTON (ITEM 6.5.3)

Moved Cr O Simkin, seconded Cr Stock-Standen

That Council enter into a two year lease with the Department of Housing and works for Lot 11 Hampton Road, Northampton at an annual rent of \$5,200

CARRIED 8/0

4.10.4 BATAVIA REGIONAL ORGANISATION OF COUNCILS – MEMORANDUM OF UNDERSTANDING AGREEMENT WITH STATE GOVERNMENT (ITEM 6.5.4)

Moved Cr Link, seconded Cr Allan

That Council endorse the entering into a Memorandum of Understanding agreement with the State Government as proposed by the Batavia Regional Organisation of Councils and the projects as highlighted within Item 6.5.4 of the April 2008 Administration and Corporate Report be supported.

CARRIED 8/0

4.10.5 WA GRANTS COMMISSION SPECIAL HEARING (ITEM 6.5.5)

Noted

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4.10.6 STRATEGIC 10 YEAR PLAN (ITEM 6.5.6)

Moved Cr Stock-Standen, seconded Cr Gliddon

That Council list for consideration within the 2008/2009 budget a provision of \$8,000 for the development of a 10 year strategic and future plan for the Shire of Northampton.

CARRIED 8/0

4.10.7 REVIEW OF POLICIES, DELEGATIONS & FINANCIAL PLAN FOR THE FUTURE (ITEM 6.5.7)

Moved Cr L Parker, seconded Cr Link

That a Special Meeting of Council be held Wednesday 28th May 2008 commencing at 9.30am at the Northampton Council Chambers, Northampton to undertake a review of the Delegation Register, Policy Manual and a Financial Plan for the Future.

CARRIED 8/0

4.10.8 BARRY KRAMER – REQUEST TO RESCIND A MOTION (ITEM 6.5.8)

Moved Cr L Parker, seconded Cr Wilson

That Council advise Mr Kramer that his request is to be deferred until legal advice has been received on this matter and considered by the Council.

CARRIED 8/0

4.10.9 FUTURE OF RECREATIONAL FISHING (ITEM 6.5.9)

Moved Cr Stock-Standen, seconded Cr Parker

That Council: forward the below comments in relation to the current review of rules and regulations into offshore recreational fishing:

Recommendation 1 - reduction in high risk fish

For protection of the species this is supported however the commentary relates to the survival of pink snapper from the deep. This is not always the case with other species such as baldchin groper, dhufish etc where a large number do not survive once brought to the surface. An easier approach would be to allow each fisherman a total of six fish, any species and that's it. Not have the confusion of 4 high risk etc when some will perish.

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Recommendation 2 – Pink Snapper reduction

Not supported as the current limit of four is okay, however it would be best to limit the boat size catch. In this instance it may be more feasible to allow each fisherman four, however only a total of eight for the boat irrespective of the number of anglers on the boat.

Recommendation 3 – Pink Snapper Size Limit

This is supported provided recommendation 2 is not adopted or amended to a boat limit.

Recommendation 4 – boat limit

A boat limit for high risk fish is supported.

Recommendation 5 – seasonal restrictions

Seasonal restrictions are not supported and will have a severe affect to the tourism industries.

The position paper refers to school holidays being protected but many visitors come to our region outside school holiday periods when the fishing is at its best due to the weather.

Restrictions such as these will be costly to police and believe by placing restrictions on bag limits and sizes is are a far more effective option.

Recommendation 6A – scuba diving for prized fish

No comment

Recommendation 6B – use of power assisted fishing reels

From a personal opinion the use of such highly engineered equipment is not recreation fishing and support the recommendation with the exception that use of such equipment by those with disabilities is retained.

Recommendation 7 – Fishing Competitions targeting high risk species

No doubt if this recommendation is adopted it will have a severe effect on Kalbarri with their competition as well as others along the coast.

Such competitions are an economic boost to our communities and to totally ban them from high risk fish will reduce participation.

Believe option of reduction in numbers and increase in sizes for such competitions should first be considered.

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Recommendation 8 – Abrolhos Islands limit

No comment.

Recommendation 9 – enhancement of Recreational Angler Logbook Program

No comment.

Recommendation 10 – recreation fishing trust fund

No comment.

Recommendation 11 – large scale fish reserves

Supported

CARRIED 8/0

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

- Murray Criddle Function
- Batavia Regional Organisation of Councils Meeting
- Meeting with Police on various issues
- Yilgarn Resources update session

4.12	DEPUTY PRESIDENTS REPORT
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Since the last Council meeting the Deputy President reported on his attendance to the following:

- Local Government Advisory Board Meeting
- Communities Working Together Meeting

4.13	COUNCILLORS REPORTS
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4.13.1	CR O SIMKIN
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Since the last Council meeting Cr O Simkin reported on his attendance to the following:

- Northampton Country Club Meetings.

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

- ACC Meeting.

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4.13.3 CR STOCK-STANDEN

Since the last Council meeting Cr Stock-Standen reported on her attendance to the following:

- Northampton Country Club Meeting.

4.13.4 CR L PARKER

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

- Kalbarri Sport & Recreation Meeting.

4.13.5 CR LINK

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

- Murray Criddle Function.
- McLeod's Solicitors Information Seminar - Geraldton.

4.14 INFORMATION BULLETIN

Nil

4.15 NEW ITEMS OF BUSINESS

Nil

4.16 NEXT MEETING

The next Ordinary Meeting of Council will be held at the Northampton Council Chambers, Northampton on Friday the 16th May 2008.

4.17 CLOSURE

There being no further business, the President thanked all present for their attendance and declared the meeting closed at 3.18pm.