



Shire of
Nannup
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Minutes

Council Meeting held Thursday 25 October 2018

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Minutes

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 4:31 pm.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

ATTENDANCE:

Shire President: Cr A Dean

Councillors: R Mellema, C Buckland, R Longmore, N Steer, V Hansen, C Stevenson and P Fraser

David Taylor – Chief Executive Officer

Tracie Bishop – Manager Corporate Services

Jane Buckland – Development Services Officer

APOLOGIES:

Jonathan Jones – Manager Infrastructure

LEAVE OF ABSENCE:

Nil

VISITORS:

Cheryle Brown, Ian Gibb, Kerri Firth, Julie Kay and Len Gilchrist.

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.

Nil.

4. PUBLIC QUESTION TIME:

Mr Len Gilchrist, Lot 35 Blackwood River Drive, Nannup

Mr Gilchrist: Bearing in mind that the Music Club now is dabbling in real estate in Nannup, will they still be receiving handouts in either cash or in kind in future years from the local authority?

Shire President: I'm not sure about dabbling in real estate; the Music Club have bought themselves a permanent home. Until the council decides otherwise then the business conducted by Council with community groups, which is the Music Club; will continue until that policy is changed.

Mr Gilchrist handed a copy of his question for Council records.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. PETITIONS/DEPUTATIONS/PRESENTATIONS

Mr Murray Curran; Outdoor Education teacher for Hale School made a short presentation on the safety procedures observed and utilised by Hale School when undertaking outdoor activities.

7. DECLARATIONS OF INTEREST

Councillor	Item	Type of Interest	Subject
Fraser	12.2	Proximity	Development Application for Private Camping Ground
Mellema	12.9	Impartiality	Support for RSL Commemorative Art Installation
Longmore	12.9	Impartiality	Support for RSL Commemorative Art Installation
Steer	12.9	Impartiality	Support for RSL Commemorative Art Installation
Hansen	12.9	Impartiality	Support for RSL Commemorative Art Installation
Stevenson	14.1	Impartiality	Nannup Skip Bins Reduced Fees & Afterhours Access

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

8.1 18154 HANSEN/LONGMORE

That the Minutes of the Ordinary Council Meeting held on 27 September 2018 be confirmed as a true and correct record.

CARRIED (7/0)

9. MINUTES OF COUNCIL & OTHER COMMITTEES

9.1 18155 STEVENSON/BUCKLAND

That the Minutes of the BIG N Inc. Annual General Meeting held 30 August 2018 be received.

CARRIED (7/0)

9.2 18156 STEVENSON/BUCKLAND

That the Minutes of the BIG N Inc. meeting held 30 August 2018 be received.

CARRIED (7/0)

9.3 18157 STEVENSON/BUCKLAND

That the Minutes of the Western Australian Local Government Association State Council meeting held 7 September 2018 be received.

CARRIED (7/0)

9.4 18158 LONGMORE/HANSEN

That the Minutes of the Shire of Nannup Risk Management Advisory Committee held 23 October 2018 be endorsed.

CARRIED (7/0)

10. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION
Nil

11. REPORTS BY MEMBERS ATTENDING COMMITTEES

Date	Meeting	Councillor
23 October	Risk Management Advisory Committee	Longmore, Steer

12. REPORTS OF OFFICERS

AGENDA NUMBER:	12.1
SUBJECT:	Delegated Planning Decisions for September 2018
LOCATION/ADDRESS:	Various
NAME OF APPLICANT:	Various
FILE REFERENCE:	TPL18
AUTHOR:	Jane Buckland – Development Services Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	10 October 2018
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	12.1.1 – Register of Delegated Development Approvals

BACKGROUND:

To ensure the efficient and timely processing of planning related applications, Council delegates authority to the Chief Executive Officer to conditionally approve Application for Development Approval that meet the requirements of both Local Planning Scheme No.3 (LPS3) and adopted Council policy.

Delegated planning decisions are reported to Council on a monthly basis to ensure that Council has an appropriate level of oversight on the use of this delegation. A Register of Delegated Development Approvals, detailing those decisions made under delegated authority in September 2018 is presented in Attachment 12.1.1.

COMMENT:

As shown in the attachment, each application has been advertised in accordance with LPS3 and Council’s adopted Local Planning Policy *LPP5 Consultation* as detailed in the Policy Implications section of this report.

During September 2018, three (3) development applications were determined under delegated authority. The table below shows the number and value of development applications determined under both delegated authority and by Council for September 2018 compared to September 2017:

	September 2017	September 2018
Delegated Decisions	2 (\$281,924.00)	3 (\$78,500)
Council Decisions	2 (\$266,826.00)	0
Total	4 (\$548,750.00)	3 (\$78,500)

STATUTORY ENVIRONMENT:

Planning and Development Act 2005, Local Government Act 1995 and LPS3.

Regulation 19 of the *Local Government (Administration) Regulations 1996* requires that a written record of each delegated decision is kept.

POLICY IMPLICATIONS:

Applications for Development Approval must be assessed against the requirements of LPS3 and Local Planning Policies adopted by Council. These Policies include Local Planning Policy *LPP5 Consultation* which details the level and scope of advertising required for Applications for Development Approval.

Each application processed under delegated authority has been processed and advertised, and has been determined to be consistent with the requirements of all adopted Local Planning Policies.

FINANCIAL IMPLICATIONS:

The required planning fees have been paid for all applications for Development Approval processed under delegated authority.

STRATEGIC IMPLICATIONS:

Nil.

RECOMMENDATION:

That Council receives the report on Delegated Development Approvals for September 2018 as per Attachment 12.1.1.

VOTING REQUIREMENTS:

Simple Majority.

18159 LONGMORE/STEVENSON

That Council receives the report on Delegated Development Approvals for September 2018 as per Attachment 12.1.1.

CARRIED (7/0)

Cr Fraser declared a Proximity Interest in Item 12.2.

Cr Fraser left the room at 4.51pm

AGENDA NUMBER:	12.2
SUBJECT:	Development Application for Private Camping Ground
LOCATION/ADDRESS:	Lot 10870 on P153075 (No. 235) Nevermann Road, Jalbarragup
NAME OF APPLICANT:	Common Ground Pty Ltd
FILE REFERENCE:	A194
AUTHOR:	Steve Thompson – Consultant Planner
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Edge Planning & Property receive payment for planning advice to the Shire and declare a Financial Interest (section 5.70 of the Local Government Act 1995)
DATE OF REPORT:	17 October 2018
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	12.2.1 - Location map 12.2.2 - Original information from applicant 12.2.3 - Submissions 12.2.4 - Advice from Strategen Environmental 12.2.5 - Local Planning Policy LPP012 Tourist Accommodation in Rural Areas

BACKGROUND:

The Shire has received a Development Application from the owners of Lot 10870 (No. 235) Nevermann Road, Jalbarragup for a private camping ground.

The site, shown in Attachment 12.2.1, is located approximately 10 kilometres west of the Nannup townsite. The site is 34.5 hectares in area, largely cleared, and contains a barn and an ablutions building. The site is bordered by the Blackwood River on two boundaries.

Details of the proposal are outlined in Attachment 12.2.2. In summary, the applicant proposes a private camping ground (primarily for school camps), construction of a shelter and an additional ablutions building.

Consultation

The Shire administration undertook consultation through inviting public comment on the Development Application for a period of 42 days by writing to 3 adjoining/nearby landowners, Department of Biodiversity, Conservation & Attractions; and the Department of Fire and Emergency Services (DFES) along with placing details on the Shire website.

The Shire received three submissions on the Development Application which are set out in Attachment 12.2.3. Two submissions support the application, while DFES conclude that this application should be deferred.

In response to the DFES submission, the applicant appointed Strategen Environmental to review the Bushfire Management Plan (BMP) and the Bushfire Emergency Evacuation Plan (BEEP) prepared by the applicant. Strategen's advice is set out in Attachment 12.2.4.

Planning framework

The property is zoned "Agriculture" in the *Shire of Nannup Local Planning Scheme No. 3* (LPS3). "Camping Area" is an "A" use in the Agriculture Zone as set out in the LPS3 Zoning Table. The Council has the legal power under LPS3 to approve the Development Application after first seeking comment.

The application and the site are subject to a range of planning, environmental, bushfire and servicing policies and documents. This includes *State Planning Policy 3.7 Planning in Bushfire Prone Areas* (SPP3.7), *Guidelines for Planning in Bushfire Prone Areas*, *Shire of Nannup Local Planning Strategy* and *draft Shire of Nannup Local Planning Strategy*. In summary, the documents require effective natural resource management, addressing risk/safety and seeking to diversify the local economy including through supporting tourism.

The *Guidelines for Planning in Bushfire Prone Areas* outline that camping grounds are a "vulnerable land use". This includes uses, such as short stay accommodation or visitation uses, that involve people who are unaware of their surroundings, who may require assistance or direction in the event of a bushfire, and people who may be less able to respond in a bushfire emergency.

Most of the property is located within a bush fire prone area as designated by the Fire and Emergency Services Commissioner.

Local Planning Policy *LPP012 Tourist Accommodation in Rural Areas* is set out in Attachment 12.2.5.

The *Shire of Nannup Strategic Community Plan 2017 – 2027* identifies tourism as one of the strategic drivers, it seeks to attract more people to the district and it supports a diversified economic base.

COMMENT:

Following an assessment of the Development Application against the planning framework, submissions and information provided by the applicant, the Development Application is considered to be generally consistent with LPS3, strategies and policies.

It is recommended that Council conditionally approve the Development Application given:

- it is overall consistent with the planning framework;
- it supports diversifying and growing the local economy, supporting job creation and supports tourism;
- the camping area is well setback from off-site agricultural operations;
- no clearing of native vegetation is proposed;
- there are expected to be manageable environmental impacts given the land is cleared and wastewater disposal is required to comply with Shire and Department of Health requirements;
- there are no objections from other Shire officers/units;
- Strategen Environmental confirm that the application generally addresses the *Guidelines for Planning in Bushfire Prone Areas* and are prepared to update and sign off the BMP and BEEP; and
- development conditions can assist to control the use and management of the development.

Key issues

While noting the above, the key issues with the application are summarised below:

- Bushfire management/emergency management – this is considered to be the major issue given the site's location. Camping is a vulnerable land use and there are times when there will be a large number of children/young adults on the property. There are significant risks to visitors and guests staying at the property who may be unfamiliar with the area and unaware that bushfire poses a significant risk to people and properties in the area. While noting this, based on Strategen's advice and subject to implementation and on-going review of the BMP and BEEP, it appears that associated risks can be managed. It is recommended that the BMP and BEEP are updated by a bushfire planning practitioner prior to camping commencing;

- Flood risk – while there is no flood mapping for this section of the Blackwood River, the application does not propose habitable buildings;
- Standard of Nevermann Road and developer contributions – Nevermann Road is unsealed but is usually in good condition. While the proposed development will increase traffic volumes and impacts, the traffic generation is expected to be infrequent. Accordingly, the officer recommendation does not include a condition requiring a proportionate financial contribution to upgrade Nevermann Road;
- Effluent disposal – the systems will need to be located and designed to minimise off-site environmental impacts;
- Water supply – need to address Australian standards;
- Right to farm - while the area is not a priority agricultural land, it is suggested there should be an on-going “right” to farm on adjoining/nearby properties without undue impact from the camping grounds;
- On-going management - the responsibility for appropriate on-going management rests with the operator/manager to ensure that visitors are responsible and do not create inappropriate impacts, including noise, to adjoining/nearby properties. Various development conditions are recommended to minimise land use impacts and encourage appropriate neighbourly relations. This includes the requirement to prepare and gain approval for an appropriate Management Plan; and
- Length of approval - the recommendation does not set a time limit.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005, Planning and Development (Local Planning Schemes) Regulations 2015, Caravan Parks and Camping Grounds Act 1995, Caravan Parks and Camping Grounds Regulations 1997 and LPS3.

Subject to the Council’s decision, the applicant separately needs to obtain a licence required by the *Caravan Parks and Camping Grounds Regulations 1997* and meet additional requirements.

POLICY IMPLICATIONS:

Relevant Local Planning Policies include *LPP12 Tourist Accommodation in Rural Areas, LPP13 Car Parking and Vehicular Access, LPP20 – Developer and Subdivider Contributions* and *LPP21 Bushfire Management*.

Local Planning Policies are relevant in assessing the Development Application. Local Planning Policies are non-statutory documents which are designed to

provide guidance to assist the Council in its decision making. Accordingly, the Council is not bound by the policies but is required to have regard to the policies in determining the Development Application.

Additionally, there are various State Planning Policies which are relevant in assessing the Development Application including SPP 2 *Environment and Natural Resources Policy*, SPP 2.9 *Water Resources*, SPP 3.4 *Natural Hazards and Disasters* and SPP 3.7 *Planning in Bushfire Prone Areas*.

FINANCIAL IMPLICATIONS:

None.

STRATEGIC IMPLICATIONS:

The application, if approved and implemented, will assist to support a more diversified economic base.

RECOMMENDATION:

That Council approve the Development Application for a private camping ground (camping area), proposed shelter and additional ablutions building at Lot 10870 on Plan 153075 (No. 235) Nevermann Road, Jalbarragup, subject to the following conditions:

1. This approval shall expire if the development hereby approved has not been substantially commenced within a period of two years from the date hereof, or within any extension of that time (requested in writing prior to the approval expiring) that may be granted by the local government. Where the Development Approval has lapsed, no further development is to be carried out.
2. The development hereby approved is to be carried out in accordance with the plans and specifications submitted with the application, addressing all conditions, or otherwise amended by the local government and shown on the approved plans and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.
3. Other than the owner/caretaker, no person is permitted to stay on the property for a period of more than 3 months in any 12 month period.
4. An adequate on-site potable water supply is provided in accordance with the *Australian Drinking Water Guidelines 2004* prior to commencement of the

camping.

5. A waste water disposal system approved by the local government and/or the Department of Health is installed prior to commencement of the camping.
6. A Bushfire Management Plan is to be approved by the local government and the Department of Fire and Emergency Services and then implemented prior to commencement of the camping. Following this, measures and recommendations in the approved Bushfire Management Plan are to be maintained to the satisfaction of the local government.
7. A Bushfire Emergency Evacuation Plan is to be approved by the local government and the Department of Fire and Emergency Services and then implemented prior to commencement of the camping. Following this, measures in the approved Bushfire Emergency Evacuation Plan are to be maintained to the satisfaction of the local government.
8. The landowner is to submit and gain local government approval for a Management Plan, prior to commencement of the camping, which addresses the responsibility for the behaviour of guests/visitors and the management measures to be implemented to minimise adverse impacts on the amenity of the locality.
9. The applicant shall not erect any advertising or signage at the site without the prior approval of the local government.
10. The crossover between the property and Nevermann Road is designed, constructed and drained at the applicant's cost to the satisfaction of the local government prior to commencement of the camping.

Advice

- A) The proponent is advised that this Development Approval is not a Building Permit. A Building Permit must be formally applied for and obtained before the commencement of any site and/or development works.
- B) In relation to Condition 4, the local government may require water samples to be taken and independently analysed. Should the local government be required to arrange the testing, it will be at the cost of the landowner/operator.
- C) In relation to Conditions 6 and 7, these plans should be regularly reviewed to ensure they comply with best practice to assist in managing bushfire risk.

- D) In relation to Condition 8, the Management Plan is to:
- (i) address the responsibility for clients/visitor behaviour and management measures to be implemented to minimise adverse impact on the amenity of the locality;
 - (ii) outline the approach to maximise the safety and security of guest and visitors including to the adjacent Blackwood River;
 - (iii) seek the operation to be a good neighbour and be considerate including noise, litter and the approach to reducing fire risks; and
 - (iv) acknowledge that the development is located in an agricultural area and that the impacts of agricultural pursuits should be expected and tolerated.
- E) The applicant should ensure that guests (and as relevant their pets) are considerate of neighbours at all times. In particular, activities should be especially low in volume between 8.00pm and 8.00am and are to comply with the *Environmental Protection (Noise) Regulations 1997*.
- F) The applicant is advised that the approved development must comply with the *Caravan Parks and Camping Grounds Act 1995* and the *Caravan Parks and Camping Ground Regulations 1997*. There is a need to obtain a licence as set by the *Caravan Parks and Camping Grounds Regulations 1997* prior to commencement of the camping.
- G) The applicant is advised that the approved development must comply with other statutory requirements including the *Public Health Act 2016*, *Health (Miscellaneous Provisions) Act 1911* and the *Shire of Nannup Health Local Laws*.
- H) In relation to Condition 9, some signs are exempt from development approval while other signs require a Development Application to the Shire. Please contact the Shire for further details.
- I) The proponent is to retain appropriate Public Liability Insurance to cover the entire area the subject of this approval to the satisfaction of the local government.
- J) If the development of a tourist/short stay use changes the predominant use of a lot from a rural agricultural base to a non-agricultural base, the local government may change the rating of such a lot from Unimproved Value to Gross Rental Value.
- K) The applicant is encouraged to advise neighbours in the area when camps are being held.

- L) Part 14 of the *Planning and Development Act 2005* provides the right to apply to the State Administrative Tribunal for review of some planning decisions and the proponent may wish to take professional advice to determine whether or not such a right exists in the present instance. The *State Administrative Tribunal Rules 2004* require that any such applications for review be lodged with the Tribunal.

VOTING REQUIREMENTS:

Simple Majority

18160 HANSEN/BUCKLAND

That Council approve the Development Application for a private camping ground (camping area), proposed shelter and additional ablutions building at Lot 10870 on Plan 153075 (No. 235) Nevermann Road, Jalbarragup, subject to the following conditions:

- 1. This approval shall expire if the development hereby approved has not been substantially commenced within a period of two years from the date hereof, or within any extension of that time (requested in writing prior to the approval expiring) that may be granted by the local government. Where the Development Approval has lapsed, no further development is to be carried out.***
- 2. The development hereby approved is to be carried out in accordance with the plans and specifications submitted with the application, addressing all conditions, or otherwise amended by the local government and shown on the approved plans and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.***
- 3. Other than the owner/caretaker, no person is permitted to stay on the property for a period of more than 3 months in any 12 month period.***
- 4. An adequate on-site potable water supply is provided in accordance with the Australian Drinking Water Guidelines 2004 prior to commencement of the camping.***

5. ***A waste water disposal system approved by the local government and/or the Department of Health is installed prior to commencement of the camping.***
6. ***A Bushfire Management Plan is to be approved by the local government and the Department of Fire and Emergency Services and then implemented prior to commencement of the camping. Following this, measures and recommendations in the approved Bushfire Management Plan are to be maintained to the satisfaction of the local government.***
7. ***A Bushfire Emergency Evacuation Plan is to be approved by the local government and the Department of Fire and Emergency Services and then implemented prior to commencement of the camping. Following this, measures in the approved Bushfire Emergency Evacuation Plan are to be maintained to the satisfaction of the local government.***
8. ***The landowner is to submit and gain local government approval for a Management Plan, prior to commencement of the camping, which addresses the responsibility for the behaviour of guests/visitors and the management measures to be implemented to minimise adverse impacts on the amenity of the locality.***
9. ***The applicant shall not erect any advertising or signage at the site without the prior approval of the local government.***
10. ***The crossover between the property and Nevermann Road is designed, constructed and drained at the applicant's cost to the satisfaction of the local government prior to commencement of the camping.***

Advice

- A) ***The proponent is advised that this Development Approval is not a Building Permit. A Building Permit must be formally applied for and obtained before the commencement of any site and/or development works.***
- B) ***In relation to Condition 4, the local government may require water samples to be taken and independently analysed. Should the local government be required to arrange the testing, it will be at the cost of the landowner/operator.***

- C) In relation to Conditions 6 and 7, these plans should be regularly reviewed to ensure they comply with best practice to assist in managing bushfire risk.**
- D) In relation to Condition 8, the Management Plan is to:**
- (i) address the responsibility for clients/visitor behaviour and management measures to be implemented to minimise adverse impact on the amenity of the locality;**
 - (ii) outline the approach to maximise the safety and security of guest and visitors including to the adjacent Blackwood River;**
 - (iii) seek the operation to be a good neighbour and be considerate including noise, litter and the approach to reducing fire risks; and**
 - (iv) acknowledge that the development is located in an agricultural area and that the impacts of agricultural pursuits should be expected and tolerated.**
- E) The applicant should ensure that guests (and as relevant their pets) are considerate of neighbours at all times. In particular, activities should be especially low in volume between 8.00pm and 8.00am and are to comply with the Environmental Protection (Noise) Regulations 1997.**
- F) The applicant is advised that the approved development must comply with the Caravan Parks and Camping Grounds Act 1995 and the Caravan Parks and Camping Ground Regulations 1997. There is a need to obtain a licence as set by the Caravan Parks and Camping Grounds Regulations 1997 prior to commencement of the camping.**
- G) The applicant is advised that the approved development must comply with other statutory requirements including the Public Health Act 2016, Health (Miscellaneous Provisions) Act 1911 and the Shire of Nannup Health Local Laws.**
- H) In relation to Condition 9, some signs are exempt from development approval while other signs require a Development Application to the Shire. Please contact the Shire for further details.**
- I) The proponent is to retain appropriate Public Liability Insurance to cover the entire area the subject of this approval to the satisfaction of the local government.**

- J) *If the development of a tourist/short stay use changes the predominant use of a lot from a rural agricultural base to a non-agricultural base, the local government may change the rating of such a lot from Unimproved Value to Gross Rental Value.***
- K) *The applicant is encouraged to advise neighbours in the area when camps are being held.***
- L) *Part 14 of the Planning and Development Act 2005 provides the right to apply to the State Administrative Tribunal for review of some planning decisions and the proponent may wish to take professional advice to determine whether or not such a right exists in the present instance. The State Administrative Tribunal Rules 2004 require that any such applications for review be lodged with the Tribunal.***

CARRIED (6/0)

Cr Fraser re-entered the room at 4.57pm.

AGENDA NUMBER:	12.3
SUBJECT:	Carlotta Hall Surrounds – Fencing
LOCATION/ADDRESS:	Carlotta Hall, Carlotta
NAME OF APPLICANT:	Carlotta Progress Association
FILE REFERENCE:	RES 20195
AUTHOR:	David Taylor – Chief Executive Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	16 November 2018
ATTACHMENT:	12.3.1 – Correspondence from Carlotta Progress Association.

BACKGROUND:

Bron Rack, Secretary of the Carlotta Progress Association has written to Council advising of a safety concern at the Carlotta Hall. The Hall is located very close to Vasse Highway which over recent years has seen a significant increase in traffic. The Hall is utilised for a number of community based functions which frequently have families with young children and toddlers who are concerned about children wandering near the highway, carpark or nearby bush.

The Carlotta Progress Association propose to install a fence around the Hall surrounds as illustrated in the attached plan and seek the following;

- (a) Permission to install the fence.
- (b) Advice on our proposed plan and any suggestions
- (c) Any funding that may be applied through the Shire to put towards the fence.

The fence is estimated to be approximately 92 metres which would include a double gate at the rear (fire access, work vehicles, load/unloading) and also a gate for pedestrians, preferably with some sort of childproof lock.

The plan includes having the community construct the fence and supply the necessary equipment.

They are hoping to have a solution in place in time for the Carlotta Community Christmas Party which is to be held on the 22nd December 2018.

COMMENT:

The CEO has spoken with Bron Rack, Secretary of the Carlotta Progress Association to identify the context and quality of fence they are planning to construct. Her response was that ideally it would be a chain link fence as they are the most secure for children, however, if costs are prohibitive it could be a simple farm ring lock style fence. Quotations are currently being sought and based on costs the type of fence will be determined. The total project is anticipated to be approximately \$1,000 - \$1,500, it was advised that if costs are higher than this the project would not be affordable for the Carlotta Progress Association. It is intended that the community will provide the labour and construct the fence in its entirety.

STATUTORY ENVIRONMENT:

Nil

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

One-off \$500 contribution towards fencing materials.

STRATEGIC IMPLICATIONS:

Our Community Leadership

We listen to our community leaders

To have united community groups working together

Our Council Leadership

A listening leadership that provides for and represent all

To do what is right and fair for the people.

RECOMMENDATION:

That Council approve the following;

- a) Approve the Carlotta Progress Association to construct a suitable fence around the Carlotta Town Hall in the format provided that will address the safety issues.
- b) Provide a \$500 financial assistance towards the purchase of materials to construct the fence.

VOTING REQUIREMENTS:

Simple Majority

18161 MELLEMA/LONGMORE

That Council approve the following;

- a) *Approve the Carlotta Progress Association to construct a suitable fence around the Carlotta Town Hall in the format provided that will address the safety issues.*
- b) *Provide a \$500 financial assistance towards the purchase of materials to construct the fence.*

CARRIED (7/0)

AGENDA NUMBER:	12.4
SUBJECT:	Council Meetings 2019 – Dates and Times
LOCATION/ADDRESS:	Shire of Nannup – Council Chambers
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	
AUTHOR:	David Taylor – Chief Executive Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	16 October 2018

BACKGROUND:

Section 12 of the *Local Government (Administration) Regulations 1996* requires a Local Government to at least once a year give local public notice of the dates on which and the time and place at which –

- (a) The ordinary council meetings;
- (b) The committee meetings that are required under the *Act* to be open to members of the public or that are proposed to be open to member of the public; and
- (c) Are to be held in the next 12 months.

COMMENT:

The proposed dates for the 2019 monthly Council meetings, subject to consideration of meeting times: -

Thursday, 24th January 2019
Thursday, 28th February 2019
Thursday, 28th March 2019
Wednesday 24th April 2019
Thursday, 23rd May 2019
Thursday, 27th June 2019

Thursday, 25th July 2019
Thursday, 22nd August 2019
Thursday, 26th September 2019
Thursday, 24th October 2019
Thursday 28th November 2019

Historically Council does not conduct an Ordinary Meeting in December and again this has been excluded from the scheduled meeting dates for 2019. Council may wish to consider its position in respect to the conduct of a meeting in December and possibly exclude the January meeting as it is normally a very quiet period at the year's commencement.

In submitting the above meeting dates in 2019, Council may also wish to review meeting commencement times.

STATUTORY ENVIRONMENT:

Section 12 of the *Local Government (Administration) Regulations 1996* relating to advertising meeting times and dates.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

Shire of Nannup Community Strategic Plan 2017 – 2027

Our Council Leadership

A listening leadership that provides and represents all

RECOMMENDATION:

That in accordance with Section 12 of the *Local Government (Administration) Regulations 1996* relating to the advertising of meeting times and dates of monthly Ordinary meetings, the following schedule of times and dates be adopted for the 2019 calendar year: -

Information Session to commence at 3:30pm.

Monthly Ordinary Council meetings to commence at 4:30pm on the following dates: -

Thursday, 24th January 2019
Thursday, 28th February 2019
Thursday, 28th March 2019
Wednesday 24th April 2019
Thursday, 23rd May 2019
Thursday, 27th June 2019

Thursday, 25th July 2019
Thursday, 22nd August 2019
Thursday, 26th September 2019
Thursday, 24th October 2019
Thursday 28th November 2019

VOTING REQUIREMENTS:

Simple Majority

18162 MELLEMA/STEVENSON

That in accordance with Section 12 of the Local Government (Administration) Regulations 1996 relating to the advertising of meeting times and dates of monthly Ordinary meetings, the following schedule of times and dates be adopted for the 2019 calendar year: -

Information Session to commence at 3:30pm.

Monthly Ordinary Council meetings to commence at 4:30pm on the following dates: -

***Thursday, 24th January 2019
Thursday, 28th February 2019
Thursday, 28th March 2019
Wednesday, 24th April 2019
Thursday, 23rd May 2019
Thursday, 27th June 2019***

***Thursday, 25th July 2019
Thursday, 22nd August 2019
Thursday, 26th September 2019
Thursday, 24th October 2019
Thursday 28th November 2019***

CARRIED (7/0)

AGENDA NUMBER:	12.5
SUBJECT:	Request to Waiving of Hire Fees
LOCATION/ADDRESS:	Nannup Oval
NAME OF APPLICANT:	Nannup Tee-Ball and Baseball Association
FILE REFERENCE:	FNC 10
AUTHOR:	David Taylor – Chief Executive Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	15 October 2018

BACKGROUND:

Regan Guthridge, Secretary of the Nannup Tee-Ball and Baseball Association, writes to Council requesting that it waives hire fees for the Nannup Oval to continue to assist the Association to establish itself.

It is advised that the oval will be utilised for training and match sessions on Friday afternoons from 4:30pm during school terms, commencing on the 12th October 2018 with the season finishing on the 12th April 2019.

Nannup Tee-Ball and Baseball Association will maintain a high level of integrity and cleanliness of the oval and its surrounds.

COMMENT:

Council in the previous financial year granted Nannup tee-ball and Baseball Association the following;

Council Resolution 17175 in September 2017 Ordinary meeting reads as follows;

“17175 LONGMORE/MELLEMA

That Council advises Mrs Learmond, Chairperson Nannup Tee-Ball and Baseball Association, that Council is prepared to allow the use of the Nannup Oval free of charge to assist in the development and establishment of Tee-Ball and Baseball in Nannup, however, fees for the use of the Nannup Recreation Centre Changerooms/Toilet facilities will be required to be paid at the rate of \$30.00 per session based on Council’s Fees and Charges Schedule.

CARRIED (8/0)”

The group is still trying to establish themselves and has therefore requested Councils continued support in their establishment.

The current request does not mention the use of the change rooms as was mentioned previously, however to keep consistent with previous applications for waivers it is proposed to uphold the charge as stated within Resolution 17175 and impose the charge of \$30.00 / day for the use of the change room if required by Nannup Tee-Ball and Baseball Association.

STATUTORY ENVIRONMENT:

Nil

POLICY IMPLICATIONS:

Policy BLD 1 – Relating to Use/Hire of Community Facilities

“Council will charge all hirers of its facilities as per its list of fees and charges which is reviewed annually in line with the budget.”

Should a “not for profit” community group/organisation seek the waiving of any fees and charges imposed for use/hire of a community facility, an application in writing is to be submitted and presented to Council for consideration.”

FINANCIAL IMPLICATIONS:

Lost Fees and Charges

Oval hire	\$68 / per day
Seasonal Charge	\$500 / season

STRATEGIC IMPLICATIONS:

Shire of Nannup Community Strategic Plan 2017-2027

Our Community Leadership

Strategy 5.1 – Support existing and emerging community groups.

RECOMMENDATION:

That Council advises Nannup Tee-Ball and Baseball Association, that Council is prepared to allow the use of the Nannup Oval free of charge to continue to assist in the development and establishment of Tee-Ball and Baseball in Nannup, however, fees for the use of the Nannup Recreation Centre Change room/Toilet facilities will be required to be paid at the rate of \$30.00 per session based on Council’s Fees and Charges Schedule.

VOTING REQUIREMENTS:

Simple Majority

18163 BUCKLAND/LONGMORE

That Council advises Nannup Tee-Ball and Baseball Association, that Council is prepared to allow the use of the Nannup Oval free of charge to continue to assist in the development and establishment of Tee-Ball and Baseball in Nannup, however, fees for the use of the Nannup Recreation Centre Change room/Toilet facilities will be required to be paid at the rate of \$30.00 per session based on Council's Fees and Charges Schedule.

CARRIED (7/0)

AGENDA NUMBER:	12.6
SUBJECT:	Budget Monitoring – August & September 2018
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 15
AUTHOR:	Robin Lorkiewicz – Corporate Services Officer
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
DATE OF REPORT:	17 October 2018
ATTACHMENT:	12.6.1 - Financial Statements for the period ending 31 August 2018 12.6.2 - Financial Statements for the period ending 30 September 2018

BACKGROUND:

Local Government (Financial Management) Regulation 34(1) requires that Council report monthly on the financial activity from all the various operating and capital divisions. Council has adopted a variance threshold of 10% or \$30,000, whichever is the greater on which to report. The statutory statements are appended at Attachment 12..6.1.

Whilst this has resulted in all variances of 10% being identified and reported, it only focuses attention on the performance to the month in question and not the likely outturn at the end of the year.

Monthly reporting draws on the flexibility allowed in the Financial Management Regulations to draw attention to likely under and overspends at the end of the year.

COMMENT:

Please refer to the attachment, Financial Statements for period(s) ending 31 August 2018 & 30 September 2018 for a detailed analysis of our end of year position, Note 2.

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulation 34(1)(a).

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

The attached financial statements detail financial outcomes for 2018/19.

STRATEGIC IMPLICATIONS:

Nil.

RECOMMENDATION:

Monthly Financial Statements for the period ending 31 August 2018 and 30 September 2018 be received.

VOTING REQUIREMENTS:

Simple Majority.

18164 MELLEMA/STEVENSON

Monthly Financial Statements for the period ending 31 August 2018 and 30 September 2018 be received.

CARRIED (7/0)

Cr Steer entered the room at 5.03pm.

AGENDA NUMBER:	12.7
SUBJECT:	Monthly Accounts for Payment - September 2018
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 8
AUTHOR:	Robin Lorkiewicz –Corporate Services Officer
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
PREVIOUS MEETING REFERENCE:	None
DATE OF REPORT	17 October 2018
ATTACHMENT:	12.7.1 – Accounts for Payment – September 2018

BACKGROUND:

The Accounts for Payment for the Nannup Shire Municipal Account fund and Trust Account fund from 1 September 2018 to 30 September 2018 as detailed hereunder and noted on the attached schedule, are submitted to Council.

COMMENT:

If Councillors have questions about individual payments prior notice of these questions will enable officers to provide properly researched responses at the Council meeting.

There is currently one corporate credit card in use. A breakdown of this expenditure in the monthly financial report is required to comply with financial regulations. This breakdown is included within the attachments.

Municipal Account

Accounts paid by EFT	10829 – 11010	92,959.58
Accounts paid by cheque	20317 – 20320	1,271.07
Accounts paid by Direct Debit	DD10278.1 – DD10278.10	10,044.61
<i>Sub Total Municipal Account</i>		<u>\$104,275.26</u>

Trust Account

Accounts paid by EFT	10982 – 10982	912.93
Accounts Paid by cheque		0.00
<i>Sub Total Trust Account</i>		<u>\$912.93</u>

Total Payments

\$105,188.19

STATUTORY ENVIRONMENT:

LG (Financial Management) Regulation 13

POLICY IMPLICATIONS:

None.

FINANCIAL IMPLICATIONS:

As indicated in Schedule of Accounts for Payment.

STRATEGIC IMPLICATIONS:

None.

RECOMMENDATION:

That the List of Accounts for Payment for the Nannup Shire Municipal Account fund totalling \$105,188.19 1 September 2018 to 30 September 2018 in the attached schedule be endorsed.

VOTING REQUIREMENTS:

Simple Majority.

18165 STEVENSON/HANSEN

That the List of Accounts for Payment for the Nannup Shire Municipal Account fund totalling \$105,188.19 1 September 2018 to 30 September 2018 in the attached schedule be endorsed.

CARRIED (8/0)

Procedural Motion

18166 LONGMORE/BUCKLAND

That Council allow the Late Agenda Item 12.8 to be included in the October 2018 Ordinary Council Meeting.

CARRIED (8/0)

AGENDA NUMBER:	12.8
SUBJECT:	Review of Shire of Nannup Policies
LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	N/A
FILE REFERENCE:	ADM 22
AUTHOR:	Tracie Bishop – Manager Corporate Services
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	22 October 2018
ATTACHMENT	12.8.1 – Safety & Health Policy 1.2 12.8.2 – Bushfire Brigade Training BRC 3 Policy

BACKGROUND:

Policies set guiding direction for Council staff to manage the operations of the Shire on a day to day basis without the need to present matters to Council meetings for consideration.

Attached to this item are two policies that have been adjusted to more effectively allow governance of this organisation to occur.

COMMENT:

Section 2.7(2)(b) of the *Local Government Act 1995* requires Council to determine the local government's policies. The *Act* does not prescribe specific timeframes for the review of policies however, it is intended to conduct similar reviews on an annual basis.

Minor changes have been made to existing policies and two new policies have been introduced, namely:-

Safety and Health Policy

This policy falls within Council's Health and Occupational Safety area. While the actual policy has not changed, Officers have observed that this policy was not

updated to correctly reflect current safety officers and Council's Chief Executive Officer.

Bushfire Brigade Training BRC 3 Policy

This policy was last reviewed within the annual policy review in January 2018. As a result of a training query raised within the Bushfire Advisory Committee in August 2018 it was noted that the word "desired" did not fully follow the DFES recommendation that the minimum requirement be the Introduction to Firefighting and Bushfire Fighting. For this reason this word is recommended to be removed from this policy.

STATUTORY ENVIRONMENT:

Section 2.7(2)(b) of the *Local Government Act 1995* prescribes in part, that the role of a Council is to determine the local government's policies.

POLICY IMPLICATIONS:

Minor changes to the two policies shown above.

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

Nil

RECOMMENDATION:

That Council adopts the changes recommended within Safety and Health Policy and the Bushfire Brigade Training Policy as presented above.

VOTING REQUIREMENTS:

Simple Majority

18167 BUCKLAND/LONGMORE

That Council adopts the changes recommended within Safety and Health Policy and the Bushfire Brigade Training Policy as presented above.

CARRIED (8/0)

Procedural Motion

18168 MELLEMA/STEVENSON

That Council allow the Late Agenda Item 12.9 to be included in the October 2018 Ordinary Council Meeting.

CARRIED (8/0)

Councillors Longmore, Hansen, Steer and Mellema all declared an Impartiality Interest in Item 12.9.

AGENDA NUMBER:	12.9
SUBJECT:	Support for RSL Commemorative Art Installation
LOCATION/ADDRESS:	Reserve 3708 (Nannup War Memorial) Forrest St, Nannup
NAME OF APPLICANT:	RSL Nannup Sub Branch
FILE REFERENCE:	RES3708
AUTHOR:	Jane Buckland – Development Services Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	22 October 2018
ATTACHMENT:	12.9.1 – Details of commemorative art installation 12.9.2 – Letters of support

BACKGROUND:

The RSL Nannup Sub Branch (Nannup RSL) has received a grant from the Department of Veterans Affairs under the Armistice Centenary Grants Program (ACGP) to display a commemorative art installation near the Nannup War Memorial as outlined in Attachment 12.9.1. The Nannup RSL advised the Shire that the grant was approved on 15th August 2018 and submitted a Development Application on 22nd October 2018.

The location proposed for the art installation is within Local Reserve 3708 which is vested with the Shire of Nannup for the purpose of 'Recreation'. The site is reserved as "Public Purpose" in the Shire of Nannup Local Planning Scheme No. 3 (LPS3).

The Nannup RSL seeks Council agreement to the use of the reserve to install the art installation. The art installation is primarily constructed of timber with steel sawblade features and is approximately 2 metres in height.

COMMENT:

Reserve 3708 is bordered by Warren Road, Forrest Street and Grange Road and is a high profile location located at the northern entrance to town. It contains the Nannup Town Hall, Supper Room, Nannup Bowling Club, Nannup War Memorial and the Village Green.

As per Clause 2.3.1 of the Shire of Nannup Local Planning Scheme No.3, a person must not use a Local Reserve, or commence or carry out development on a Local Reserve, without having first obtained development approval. The Nannup RSL have recently submitted a development approval for the proposed commemorative art installation which will be considered once Council, as the manager of the Reserve, has agreed to the use of Reserve 3708 for this purpose.

Representatives of the Nannup RSL met with the previous Chief Executive Officer in February of this year to discuss their intention to apply for a grant under the ACGP.

The CEO provided a letter of support for the grant application on behalf of Council following this meeting. In addition, the Nannup RSL received letters of support from five local community groups which are also outlined in Attachment 12.9.2.

It should be noted that while the Nannup RSL have obtained letters of support from these community groups, and have the agreement of their own members, there has been no wider public consultation regarding the proposed installation.

There is a statutory requirement for the proponent (in this case the Nannup RSL) to submit a development application, however there is flexibility as to whether the Shire seeks public comment on the development application prior to determination.

The development application which has been submitted by the Nannup RSL would normally be publicly advertised for a period of 21 days by way of writing to adjoining and nearby neighbours and other relevant stakeholders, and making the details available on the Shire website and in the Shire office. The requirement for community advertising reflects the site's highly prominent location in the town centre, on the "village green" and on Shire managed land, and is consistent with the requirements set out in Local Planning Policy LPP 5 Consultation.

If the development application is to be advertised, the earliest date that a decision could be made on the application would be November 16th. However, the Nannup RSL has planned to have the commemorative art installation completed and installed prior to Remembrance Day on 11th November 2018, the Centenary of Armistice.

Council can agree to waive the requirement for the development application to be publicly advertised if they consider the proposal is consistent with the current purpose of the Reserve and the art installation is consistent with Local Planning Policy LPP8 Nannup Main Street Heritage Precinct.

Ideally, it would have been preferable that the Nannup RSL submitted a development application a few weeks ago to enable community consultation and a

more thorough assessment. Given this did not occur and given the unique circumstances of the Centenary of Armistice, the Council needs to determine:

- whether it is supportive of the proposed art installation;
- whether it wants the art installation installed prior to 11th November 2018; and
- whether there are unique reasons to waive public consultation on the development application for the art installation.

It is suggested that Council agree to the use of Local Reserve 3708 for the proposed commemorative art installation and to waive the requirement for public advertising of the development application, as the installation is to be located in the area immediately adjacent to the Nannup War Memorial, it is generally consistent with the current purpose of the Reserve and the art installation is consistent with Local Planning Policy LPP8 Nannup Main Street Heritage Precinct.

The main risk to Council is that there may be some community members who have issues or concerns with the art installation and its location. This is acknowledged, however given the widespread community respect for the Nannup RSL and the five local community groups who to date have supported the proposal, the risks are considered to be minimal. It is suggested there would be likely greater community concerns if the Council does not enable the art installation to be installed prior to 11th November 2018.

Subject to Council's decision, the development application will be determined by the Shire administration under delegated authority.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005, Planning and Development (Local Planning Schemes) Regulations 2015, Local Planning Scheme No.3.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

Nil

RECOMMENDATION:

That Council:

1. Agrees to the use of Local Reserve 3708 for a commemorative art installation by the RSL Nannup Sub Branch.
2. Agrees to waive the requirement for the development application submitted by the RSL Nannup Sub Branch to be publicly advertised.
3. Notes that the Shire administration will determine the development application under delegated authority.

VOTING REQUIREMENTS:

Simple Majority

18169 MELLEMA/BUCKLAND

That Council:

1. ***Agrees to the use of Local Reserve 3708 for a commemorative art installation by the RSL Nannup Sub Branch.***
2. ***Agrees to waive the requirement for the development application submitted by the RSL Nannup Sub Branch to be publicly advertised.***
3. ***Notes that the Shire administration will determine the development application under delegated authority.***

CARRIED (8/0)

Councillor Buckland wanted it recorded in the Minutes that he does not like being put in this position of having to vote on an issue that should have had a Development Application subject to an advertising period; he would encourage future community groups to follow the correct procedures.

13. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

13.1 OFFICERS

Nil

13.2 ELECTED MEMBERS

Nil

14. MEETING CLOSED TO THE PUBLIC

(Confidential Items)

PROCEDURAL RECOMMENDATION

That the meeting be closed to members of the public in accordance with Sections 5.23(2) (a), (b) and (c) of the Local Government Act 1995.

(The following report is confidential in accordance with Section 5.23(2)(a),(b) and (c) and of the Local Government Act 1995, being a matter effecting an employee, the personal affairs of a person and a contract that may be entered into by the Local Government)

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors. In accordance with the legislation, the report is to be kept confidential until determined by the Council to be released for public information. At the conclusion of these matters, Council may wish to make some details available to the public.

18170 STEVENSON/STEER

That the meeting be closed to members of the public in accordance with Sections 5.23(2) (a), (b) and (c) of the Local Government Act 1995.

(The following report is confidential in accordance with Section 5.23(2)(a),(b) and (c) and of the Local Government Act 1995, being a matter effecting an employee, the personal affairs of a person and a contract that may be entered into by the Local Government)

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors. In accordance with the legislation, the report is to be kept confidential until determined by the Council to be

released for public information. At the conclusion of these matters, Council may wish to make some details available to the public.

CARRIED (8/0)

PROCEDURAL RECOMMENDATION

That Standing Orders be suspended to allow for discussion on Agenda Item 14.1.

18171 STEVENSON/MELLEMA

That Standing Orders be suspended to allow for discussion on Agenda Item 14.1.

CARRIED (8/0)

The meeting was closed to the public at 5.19pm.

Cr Stevenson declared an Impartiality Interest in Item 14.1.

14.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

AGENDA NUMBER:	14.1
SUBJECT:	Nannup Skip Bins Reduced Fees and Afterhours Access
LOCATION/ADDRESS:	Nannup Skip Bins
NAME OF APPLICANT:	Nannup Skip Bins
FILE REFERENCE:	FNC 10
AUTHOR:	David Taylor – Chief Executive Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	19 October 2018

PROCEDURAL RECOMMENDATION

That the meeting be re-opened to the public.

18174 STEVENSON/STEER

That the meeting be re-opened to the public.

CARRIED (8/0)

14.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC
Nil.

15. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

16. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

17. CLOSURE OF MEETING

The Shire President declared the meeting closed at 5.55pm.