



Minutes

Public Copy

Council Meeting held Thursday 28 April 2016

Unconfirmed

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Minutes

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 4:16pm

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

ATTENDANCE:

Shire President: Cr A Dean

Deputy Shire President: Cr R Mellema (4:17pm)

Councillors: C Gilbert, R Longmore, N Steer (4:17pm), A Slater, C Stevenson (4:17pm) and P Fraser

Peter Clarke – Chief Executive Officer

Chris Wade – Manager Infrastructure

Tracie Bishop – Manager Corporate Services

APOLOGIES:

Nil

LEAVE OF ABSENCE:

Nil

VISITORS:

Mrs Rita Stallard and Dr Kushdev Singh

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.

Nil

4. PUBLIC QUESTION TIME:

The Shire President invited questions from the Public at: 4:18pm.

Mrs Rita Stallard

Q1: Can a toilet sign be installed at the path at the Shire offices?

Manager Infrastructure responded:

A1: Advised that there is already one there.

Q2: What is the name of the new centre?

Shire President responded;

A2: Nannup Sport & Recreation Centre

Q3: Old Fire Drill Road, Picnic Table sign – Access is now no longer due to curbing & mulch, can curbing & mulching be adjusted and historic relevance be returned plus signage.

Manager Infrastructure responded;

A3: Access is still usable and the curbing is mountable with gravel on the other side. You will be advised in future if any further development is implemented

Q4: What is the progress of the Donkey boiler removed from Recreation Centre during construction?

Manager Infrastructure responded;

A4: Currently the Donkey boiler is still stored at the depot, options for placement require further investigation and will be undertaken in the near future.

Q5: Can the old merry go round be included as it is a part of history?

Manager Infrastructure responded;

A5: There will be no action taken by Council as this is not a Council owned asset.

Q6: Has grant funding been sourced for Rubbish tip at Gussies Mill?

CEO responded;

A6: Gussies Mill was initially chosen as a preferred site for the Scott River Bridal Trail and rehabilitation works would have been included however, as significant infrastructure was required at considerable cost, alternative sites had to be considered. At this stage there are no further plans for rehabilitation works but your comments have been noted and will be considered in future planning.

Public Question Time finished at 4:25pm

5. APPLICATIONS FOR LEAVE OF ABSENCE

Crs Stevenson and Slater sought Leave of Absence for the 28 July and 25 August Council meetings respectively.

16046 STEER/LONGMORE

That Cr Stevenson be granted Leave of Absence for the 28 July 2016 Ordinary meeting of Council and Cr Slater be afforded the same approval for the 25 August 2016 Ordinary meeting.

CARRIED (8/0)

6. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

7. DECLARATIONS OF INTEREST

Nil

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

16047 STEER/FRASER

That the Minutes of the Ordinary Council Meeting of the Shire of Nannup held in Council Chambers on 31 March 2016 be confirmed as a true and correct record.

CARRIED (8/0)

9. MINUTES OF COUNCIL & OTHER COMMITTEES

16048 LONGMORE/STEVENSON

That the following Minutes be received and noted:-

9.1 Warren Blackwood Alliance of Councils

That the Minutes of the Warren Blackwood Alliance of Councils Board meeting held on Tuesday 5 April 2016 be received.

CARRIED (8/0)

10. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Shire of Nannup
Ordinary Council Meeting Minutes: 28 April 2016

11. REPORTS BY MEMBERS ATTENDING COMMITTEES

Date	Meeting	Councillor
01/04/2016	Critical Horizons Conference Bunbury	Longmore
05/04/2016	Warren Blackwood Alliance of Councils	Longmore
12/04/2016	WA Local Government Grants Commission	Fraser
12/04/2016	WA Local Government Grants Commission	Stevenson
13/04/2016	Blackwood Basin Group	Longmore
19/04/2016	Budget Workshop	Fraser
19/04/2016	Blackwood Basin Group & WA Local Government Grants Commission	Longmore
19/04/2016	WA Local Government Grants Commission	Dean
20/04/2016	WA Local Government Grants Commission	Fraser
20/04/2016	WA Local Government Grants Commission	Slater
21/04/2016	SW WALGA Zone Meeting Bunbury	Dean

12. REPORTS OF OFFICERS

AGENDA NUMBER:	12.1
SUBJECT:	Appointment of Acting Chief Executive Officer
LOCATION/ADDRESS:	
NAME OF APPLICANT:	Chief Executive Officer
FILE REFERENCE:	Council Policy No. ADM 9
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	13 April 2016

BACKGROUND:

The CEO advises that he will be taking annual leave for a period of six (6) weeks commencing Monday, 9 May to Friday, 17 June 2016 inclusive.

COMMENT:

In accordance with Council Policy ADM 9, for periods of leave taken by the CEO in excess of three (3) working days, another member of Council's Senior Management Team delegated by the CEO is to be appointed as Acting CEO for that period of leave.

The CEO has delegated Ms Tracie Bishop, Council's Manager Corporate Services, to act in the CEO position for the period whilst the CEO is on leave. This is an ideal opportunity for Ms Bishop to further her development and experience the role of the CEO position for an extended period.

STATUTORY ENVIRONMENT:

Sections 5.36 and 5.39 of the *Local Government Act 1995* relating to appointment of CEO's.

POLICY IMPLICATIONS:

Council Policy ADM 9 states the following:-

1. *For periods of leave of the Chief Executive Officer in excess of three working days another member of the Senior Management Team delegated*

by the Chief Executive Officer, is to be the Acting Chief Executive Officer for that period of leave.

- 2. An information report is to be prepared prior to the period of leave to confirm for Council the period of leave. If this is not possible due to the leave being urgent and between Council meetings, the Shire President or Acting Shire President is to be immediately informed.*
- 3. The person acting in the position of Chief Executive Officer is to be remunerated at the current salary level of the Chief Executive Officer for the period while acting in the position.*

FINANCIAL IMPLICATIONS:

As per point 3 in the above Policy, the Acting CEO is to be remunerated at the current salary level of the CEO whilst acting in the position.

STRATEGIC IMPLICATIONS: Nil

RECOMMENDATION:

That Council endorses the appointment of Ms Tracie Bishop as Acting CEO for a period of 6 weeks, Monday, 9 May to Friday, 17 June 2016 inclusive whilst the CEO is on annual leave which is in accordance with Council Policy ADM 9.

VOTING REQUIREMENTS: Simple Majority

16049 SLATER/LONGMORE

That Council endorses the appointment of Ms Tracie Bishop as Acting CEO for a period of 6 weeks, Monday, 9 May to Friday, 17 June 2016 inclusive whilst the CEO is on annual leave which is in accordance with Council Policy ADM 9.

CARRIED (8/0)

AGENDA NUMBER:	12.2
SUBJECT:	Financial Management Regulation Review
LOCATION/ADDRESS:	
NAME OF APPLICANT:	Chief Executive Officer
FILE REFERENCE:	ADM 14
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	13 April 2016
ATTACHMENT:	12.2.1 – Financial Management Systems Review April 2016

BACKGROUND:

In accordance with Section 5 of the *Local Government (Financial Management) Regulations 1996* and Section 6.10 of the *Local Government Act 1995*, Local Government CEO's are required to undertake a Financial Management Review once every 4 years. Based on the timing of the last Review, it is necessary for this Review to be conducted prior to 30 June 2016.

COMMENT:

In respect to Section 5 of the *Local Government (Financial Management) Regulations 1996* Review, it was considered that this could be achieved in-house by the CEO. The Department of Local Government and Communities were contacted to ensure that it was acceptable for the CEO to undertake same.

The above Report is provided in the Agenda attachments and addresses the areas assessed for compliance in accordance with the *Act* and *Regulations*.

The *Local Government (Audit) Regulations 1996*, Regulation 17, also requires the CEO to undertake a review on the appropriateness and effectiveness of the local governments systems and procedures in relation to:-

- (a) risk management; and
- (b) internal control; and
- (c) legislative compliance.

The Regulation 17 Report is to be presented to the Audit Committee every two (2) years with this review having to be completed by 31 December 2016. It was considered appropriate that Council's Auditor's would be best to carry out this Review based on its complexity and the requirement to report same to the Audit

Committee. It is the intention of the Auditors to undertake this Review in July 2016.

STATUTORY ENVIRONMENT:

Section 6.10 of the *Local Government Act 1995* states the following:-

6.10. Financial management regulations

Regulations may provide for —

- (a) the security and banking of money received by a local government; and
- (b) the keeping of financial records by a local government; and
- (c) the management by a local government of its assets, liabilities and revenue; and
- (d) the general management of, and the authorisation of payments out of —
 - (i) the municipal fund; and
 - (ii) the trust fund, of a local government.

Section 5 of the *Local Government (Financial Management) Regulations 1996* states the following:-

5. CEO's duties as to financial management

- (1) Efficient systems and procedures are to be established by the CEO of a local government —
 - (a) for the proper collection of all money owing to the local government; and
 - (b) for the safe custody and security of all money collected or held by the local government; and
 - (c) for the proper maintenance and security of the financial records of the local government (whether maintained in written form or by electronic or other means or process); and
 - (d) to ensure proper accounting for municipal or trust —
 - (i) revenue received or receivable; and
 - (ii) expenses paid or payable; and
 - (iii) assets and liabilities;and
 - (e) to ensure proper authorisation for the incurring of liabilities and the making of payments; and
 - (f) for the maintenance of payroll, stock control and costing records; and
 - (g) to assist in the preparation of budgets, budget reviews, accounts and reports required by the Act or these regulations.

- (2) The CEO is to —
- (a) ensure that the resources of the local government are effectively and efficiently managed; and
 - (b) assist the council to undertake reviews of fees and charges regularly (and not less than once in every financial year); and
 - (c) undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 4 financial years) and report to the local government the results of those reviews.

Section 6 of the *Local Government (Financial Management) Regulations 1996* states the following:-

6. Audits and performance review of accounting staff etc., who may conduct

A local government is to ensure that an employee to whom is delegated responsibility for the day to day accounting or financial management operations of a local government is not also delegated the responsibility for —

- (a) conducting an internal audit; or
 - (b) reviewing the discharge of duties by that employee,
- or for managing, directing or supervising a person who carries out a function referred to in paragraph (a) or (b).

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS:

Review of Financial Systems

STRATEGIC IMPLICATIONS: Nil

RECOMMENDATION:

That Council adopts the Financial Management Regulation Review as presented by the CEO in accordance with Section 5 of the *Local Government (Financial Management) Regulations 1996* and Section 6.10 of the *Local Government Act 1995*.

VOTING REQUIREMENTS: Absolute Majority

16050 FRASER/SLATER

That Council adopts the Financial Management Regulation Review as presented by the CEO in accordance with Section 5 of the Local Government (Financial Management) Regulations 1996 and Section 6.10 of the Local Government Act 1995.

CARRIED BY ABSOLUTE MAJORITY (8/0)

AGENDA NUMBER:	12.3
SUBJECT:	Notice of 2016 Annual General Meeting and Local Government Convention
LOCATION/ADDRESS:	
NAME OF APPLICANT:	Western Australian Local Government Association (WALGA)
FILE REFERENCE:	DEP 14
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	14 April 2016

BACKGROUND:

The CEO of WALGA, Ricky Burgess, has advised in writing that the AGM for WALGA will be held on **Wednesday, 3 August 2016** as part of the Local Government Convention at the Perth Convention Exhibition Centre between Wednesday, 3 and Friday, 5 August 2016.

Ms Burgess advises that the closing date for submissions of motions for the AGM is **Tuesday, 6 June 2016**. Ms Burgess also advises that any motions proposing alterations or amendments to the Association's Constitution must be received by **Friday, 13 May 2016**.

Ms Burgess further advises that the 2016 Local Government Convention is the premier event for Elected Members and Officers within Local Government. The Association's AGM, as an integral part of this event, is a critical forum for mobilising the views of Western Australian Councils, confronting emerging issues and developing directions forward for our sphere of government.

COMMENT:

Should Council wish to submit notices of motions, the guidelines attached should be followed in the formulation of motions.

This is also an ideal time for Councillors to consider whether they wish to attend the Local Government Convention. The draft 2016/2017 Budget has provision for four (4) Councillors plus the CEO to attend this year's Conference.

STATUTORY ENVIRONMENT: Nil

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS:

An allocation for Conference fees and associated accommodation expenses are provided for in Council's normal Budget process.

STRATEGIC IMPLICATIONS:

Shire of Nannup Community Strategic Plan 2013-2023 – Our Council Leadership
- Strategy 6.1 Provide a Stable, Consistent and honest Government

RECOMMENDATION:

That Council:-

1. Considers whether it wishes to submit motion/s to the Annual General Meeting of the Western Australian Local Government Association to be held on Wednesday, 3 August 2016 and if so, provide same to the CEO for submission to WALGA by 7 June 2016; and
2. Councillors interested in attending the Local Government Convention, nominate themselves accordingly to enable staff to organise registrations and accommodation for the 3 day Convention.

VOTING REQUIREMENTS: Simple Majority

16051 LONGMORE/MELLEMA

That Council:-

1. *Considers whether it wishes to submit motion/s to the Annual General Meeting of the Western Australian Local Government Association to be held on Wednesday, 3 August 2016 and if so, provide same to the CEO for submission to WALGA by 7 June 2016; and*
2. *That the following Councillors be authorised to attend the Local Government Convention with associated registration and accommodation fees being approved for payment:-
Cr's Dean, Slater, Steer and Longmore*

CARRIED (8/0)

AGENDA NUMBER:	12.4
SUBJECT:	Partnership Proposal
LOCATION/ADDRESS:	
NAME OF APPLICANT:	Tom Wilde Motorsport
FILE REFERENCE:	
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	14 April 2016

BACKGROUND:

Mr Tom Wilde, Australian Rally Driver and ex-Nannup resident, writes to advise that he is again competing in the Australian Rally Championship with the first round, being the Quit Forest Rally, that is being conducted in Nannup and Busselton on the 23rd and 24th April 2016.

Mr Wilde writes to promote the opportunity of creating a partnership between the Shire of Nannup and himself for the 2016 campaign for him to become the Australian Rally Champion, with a particular focus on Round 1 in Nannup.

Mr Wilde advises that in the past, he is aware of the City of Busselton supporting a local Busselton driver for the event and he took the City's branding to the Eastern States when competing in national competitions.

Mr Wilde believes that the Quit Forest Rally is a great event for Nannup and he would be more than happy to work with the Shire of Nannup to promote Nannup before and during the event.

COMMENT:

Mr Wilde provided the CEO with a Partnership Prospectus which included three levels of sponsorship. The Prospectus did not detail the level of funding associated with the sponsorship.

The CEO wrote to Mr Wilde advising that Council's 2015/2016 Budget does not have an allocation for sponsorship of this type but did advise that Council was currently in the development phases for its 2016/2017 Budget and Council may wish to give consideration to a sponsorship proposal for the 2016/2017 financial year, which would include remaining 2016 Rally Championship events and the 2017 Quit Forest Rally.

Mr Wilde was requested to provide additional information for Council consideration.

STATUTORY ENVIRONMENT: Nil

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS:

2016/2017 Budget considerations

STRATEGIC IMPLICATIONS:

Shire of Nannup Community Strategic Plan 2013-2023 – Our Economy - Strategy 2.2 Tourism/Recreation – Marketing and Branding of the Shire for promotion purposes.

RECOMMENDATION:

That Council endorses the actions of the CEO in advising Mr Wilde that it is unable to entertain sponsorship for the 2016 Quit Forest Rally due to funding not being available in the 2015/2016 financial year but Council would consider a more detailed offer during its 2016/2017 Budget deliberations that would include the promotion of Nannup for the remaining 2016 Australian Rally Championship events and for the 2017 Quit Forest Rally.

VOTING REQUIREMENTS: Simple Majority

16052 MELLEMA/STEVENSON

That Council endorses the actions of the CEO in advising Mr Wilde that it is unable to entertain sponsorship for the 2016 Quit Forest Rally due to funding not being available in the 2015/2016 financial year but Council would consider a more detailed offer during its 2016/2017 Budget deliberations that would include the promotion of Nannup for the remaining 2016 Australian Rally Championship events and for the 2017 Quit Forest Rally.

CARRIED (6/2)

Voting for the motion: Cr's Dean, Mellema Gilbert, Longmore, Fraser and Stevenson.

Voting against the motion: Cr's Steer and Slater.

AGENDA NUMBER:	12.5
SUBJECT:	Original 1866 Nannup Traffic Bridge Pylons
LOCATION/ADDRESS:	Blackwood River, Nannup
NAME OF APPLICANT:	Cr Charles Gilbert
FILE REFERENCE:	ADM 4
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	14 April 2016

BACKGROUND:

Cr Gilbert has written to Council requesting that the Shire consider and develop a proposal to recover, preserve and display the two remaining wooden pylons of the original Bridge over the Blackwood River that was constructed and opened to traffic in 1866.

Cr Gilbert advises that the two pylons are a testament to the value of convict labour who constructed so much of the traffic route between Busselton and the Warren inclusive of the Lower Blackwood as the area of Nannup was then known. Cr Gilbert advises that two pylons on the northern bank of the river have been lost in recent years and it may be just a question to time for these last two pylons to remain.

Cr Gilbert indicates that the proposal could be located and enhance the walk trail to the river foreshore adjacent to the existing road bridge at the northern entry to the town by way of display, improvement to the physical aspect of the existing trail and additional interpretative signage indicating aspects of the four bridges that have been built at this site as well as the reasons for and impact of the selection of the site.

Cr Gilbert considers that sufficient resources exist with the town site to develop and realise such a project which could celebrate the 150th anniversary of the opening of the first bridge at this site, an occasion which occurs around December of this year.

COMMENT:

The CEO informed Council at the March 2016 Information Session that he was in receipt of the above correspondence but it had not been included in the March 2016 Ordinary Council Meeting Agenda.

To progress this matter, particularly with access to the Blackwood River to remove the old pylons, the CEO contacted the Department of Water who advised that a Permit under Section 11, 17 and 21A of the *Rights in Water and Irrigation Act 1914* was required as interference with the River bed and banks would occur.

A Permit application has been submitted to the Department of Water in anticipation that Council would support the removal of the pylons and the establishment of a permanent display for the pylons to recognise their historical significance.

The CEO and Manager for Infrastructure met with Cr Gilbert and Mr Neville Tanner, representative of the Nannup Historical Society, to discuss the processes of removal of the pylons if Council was successful in its Permit application.

STATUTORY ENVIRONMENT:

Section 11, 17 and 21A of the *Rights in Water and Irrigation Act 1914*

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS:

Costs associated with the removal of the pylons.

STRATEGIC IMPLICATIONS:

Shire of Nannup Community Strategic Plan 2013-2023 – Our Community - Strategy 1.1 All of Us/Who we Are – Marketing and Branding of the Shire for promotion purposes.

RECOMMENDATION:

That Council recognises the historical significance of the original 1866 Nannup Traffic Bridge pylons and endorses the actions of the CEO to date in applying for a Permit under Section 11, 17 and 21A of the *Rights in Water and Irrigation Act 1914* for permission to access the banks of the Blackwood River to remove the pylons with the intent of establishing a permanent display with interpretative signage.

VOTING REQUIREMENTS: Simple Majority.

16053 GILBERT/DEAN

That Council recognises the historical significance of the original 1866 Nannup Traffic Bridge pylons and endorses the actions of the CEO to date in applying for a Permit under Section 11, 17 and 21A of the Rights in Water and Irrigation Act 1914 for permission to access the banks of the Blackwood River to remove the pylons with the intent of establishing a permanent display with interpretative signage.

CARRIED (8/0)

AGENDA NUMBER:	12.6
SUBJECT:	Nannup Community House
LOCATION/ADDRESS:	Cnr Brockman Street and Warren Road, Nannup
NAME OF APPLICANT:	Ms Tina Duncan
FILE REFERENCE:	
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	14 April 2016

BACKGROUND:

Ms Duncan writes to advise that she is a user of the Community House in Nannup, through CWA (on a monthly basis) and the craft ladies (which is weekly). Ms Duncan also advises that CWA runs a Bingo afternoon for our elderly people, and of course the OP Shop is open several times a week.

Ms Duncan advises that she finds it hard to believe that the Community House has no hot water facilities. The majority of users are older or senior citizens of Nannup. Therefore, a lack of hot water for cleaning or washing up can be seen as an occupational, health and safety concern.

Ms Duncan also points out that there is no heating or cooling for this well used house and the users rely on small heaters in winter and fans in summer. This means cords running across floors that could result in falls or an overload of the electrical wiring. A small reverse cycle air conditioner in the main area would perhaps be the best option.

COMMENT:

There had been previous requests for a hot water system to be installed at the Community House and surplus funds in the 2015/2016 financial year has enabled this to be undertaken with installation to occur on or around Friday, 15 April 2016.

The CEO responded to Ms Duncan's letter to advise that the hot water system would be installed however, funding at this stage was not available for heating/cooling of the building. The CEO indicated to Ms Duncan that as Council provides the House on a peppercorn rental basis to the users of the facility, maybe the users of the facility could fund raise or seek grant funding for heating/cooling for their user groups.

STATUTORY ENVIRONMENT: Nil

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS:

Shire of Nannup Community Strategic Plan 2013-2023 – Our Council Leadership
- Strategy 6.1 Lead, Listen, Advocate, Represent and Provide.

RECOMMENDATION:

That Council acknowledges Ms Duncan's letter and endorses the actions of the staff in the installation of a hot water system for the building to accommodate the users and in respect to the additional request of heating/cooling of the facility, Council encourages the users to fund this through their own means via fund raising or grants based on the peppercorn rental that is afforded to the users.

VOTING REQUIREMENTS: Simple Majority.

16054 MELLEMA/STEVENSON

That Council acknowledges Ms Duncan's letter and endorses the actions of the staff in the installation of a hot water system for the building to accommodate the users and in respect to the additional request of heating/cooling of the facility, Council encourages the users to fund this through their own means via fund raising or grants based on the peppercorn rental that is afforded to the users.

CARRIED (8/0)

Cr Mellema left the meeting at 4:46pm

AGENDA NUMBER:	12.7
SUBJECT:	Request to Waive Facility User Fees
LOCATION/ADDRESS:	Foreshore Park – Long Table Lunch
NAME OF APPLICANT:	South West Food Bowl Association Inc.
FILE REFERENCE:	
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	15 April 2016

BACKGROUND:

Mrs Barbara Dunnet, Chairperson of the South West Food Bowl Association Inc. has written to Council to advise that the Association has received the invoice for fees for the SW Food Bowl Long table luncheon at the Foreshore Park and are concerned about the fairness of the use of the principle of user pay.

Mrs Dunnet advises that the Association formally objects to the level of fees that have been set and points out the following:-

- The long table lunch did not erect large marquees. 3x3s were used for shade purposes only.
- There was no extra rubbish generated from this function for the Shire to remove and "Supper Road" were self-contained.
- There wasn't additional cleaning of toilets required with 50 people in attendance. The committee made sure the toilets were left clean.

We therefore agree to pay the following fees

- | | |
|-------------------|----------|
| • Hire of venue - | \$ 80.00 |
| • Consumer pole - | \$ 42.00 |
| TOTAL | \$122.00 |

Mrs Dunnet advises that the South West Food Bowl Committee had the opportunity to have the function on private property, however it made a conscious decision to hold the event in a public place to Showcase Nannup and its food, infrastructure and attractiveness and to keep people in town. Mrs Dunnet advises that the South West Food Bowl Association would expect that the Shire of Nannup endorses these principles.

COMMENT:

On the 14th March a letter was forwarded to the South West Food Bowl Association advising that it had received approval for its Event Application and that the following fees would be imposed:-

• Venue Hire Foreshore Park	\$ 80.00
• Additional Toilet Cleaning Fee	\$ 100.00
• Public Building Fee	\$ 262.50
• Consumer Pole	\$ 42.00
 Total	 \$ 484.50

At the time of forwarding the letter of approval for the Food Bowl, the CEO also questioned some of the fees imposed, particularly the \$262.50 Public Building Fee however, as Council's Environmental Health Surveyor was unavailable to answer questions in relation to the fees imposed, and as it was in accordance with Council's Fees and Charges Schedule, the letter was forwarded to the Association knowing that there would be an objection that could then be dealt with.

In respect to the Additional Toilet Cleaning fee, this was based upon the fact that in the SW Food Bowls Event Application, it was indicated that up to 150 people would be in attendance and events of this size normally require additional cleaning of the toilet facilities. It was not known at that stage that only 50 people would attend the event.

It is considered that the \$122.00 (Venue Hire fee of \$80.00 and Consumer Pole fee of \$42.00) that the South West Food Bowl believe is a fair amount to pay is appropriate based on the size of the event and there not being the need for Council to impose the \$262.50 Public Building Fee.

STATUTORY ENVIRONMENT: Nil

POLICY IMPLICATIONS:

Council Policy No.BLD 1 relating to the "Use/Hire of Community Facilities" which states:-

"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: Nil

STRATEGIC IMPLICATIONS:

Shire of Nannup Community Strategic Plan 2013-2023 – Our Community Leadership - Strategy 5.1 Support Existing and Emerging Community Groups.

RECOMMENDATION::

That Council advises the South West Food Bowl Association that it is prepared to waive the \$262.50 Public Building Fee and \$100.00 Public Toilet Cleaning Fee associated with the Long Table Lunch at the Foreshore Park on Saturday, 2 April 2016 on the condition that the remaining \$122.00 fees are paid.

VOTING REQUIREMENTS: Simple Majority.

16055 LONGMORE/STEVENSON

That Council advises the South West Food Bowl Association that it is prepared to waive the \$262.50 Public Building Fee and \$100.00 Public Toilet Cleaning Fee associated with the Long Table Lunch at the Foreshore Park on Saturday, 2 April 2016 on the condition that the remaining \$122.00 fees are paid.

CARRIED (7/0)

Cr Mellema returned to the meeting at 4:50pm

AGENDA NUMBER:	12.8
SUBJECT:	Development Application for a Proposed Residence and Medical Centre
LOCATION/ADDRESS:	Lot 100 (54) Warren Road, Nannup
NAME OF APPLICANT:	Plunkett Homes for Dr Kushdev Singh
FILE REFERENCE:	A1746
AUTHOR:	Jane Buckland – Development Services Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	
DATE OF REPORT:	20 April 2016
PREVIOUS MEETING REFERENCE:	
ATTACHMENT:	12.8.1 - Location map 12.8.2 - Submissions 12.8.3 - Information from applicant 12.8.4 - Modified plans from applicant

BACKGROUND:

Plunkett Homes have lodged a Development Application on behalf of Dr. Kushdev Singh for a proposed residence and medical practice to be located at Lot 100 (54) Warren Road, Nannup. The site is located between St Thomas More Catholic Church and the Nannup Liquor Store as shown in Attachment 12.8.1.

The owner intends to live on the premises while he establishes a medical practice. In the future, visiting medical practitioners may also stay for short periods and be housed within the residential area of the building.

The Shire administration invited public comment on the Development Application for a period of 42 days by writing to 16 adjoining/nearby landowners and 6 other stakeholders, placing details on the Shire website and having details at the Shire office. The Shire received 3 submissions on the Development Application as outlined in Attachment 12.8.2. The main issue raised in the submissions was that of safe vehicular access and egress to Warren Road.

In accordance with standard practice, the Shire administration provided the applicant with copies of the submissions in order to address concerns and issues where possible. No formal response has been received from the applicant however the owner has verbally advised that he could consider adjusting the proposed design to address the concerns by Main Roads Western Australia.

COMMENT:

The subject site is zoned Town Centre under the Shire of Nannup Local Planning Scheme No.3 (LPS3). It is also located in the Nannup Mainstreet Heritage Precinct.

It is suggested that the proposed development be considered as 'medical centre' which is defined in LPS3 as meaning "premises used by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling)".

'Medical centre' is a "D" use in LPS3 which means that the use is not permitted unless the local government has exercised its discretion by granting planning approval.

The applicant is proposing a design which is generally consistent with Local Planning Policy LPP008 - Nannup Mainstreet Heritage Precinct and the associated Nannup Mainstreet Heritage Precinct Guidelines. The proposed design is shown in Attachment 12.8.3.

A total of 7 off-street parking bays, including 1 disabled bay, are proposed to be constructed at the rear of the building which will be accessed via a driveway from Warren Road along the northern side of the building. This is consistent with Schedule 11 of LPS3 which requires consulting rooms (which includes a 'medical centre') to include provision for 3 spaces per practitioner.

The applicant had originally proposed to construct a disabled parking bay at the front of the building, parallel to Warren Road and accessed via an additional crossover on Warren Road.

The Shire administration would prefer to see the front of the building appropriately landscaped rather than hard sealed or paved as this would be more in keeping with the character of the main street and consistent with Local Planning Policy LPP008. In addition, Main Roads Western Australia have raised concerns regarding the proposed access to the disabled parking bays at the front of the building and requested that these bays and the access to them be removed from the design for safety reasons.

Following receipt of the advice from Main Roads it was forwarded to the applicant for consideration. The applicant has supplied amended plans which show that the disabled parking bay at the front of the property and the additional crossover have both been removed and the disabled parking bay relocated to the rear of the building. The amended plans are shown in Attachment 12.8.4.

It is recommended that Council approve the Development Application subject to conditions.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005, Planning and Development (Local Planning Scheme) Regulations 2015 and LPS3.

POLICY IMPLICATIONS:

Local Planning Policy LPP008 is a non-statutory document which is designed to provide guidance to assist the Council in its decision making. Accordingly, the Council is not bound by the policy but is required to have regard to the policy in determining the Planning Application.

FINANCIAL IMPLICATIONS: Nil.

STRATEGIC IMPLICATIONS:

The services of a regular general practitioner are important to the development of a self-sufficient community.

RECOMMENDATION:

That Council approve the Development Application for a 'residence' and 'medical centre' at Lot 100 (54) Warren Road, Nannup 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 Shire. Where the Development Approval has lapsed no further development is to be carried out.
2. The development hereby approved must be carried out in accordance with the plans and documentation submitted with the application, addressing all conditions, or otherwise amended by the local government and shown on the approved plan and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.
3. The provision of one crossover to Warren Road, with the crossover being designed, constructed and drained at the applicant's cost to the

satisfaction of the Shire prior to occupation.

4. The car parking spaces are designed, constructed (sealed or paved) and drained to the satisfaction of the Shire prior to occupation. The car parking bays are not to be located closer to Warren Road than the proposed building.
5. The vehicle access ways and vehicle manoeuvring areas are designed, constructed (sealed or paved) and drained to the satisfaction of the Shire prior to occupation.
6. The provision of details prior to occupation as to how stormwater will be addressed for the proposed development (including stormwater from roofs, car parking and other areas) to the satisfaction of the Shire. The stormwater facilities provided in accordance with this condition shall be permanently maintained in an operative condition to the satisfaction of the Shire.
7. All stormwater and drainage run off is to be connected through a silt pit to a Shire stormwater legal point of discharge prior to occupation to the satisfaction of the Shire.
8. The development is to be connected to the reticulated water network prior to occupation.
9. The development is to be connected to the reticulated sewer network prior to occupation.
10. The roof of the building is constructed of corrugated iron or Colourbond (not tiles).
11. The building is painted or clad on colours consistent with Local Planning Policy LPP008 – Nannup Main street Heritage Precinct prior to occupation.
12. The area between the front of the building and Warren Road is to be landscaped using appropriate planting and is not to be hard paved or sealed apart from the entrance ramps indicated on the submitted plans.
13. No external signage is to be erected without the prior approval of the Shire.
14. A dividing fence on or near the southern boundary (adjacent to St Thomas More Catholic Church) is to be constructed prior to 30th April 2018.

Advice

- A. This is not a Building Permit. A Building Permit must be obtained before any building works commence.
- B. The applicant is advised that the approved development must comply with all relevant provisions of the Health Act and the Building Code of Australia.
- C. In relation to Condition 3, the Shire will arrange line marking to prevent vehicle parking in the vehicle access area to the property.
- D. In relation to Conditions 6 & 7, stormwater is to be suitably detained on site (e.g. rainwater tanks, soakwells) before connection into a Shire stormwater legal point of discharge.
- E. Existing trees are encouraged to be retained where possible and practical to enhance the amenity of the site and contribute to the amenity of the town centre.
- F. If the 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 the determination.

VOTING REQUIREMENTS: Simple Majority.

16056 LONGMORE/SLATER

That Council approve the Development Application for a 'residence' and 'medical centre' at Lot 100 (54) Warren Road, Nannup 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 Shire. Where the Development Approval has lapsed no further development is to be carried out.***

- 2. The development hereby approved must be carried out in accordance with the plans and documentation submitted with the application, addressing all conditions, or otherwise amended by the local government and shown on the approved plan and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.**
- 3. The provision of one crossover to Warren Road, with the crossover being designed, constructed and drained at the applicant's cost to the satisfaction of the Shire prior to occupation.**
- 4. The car parking spaces are designed, constructed (sealed or paved) and drained to the satisfaction of the Shire prior to occupation. The car parking bays are not to be located closer to Warren Road than the proposed building.**
- 5. The vehicle access ways and vehicle manoeuvring areas are designed, constructed (sealed or paved) and drained to the satisfaction of the Shire prior to occupation.**
- 6. The provision of details prior to occupation as to how stormwater will be addressed for the proposed development (including stormwater from roofs, car parking and other areas) to the satisfaction of the Shire. The stormwater facilities provided in accordance with this condition shall be permanently maintained in an operative condition to the satisfaction of the Shire.**
- 7. All stormwater and drainage run off is to be connected through a silt pit to a Shire stormwater legal point of discharge prior to occupation to the satisfaction of the Shire.**
- 8. The development is to be connected to the reticulated water network prior to occupation.**
- 9. The development is to be connected to the reticulated sewer network prior to occupation.**
- 10. The roof of the building is constructed of corrugated iron or Colourbond (not tiles).**
- 11. The building is painted or clad on colours consistent with Local Planning Policy LPP008 – Nannup Mainstreet Heritage Precinct prior to occupation.**
- 12. The area between the front of the building and Warren Road is to be landscaped using appropriate planting and is not to be hard paved or sealed apart from the entrance ramps indicated on the submitted plans.**

13. No external signage is to be erected without the prior approval of the Shire.

14. A dividing fence on or near the southern boundary (adjacent to St Thomas More Catholic Church) is to be constructed prior to 30th April 2018.

Advice

A. This is not a Building Permit. A Building Permit must be obtained before any building works commence.

B. The applicant is advised that the approved development must comply with all relevant provisions of the Health Act and the Building Code of Australia.

C. In relation to Condition 3, the Shire will arrange line marking to prevent vehicle parking in the vehicle access area to the property.

D. In relation to Conditions 6 & 7, stormwater is to be suitably detained on site (e.g. rainwater tanks, soakwells) before connection into a Shire stormwater legal point of discharge.

E. Existing trees are encouraged to be retained where possible and practical to enhance the amenity of the site and contribute to the amenity of the town centre.

F. If the 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 the determination.

CARRIED (8/0)

AGENDA NUMBER:	12.9
SUBJECT:	Advice of Lodgement of Exploration Licences
LOCATION/ADDRESS:	Various
NAME OF APPLICANT:	McMahon Mining Title Services P/L on behalf of Venture Lithium P/L
FILE REFERENCE:	TPL 15
AUTHOR:	Jane Buckland – Development Services Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	
DATE OF REPORT:	4 April 2016
ATTACHMENT:	12.9.1 - Correspondence and application details 12.9.2 – Location map

BACKGROUND:

Venture Lithium Pty Ltd have lodged applications for three exploration licences, E70/4838, E70/4839 and E70/4840, to the Department of Mines and Petroleum, a large portion of which are located in the Wheatley, Tanjannerup, East Nannup, Carlotta, Biddelia and Peerabeelup areas of the Shire of Nannup. The information received from the applicant is shown in Attachment 12.9.1 and the location of the exploration area is shown in Attachment 12.9.2.

COMMENT:

Under the Mining Act any works within a gazetted townsite or within 2 kilometres of the boundary of a gazetted townsite require comment from the Local Government. In the case of these applications any proposed drilling operations will be well outside the Nannup townsite however there may be proposed drilling operations along road reserves within the exploration licence areas. Some of the abovementioned roads are controlled by the Shire and some are forestry roads.

The Shire expects that should the applicant wish to enter private property within the exploration licence area that it will notify and liaise with property owners directly as per the requirements of the Mining Act.

It is suggested that Council should advise the applicants that they have no objections to the carrying out of any necessary roadside drilling based on the following general conditions:

1. That dust suppression is carried out so that others are not adversely affected;
2. That any saline ground water found is contained by pumping it into a water trailer and disposed of through normal mining practices under the terms of the company's mining conditions;

3. Any ground water that escapes onto the ground around the drill site is to be bunded so that it does not spread;
4. All containers used for soil samples, including plastic bags, are to be removed from the site and disposed of in a suitable manner;
5. All rubbish is to be disposed of at the nearest local landfill site in the appropriate manner;
6. A firefighting unit with a minimum capacity of 1,000L is to be available at all times, and drilling is to cease if a total fire and harvest ban is called;
7. No drill holes are to extend under any public roadways. Drilling being carried out is not to interfere with road drainage and must be beyond the batter line (this is to minimise damage to capped drill holes during maintenance grading);
8. Safety signs are to be erected in accordance with Australian Standards to warn both mining staff, contractors, site visitors and the general public;
9. All drill holes are to be capped as soon as possible/practical after drilling;
10. If working within 100m of a residence, all noise generated is to be limited in accordance with the *Environmental Protection (Noise) Regulations 1997*, in particular when working between 7:00pm and 7:00am;
11. A traffic management plan is required to be submitted to and approved by the Shire of Nannup; and
12. The proposed drilling work is advertised in the local "Nannup Telegraph" prior to any work commencing to notify the general public of this work; the applicants are to discuss and obtain approval to access private property prior to the company or its contractors accessing this land.

The Manager Infrastructure is aware of this application and has raised no issues in regards to the possibility of any drilling along any road reserves managed by the Shire.

STATUTORY ENVIRONMENT: Compliance with the *Environmental Protection (Noise) Regulations 1997*, and the *Environmental Protection Act 1986*.

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS: Nil

RECOMMENDATION:

That Council advises McMahon Mining Title Services Pty Ltd that it has no objection to the application lodged by Venture Lithium Pty Ltd for Exploration Licences E70/4838, E70/4839 and E70/4840 in the Shire of Nannup subject to the following conditions being adhered to:

1. That dust suppression is carried out so that others are not adversely affected;
2. That any saline ground water found is contained by pumping it into a water trailer and disposed of through normal mining practices under the terms of the company's mining conditions;
3. Any ground water that escapes onto the ground around the drill site is to be banded so that it does not spread;
4. All containers used for soil samples, including plastic bags, are to be removed from the site and disposed of in a suitable manner;
5. All rubbish is to be disposed of at the nearest local landfill site in the appropriate manner;
6. A firefighting unit with a minimum capacity of 1,000L is to be available at all times, and drilling is to cease if a total fire and harvest ban is called;
7. No drill holes are to extend under any public roadways. Drilling being carried out is not to interfere with road drainage and must be beyond the batter line (this is to minimise damage to capped drill holes during maintenance grading);
8. Safety signs are to be erected in accordance with Australian Standards to warn both mining staff, contractors, site visitors and the general public;
9. All drill holes are to be capped as soon as possible/practical after drilling;
10. If working within 100m of a residence, all noise generated is to be limited in accordance with the *Environmental Protection (Noise) Regulations 1997*, in particular when working between 7:00pm and 7:00am;
11. A traffic management plan is required to be submitted to and approved by the Shire of Nannup; and
12. The proposed drilling work is advertised in the local "Nannup Telegraph" prior to any work commencing to notify the general public of this work; the applicants are to discuss and obtain approval to access private property prior to the company or its contractors accessing this land.

VOTING REQUIREMENTS: Simple Majority

16057 FRASER/LONGMORE

That Council advises McMahon Mining Title Services Pty Ltd that it has no objection to the application lodged by Venture Lithium Pty Ltd for Exploration Licences E70/4838, E70/4839 and E70/4840 in the Shire of Nannup subject to the following conditions being adhered to:

- 1. That dust suppression is carried out so that others are not adversely affected;***
- 2. That any saline ground water found is contained by pumping it into a water trailer and disposed of through normal mining practices under the terms of the company's mining conditions;***
- 3. Any ground water that escapes onto the ground around the drill site is to be bunded so that it does not spread;***
- 4. All containers used for soil samples, including plastic bags, are to be removed from the site and disposed of in a suitable manner;***
- 5. All rubbish is to be disposed of at the nearest local landfill site in the appropriate manner;***
- 6. A firefighting unit with a minimum capacity of 1,000L is to be available at all times, and drilling is to cease if a total fire and harvest ban is called;***
- 7. No drill holes are to extend under any public roadways. Drilling being carried out is not to interfere with road drainage and must be beyond the batter line (this is to minimise damage to capped drill holes during maintenance grading);***
- 8. Safety signs are to be erected in accordance with Australian Standards to warn both mining staff, contractors, site visitors and the general public;***
- 9. All drill holes are to be capped as soon as possible/practical after drilling;***
- 10. If working within 100m of a residence, all noise generated is to be limited in accordance with the Environmental Protection (Noise) Regulations 1997, in particular when working between 7:00pm and 7:00am;***
- 11. A traffic management plan is required to be submitted to and approved by the Shire of Nannup; and***
- 12. The proposed drilling work is advertised in the local "Nannup Telegraph" prior to any work commencing to notify the general public of this work; the applicants are to discuss and obtain approval to access private property prior to the company or its contractors accessing this land.***

CARRIED (7/1)

Voting for the motion: Cr's Dean, Mellema, Gilbert, Longmore, Fraser, Slater & Steer.

Voting against the motion: Cr Stevenson

AGENDA NUMBER:	12.10
SUBJECT:	Advice of Lodgement of Exploration Licences
LOCATION/ADDRESS:	Various
NAME OF APPLICANT:	Anderson's Tenement Management on behalf of Olaf Frederickson, Benison Holdings P/L & Bull Equities P/L
FILE REFERENCE:	TPL 15
AUTHOR:	Jane Buckland – Development Services Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	
DATE OF REPORT:	18 April 2016
ATTACHMENT:	12.10.1 - Correspondence and application details 12.10.2 – Location map

BACKGROUND:

Olaf Frederickson, Benison Holdings Pty Ltd & Bull Equities Pty Ltd have jointly lodged applications for two exploration licences, E70/4843 and E70/4844, to the Department of Mines and Petroleum, a large portion of which are located in the Cundinup, Tanjannerup and Wheatley areas of the Shire of Nannup. The information received from the applicant is shown in Attachment 12.10.1 and the location of the exploration area is shown in Attachment 12.10.2.

COMMENT:

Under the Mining Act any works within a gazetted townsite or within 2 kilometres of the boundary of a gazetted townsite require comment from the Local Government. In the case of these applications any proposed drilling operations will be well outside the Nannup townsite however there may be proposed drilling operations along road reserves within the exploration licence areas. Some of the abovementioned roads are controlled by the Shire and some are forestry roads.

The Shire expects that should the applicant wish to enter private property within the exploration licence area that it will notify and liaise with property owners directly as per the requirements of the Mining Act.

It is suggested that Council should advise the applicants that they have no objections to the carrying out of any necessary roadside drilling based on the following general conditions:

1. That dust suppression is carried out so that others are not adversely affected;

2. That any saline ground water found is contained by pumping it into a water trailer and disposed of through normal mining practices under the terms of the company's mining conditions;
3. Any ground water that escapes onto the ground around the drill site is to be bunded so that it does not spread;
4. All containers used for soil samples, including plastic bags, are to be removed from the site and disposed of in a suitable manner;
5. All rubbish is to be disposed of at the nearest local landfill site in the appropriate manner;
6. A firefighting unit with a minimum capacity of 1,000L is to be available at all times, and drilling is to cease if a total fire and harvest ban is called;
7. No drill holes are to extend under any public roadways. Drilling being carried out is not to interfere with road drainage and must be beyond the batter line (this is to minimise damage to capped drill holes during maintenance grading);
8. Safety signs are to be erected in accordance with Australian Standards to warn both mining staff, contractors, site visitors and the general public;
9. All drill holes are to be capped as soon as possible/practical after drilling;
10. If working within 100m of a residence, all noise generated is to be limited in accordance with the *Environmental Protection (Noise) Regulations 1997*, in particular when working between 7:00pm and 7:00am;
11. A traffic management plan is required to be submitted to and approved by the Shire of Nannup; and
12. The proposed drilling work is advertised in the local "Nannup Telegraph" prior to any work commencing to notify the general public of this work; the applicants are to discuss and obtain approval to access private property prior to the company or its contractors accessing this land.

The Manager Infrastructure is aware of this application and has raised no issues in regards to the possibility of any drilling along any road reserves managed by the Shire.

STATUTORY ENVIRONMENT: Compliance with the *Environmental Protection (Noise) Regulations 1997*, and the *Environmental Protection Act 1986*.

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS: Nil

RECOMMENDATION:

That Council advises Anderson's Tenement Management that it has no objection to the applications lodged by Olaf Frederickson, Benison Holdings Pty Ltd and Bull Equities Pty Ltd for Exploration Licences E70/4843 and E70/4844 in the Shire of Nannup subject to the following conditions being adhered to:

1. That dust suppression is carried out so that others are not adversely affected;
2. That any saline ground water found is contained by pumping it into a water trailer and disposed of through normal mining practices under the terms of the company's mining conditions;
3. Any ground water that escapes onto the ground around the drill site is to be bunded so that it does not spread;
4. All containers used for soil samples, including plastic bags, are to be removed from the site and disposed of in a suitable manner;
5. All rubbish is to be disposed of at the nearest local landfill site in the appropriate manner;
6. A firefighting unit with a minimum capacity of 1,000L is to be available at all times, and drilling is to cease if a total fire and harvest ban is called;
7. No drill holes are to extend under any public roadways. Drilling being carried out is not to interfere with road drainage and must be beyond the batter line (this is to minimise damage to capped drill holes during maintenance grading);
8. Safety signs are to be erected in accordance with Australian Standards to warn both mining staff, contractors, site visitors and the general public;
9. All drill holes are to be capped as soon as possible/practical after drilling;
10. If working within 100m of a residence, all noise generated is to be limited in accordance with the *Environmental Protection (Noise) Regulations 1997*, in particular when working between 7:00pm and 7:00am;
11. A traffic management plan is required to be submitted to and approved by the Shire of Nannup; and

12. The proposed drilling work is advertised in the local "Nannup Telegraph" prior to any work commencing to notify the general public of this work; the applicants are to discuss and obtain approval to access private property prior to the company or its contractors accessing this land.

VOTING REQUIREMENTS: Simple Majority

16058 FRASER/MELLEMA

That Council advises Anderson's Tenement Management that it has no objection to the applications lodged by Olaf Frederickson, Benlson Holdings Pty Ltd and Bull Equities Pty Ltd for Exploration Licences E70/4843 and E70/4844 in the Shire of Nannup subject to the following conditions being adhered to:

- 1. That dust suppression is carried out so that others are not adversely affected;***
- 2. That any saline ground water found is contained by pumping it into a water trailer and disposed of through normal mining practices under the terms of the company's mining conditions;***
- 3. Any ground water that escapes onto the ground around the drill site is to be banded so that it does not spread;***
- 4. All containers used for soil samples, including plastic bags, are to be removed from the site and disposed of in a suitable manner;***
- 5. All rubbish is to be disposed of at the nearest local landfill site in the appropriate manner;***
- 6. A firefighting unit with a minimum capacity of 1,000L is to be available at all times, and drilling is to cease if a total fire and harvest ban is called;***
- 7. No drill holes are to extend under any public roadways. Drilling being carried out is not to interfere with road drainage and must be beyond the batter line (this is to minimise damage to capped drill holes during maintenance grading);***
- 8. Safety signs are to be erected in accordance with Australian Standards to warn both mining staff, contractors, site visitors and the general public;***
- 9. All drill holes are to be capped as soon as possible/practical after drilling;***
- 10. If working within 100m of a residence, all noise generated is to be limited in accordance with the Environmental Protection (Noise) Regulations 1997, in particular when working between 7:00pm and 7:00am;***

- 11. A traffic management plan is required to be submitted to and approved by the Shire of Nannup; and**
- 12. The proposed drilling work is advertised in the local "Nannup Telegraph" prior to any work commencing to notify the general public of this work; the applicants are to discuss and obtain approval to access private property prior to the company or its contractors accessing this land.**

CARRIED (7/1)

Voting for the motion: Cr's Dean, Mellema, Gilbert, Longmore, Fraser, Slater & Steer.

Voting against the motion: Cr Stevenson

**Shire of Nannup
Ordinary Council Meeting Minutes: 28 April 2016**

AGENDA NUMBER:	12.11
SUBJECT:	Amendment No.18 to the Shire of Nannup Local Planning Scheme No. 3: submitted for adoption
LOCATION/ADDRESS:	Lot 8280 on Plan P201619 Dean Road, Nannup
NAME OF APPLICANT:	Harley Dysktra for Sharon Bastiaansen-Barker
FILE REFERENCE:	TPL1/18
AUTHOR:	Steve Thompson - Consultant Planner
REPORTING OFFICER:	Peter Clarke - 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)
PREVIOUS MEETING REFERENCE:	Nil
DATE OF REPORT:	19 April 2016
ATTACHMENTS:	12.11.1 - Location plan 12.11.2 - Documentation from applicant 12.11.3 - Proposed structure plan 12.11.4 - Scheme provisions for adjoining Special Rural Zone (SR14)

BACKGROUND:

The applicant seeks Council's adoption of a scheme amendment to rezone Lot 8280 Dean Road from 'Agriculture' to 'Special Rural' to facilitate the subdivision of the site into three lots of 3 hectares, 4.81 hectares and 7619m².

The site's location is shown in Attachment 12.11.1. The site is 8.57 hectares in area and it contains a dwelling and outbuildings. Dean Road divides the site. Most of the site is located west of Dean Road, with an area of 7619m² east of Dean Road.

The applicant's documentation, which includes a bushfire management plan, is set out in Attachment 12.11.2. The documentation is comprehensive and provides the necessary information and justification required by the *Shire of Nannup Local Planning Scheme No. 3* (LPS3) including land capability and suitability analysis. The documentation provides background information which is generally not repeated in this report. The structure plan is also outlined in Attachment 12.11.3.

FirePlan WA, who prepared the bushfire management plan, advise that the Department of Fire and Emergency Services (DFES) is supportive of the bushfire management plan. The Shire administration has sought confirmation of the DFES advice however the relevant DFES officer is currently on leave.

The site is zoned 'Agriculture' and is within a 'Special Rural Policy Area' in LPS3. The site is located in Policy Area 4 – Nannup West in the endorsed Local Planning

Strategy (LPS). The LPS identifies additional rural residential (special rural) subdivision in the area. Approximately half of the site is within the 1:100 year floodplain and approximately half of the site is classified as a bushfire prone area.

At the time of writing this report, the Shire is awaiting the written decision of the Western Australian Planning Commission (WAPC) on the draft LPS. Based on discussions with Department of Planning officers, it appears the WAPC have recommended the draft LPS is 'certified' (adopted by the WAPC for the purposes of advertising) subject to various modifications. One of the required modifications relates to removing the re-subdivision potential of rural residential lots in the Nannup West locality due to bushfire hazard risks.

COMMENT:

1. Overview

The scheme amendment request is supported and adoption by Council is recommended subject to modifications. This follows an assessment of the proposal against LPS3, the endorsed LPS, draft LPS, relevant State planning policies (SPP) and local planning policies, site conditions and information provided by the applicant.

In summary:

- the scheme amendment request is considered to be consistent with LPS3 and the endorsed LPS;
- FirePlan WA and DFES are satisfied that the bushfire management plan meets WAPC policy requirements;
- it represents a 'rounding off' of rural residential zoning and development in the locality; and
- the site is capable of accommodating two additional dwellings.

While noting the above, the key issues with the scheme amendment request are outlined below.

2. Bushfire risk

While still awaiting formal written confirmation, it appears the draft LPS has now been certified by the WAPC subject to modifications. This means the draft LPS is now considered to be a 'seriously entertained' document which the local government is required to consider in determining planning proposals. It appears that Nannup West is not supported for re-subdivision by the WAPC due to concerns over bushfire risks. The Department of Planning have recently advised there is a need to undertake further bushfire risk planning in the locality before progressing proposals which intensify land use.

It is suggested there is a need to balance the WAPC's determination on the draft LPS for the area compared to LPS3 and the endorsed LPS. As previously mentioned, FirePlan WA are satisfied the bushfire management plan meets WAPC policy requirements and it also appears that DFES is supportive of the bushfire management plan. It is also noted that the landowner engaged the applicant and other sub-consultants prior to recent bushfire management changes.

Subject to Council's determination on this scheme amendment request, there will separately be a need for Council to consider whether there is support for minor 'rounding' off the land still zoned 'Agriculture' in the locality which is within the Special Rural Policy Area. For instance, this includes Lots 8277, 8278 and 8279 Dean Road to the south of the site.

There is one public road that provides access between the Nannup West locality and Mowen Road. The site is essentially at the end of a long no through road. Having only one access route is considered inconsistent with the acceptable solutions in *SPP 3.7 Planning in Bushfire Prone Areas* and it is suggested that the scheme amendment request needs to be considered through the performance principle of SPP3.7.

Related to the above, it is suggested that the Shire shortly starts the process of securing an additional public road link between Barrabup Road and Mowen Road on a suitable alignment. This is likely to be an existing track. This will involve negotiation with the Department of Parks and Wildlife (and possibly other agencies) and is expected to require land swaps. It is expected the process will take time. Once secured, this will provide an alternative access to and from the Nannup West locality and will assist to reduce bushfire risks. It will also assist with economic development through facilitating enhanced access to the locality such as to tourist accommodation premises.

3. Size of proposed Lot 'C'

The Structure Plan proposes that Lot 'C' has an area of 7619m². SPP2.5 *Land Use Planning in Rural Areas* outlines that rural residential lots are between 1 – 4 hectares. A lot under 1 hectare, which is inconsistent SPP2.5, could be seen to have precedent implications.

While noting the above, preliminary feedback from the Department of Planning reveal Lot 'C' could be justified on the basis that Dean Road separates the land parcel and is still of a sufficient size to allow for a development site. Additionally, the average lot size proposed by the Structure Plan is 2.85 hectares which meets the intent of SPP2.5.

The applicant notes there are examples, in other local government authorities, where the WAPC has allowed for rural residential lots which are smaller than 1

hectare. A lot of 7619m² in size can easily provide for its own on-site water capture/storage and effluent disposal. In terms of any potential precedent, there does not appear to be other lots in the locality which are similar (i.e. which have two separate portions divided by a constructed public road). The site is therefore a unique situation and is unlikely to create a precedent.

4. Widening Blackwood River foreshore reserve

The current foreshore reserve adjoining the site is relatively narrow and contains native vegetation.

It is suggested that the structure plan be modified to show a widened foreshore reserve. This is to provide a track on currently cleared land which is suitable for pedestrians, cyclists and fire emergency vehicles. The widened reserve should be at least 10 metres wide but in parts may need to be wider due to the location of native vegetation and aligning and constructing a suitable track. By way of comparison, SR14 condition 6 required a widened foreshore of 20 metres. Enhancing public access to the foreshore, in a way that does not impact native vegetation, is considered a good planning outcome and is consistent with other recent similar proposals e.g. Special Rural Zone No. 15 (former Lot 8271 Brockman Highway, Nannup).

The applicant has recently advised 'We would be happy to work with the Shire to establish an appropriate foreshore reserve along the subject land's western boundary.'

5. Proposed LPS3 provisions/conditions

The proposed Scheme provisions/conditions for the site are very different compared to the adjoining Special Rural Zone (SR14) which are provided in Attachment 12.11.4. While noting this, it is suggested that a number of the SR14 conditions are now superfluous as they are contained in other parts of the LPS3, are addressed in other legislation or are matters that the Shire no longer seeks to address through the planning system e.g. controlling the use of herbicides and pesticides.

It is suggested that the conditions be extended as outlined in the officer recommendation (point 3 in bold) to provide increased statutory certainty.

6. Inclusion of additional lots

There is a small area of land, to the south of Lot 8280, that is zoned 'Agriculture' that is included in the Special Rural Policy Area in LPS3 (Lots 8277, 8278 and 8279 Dean Road).

The Shire administration has previously advised the landowner and the applicant that it is preferable to seek a scheme amendment that includes these additional lots rather than a 'spot' rezoning of only Lot 8280. It is administratively more effective and efficient and there are usually better planning outcomes to include multiple lots rather than a rezoning for a single relatively small lot. While noting this, it is suggested that the scheme amendment proceed on the basis of Lot 8280 only. Any future proposals for Lots 8277, 8278 and 8279 Dean Road will be guided by Council, WAPC and Minister for Planning determinations on this amendment request and the finalised LPS.

7. Alternative options

The Council has a number of options available to it, which are summarised below:

- not support the scheme amendment – this would mean the rezoning could not proceed. This is considered to be contrary to the direction and recommendations in LPS3 and the Council's endorsed LPS;
- support the scheme amendment - choose to support the proposed rezoning as set out in Attachment 12.11.2 either as proposed or with modifications; or
- defer - for a period of time and seek additional information or comment, if deemed necessary, before proceeding to make a decision. This could include awaiting the formal decision of the WAPC on the draft LPS.

8. Next steps

Based on the *Planning and Development (Local Planning Schemes) Regulations 2015*, the scheme amendment is considered to be a 'standard' amendment. The process of undertaking the amendment requires:

- the amendment to be referred to the Environmental Protection Authority for assessment and upon approval to proceed when their advice is received;
- public consultation to be undertaken for at least 42 days as set out in the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
- reporting to Council following the close of the consultation period. The Council will then determine whether or not to support final adoption of the scheme amendment (with or without modifications). After this, the WAPC will next assess the scheme amendment request with the final decision made by the Minister for Planning.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005, Planning and Development (Local Planning Schemes) Regulations 2015 and LPS3.

POLICY IMPLICATIONS.

Various local planning policies (LPP) are relevant in assessing the request including *LPP 11 Development in Flood Prone Areas* and *LPP 21 Bush Fire Management*. LPP's 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 LPPs but is required to have regard to the policies in determining the scheme amendment request.

There are also various SPPs relevant to the scheme amendment request including *SPP2 Environment and Natural Resources Policy*, *SPP2.5 Land Use Planning in Rural Areas*, *SPP3 Urban Growth and Settlement* and *SPP 3.7 Planning in Bushfire Prone Areas*. Complementing SPP3.7 include *Guidelines for Planning in Bushfire Prone Areas* an associated planning bulletin and various fact sheets.

FINANCIAL IMPLICATIONS:

The applicant has paid the required scheme amendment fee in accordance with adopted 2015/16 Schedule of Fees and Charges.

STRATEGIC IMPLICATIONS:

The site forms part of the Special Rural Policy Area in LPS3.

RECOMMENDATION:

That Council:

1. Determines that the Amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, contained in Regulation 34, for the following reasons:
 - (a) The amendment proposal is consistent with the endorsed *Shire of Nannup Local Planning Strategy*.
 - (b) The amendment proposal would have minimal impact on land in the scheme area that is not subject of the amendment.
 - (c) The amendment proposal will not result in any significant environmental, social, economic, or governance impacts on land in the scheme area.
 - (d) The amendment proposal is not a complex or basic amendment.
2. Agree to adopt an amendment to the *Shire of Nannup Local Planning Scheme No. 3*, pursuant to section 75 of the *Planning and Development Act 2005*, through rezoning Lot 8280 on Plan P201619 Dean Road, Nannup from

'Agriculture' to 'Special Rural' subject to modifications in points 3 and 4.

3. Amend Schedule 12 of the Scheme through adding Conditions for Special Rural Zone No. 16 (SR16) as follows with modifications outlined in bold:

No.	DESCRIPTION OF LAND	CONDITIONS
SR16	Lot 8280 Dean Road, Nannup	<ol style="list-style-type: none"> 1. Subdivision and development of the site shall be generally in accordance with the Structure Plan, adopted by the Local Government and endorsed by the WAPC, and the Fire Management Plan adopted by the Local Government. 2. Subdivision and development may be considered by the Shire as a variation from the Structure Plan provided that, in the opinion of the Shire, such development would not compromise the intent of the Structure Plan. 3. Any variation to the endorsed Structure Plan not within the general intent of the Structure Plan will require consideration and endorsement of a new Structure Plan in accordance with Schedule 14. 4. The widened foreshore reserve as generally depicted on the Structure Plan is to be ceded free of cost to the Crown and vested in the Shire of Nannup at the time of subdivision. 5. The local government may as a condition of subdivision request the preparation and implementation of a Foreshore Management Plan. 6. All development is to be compatible with the capability of the land, whilst retaining the rural character and amenity of the locality. As such all building materials should be non-reflective and of a colour and texture that complements the existing landscape, unless otherwise approved by the local government.

4. Amend the Structure Plan provided in Attachment 12.11.3 through:
- (a) showing a foreshore reserve generally between 10 – 20 metres wide;
 - (b) extending the Building Exclusion Area within 10 metres of existing and proposed property boundaries;
 - (c) adding a provision 'The foreshore reserve is indicative and will be determined at the subdivision stage. The foreshore reserve width needs to be sufficient to enable access for pedestrians, cyclists and fire emergency vehicles on currently cleared land.'; and

- (d) adding a provision 'A Foreshore Management Plan will be prepared and implemented at the subdivision stage. The plan will address matters including fencing, construction of a path and weed management.'
5. Numbers the abovementioned Amendment as Number 18 to *Shire of Nannup Local Planning Scheme No. 3*.
 6. Following the documentation being appropriately modified to address points 3 and 4, authorise the Shire President and the Chief Executive Officer to execute the Scheme Amendment No. 18 documents.
 7. Note the Shire will refer Scheme Amendment No. 18 to the Environmental Protection Authority for assessment pursuant to section 81 of the *Planning and Development Act 2005*. Should the Environmental Protection Authority advise that the amendment does not require assessment, advertise the amendment in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

VOTING REQUIREMENTS: Simple Majority

16059 MELLEMA/STEVENSON

That Council:

1. ***Determines that the Amendment is standard under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, contained in Regulation 34, for the following reasons:***
 - (e) ***The amendment proposal is consistent with the endorsed Shire of Nannup Local Planning Strategy.***
 - (f) ***The amendment proposal would have minimal impact on land in the scheme area that is not subject of the amendment.***
 - (g) ***The amendment proposal will not result in any significant environmental, social, economic, or governance impacts on land in the scheme area.***
 - (h) ***The amendment proposal is not a complex or basic amendment.***
2. ***Agree to adopt an amendment to the Shire of Nannup Local Planning Scheme No. 3, pursuant to section 75 of the Planning and Development Act 2005, through rezoning Lot 8280 on Plan P201619 Dean Road, Nannup from 'Agriculture' to 'Special Rural' subject to modifications in points 3 and 4.***

3. **Amend Schedule 12 of the Scheme through adding Conditions for Special Rural Zone No. 16 (SR16) as follows with modifications outlined in bold:**

No.	DESCRIPTION OF LAND	CONDITIONS
SR16	Lot 8280 Dean Road, Nannup	<p>1.Subdivision and development of the site shall be generally in accordance with the Structure Plan, adopted by the Local Government and endorsed by the WAPC, and the Fire Management Plan adopted by the Local Government.</p> <p>2.Subdivision and development may be considered by the Shire as a variation from the Structure Plan provided that, in the opinion of the Shire, such development would not compromise the intent of the Structure Plan.</p> <p>3.Any variation to the endorsed Structure Plan not within the general intent of the Structure Plan will require consideration and endorsement of a new Structure Plan in accordance with Schedule 14.</p> <p>4.The local government may as a condition of subdivision request the preparation and implementation of a Foreshore Management Plan.</p> <p>5.All development is to be compatible with the capability of the land, whilst retaining the rural character and amenity of the locality. As such all building materials should be non-reflective and of a colour and texture that complements the existing landscape, unless otherwise approved by the local government.</p>

4. **Amend the Structure Plan provided in Attachment 12.11.3 through:**

- (e) **showing a foreshore reserve generally between 10 – 20 metres wide;**
- (f) **extending the Building Exclusion Area within 10 metres of existing and proposed property boundaries;**
- (g) **adding a provision 'The foreshore reserve is indicative and will be determined at the subdivision stage. The foreshore reserve width needs to be sufficient to enable access for pedestrians, cyclists and fire emergency vehicles on currently cleared land.'; and**

- (h) adding a provision 'A Foreshore Management Plan will be prepared and implemented at the subdivision stage. The plan will address matters including fencing, construction of a path and weed management.'***
- 5. Numbers the abovementioned Amendment as Number 18 to Shire of Nannup Local Planning Scheme No. 3.***
- 6. Following the documentation being appropriately modified to address points 3 and 4, authorise the Shire President and the Chief Executive Officer to execute the Scheme Amendment No. 18 documents.***
- 7. Note the Shire will refer Scheme Amendment No. 18 to the Environmental Protection Authority for assessment pursuant to section 81 of the Planning and Development Act 2005. Should the Environmental Protection Authority advise that the amendment does not require assessment, advertise the amendment in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015.***

CARRIED (6/2)

Voting for the motion: Cr's Dean, Mellema, Gilbert, Slater, Steer & Stevenson.

Voting against the motion: Cr's Longmore & Fraser.

REASON FOR ALTERATION TO THE RECOMMENDATION:

In point 3(4) of the recommendation, Council considered that the widening of the river foreshore should not be ceded free of cost to the Crown and vested in the Shire of Nannup at the time of subdivision as there would be an expectation for Council to manage the parcel of land in the future, which was inaccessible to vehicular traffic. Therefore, Council supported only the widening of the river foreshore and that the condition of subdivision that a Foreshore Management Plan would alleviate future management practices.

AGENDA NUMBER:	12.12
SUBJECT:	Proposed Draft Detailed Structure Plan A
LOCATION/ADDRESS:	Lot 67 Warren Road, Nannup
NAME OF APPLICANT:	Martin Richards Town Planning + Urban Design
FILE REFERENCE:	A1682
AUTHOR:	Jane Buckland - Development Services Officer
REPORTING OFFICER:	Peter Clarke - Chief Executive Officer
DISCLOSURE OF INTEREST:	
PREVIOUS MEETING REFERENCE:	28 June 2012
DATE OF REPORT:	19 April 2016
ATTACHMENTS:	12.12.1 - Draft Detailed Structure Plan A Report, previously received (available on request) 12.12.2 - Schedule of Submissions 12.12.3 - Schedule of Local Government Corrections & Modifications

BACKGROUND:

The applicant has lodged a draft Detailed Structure Plan for Lot 67 Warren Road, Nannup for consideration by Council.

The site is located immediately to the south of the Nannup town centre, generally bounded by Kearney Street to the north, Warren Road to the east, the northern boundary of Lot 68 Warren Road to the south and the rear boundaries of the lots fronting North Street to the west. It encompasses a portion of the area known as Higgins Swamp.

The draft Detailed Structure Plan was prepared by Martin Richards Town Planning + Urban Design on behalf of and under the direction of their client, the owner of Lot 67 Warren Road.

The lodgement of the draft Detailed Structure Plan prior to subdivision or residential development is a requirement of the Shire of Nannup Local Planning Scheme No.3 (LPS3) under development conditions of SU5, and the adopted Higgins Swamp Structure Plan. The draft Detailed Structure Plan and the associated report have been prepared to satisfy the LPS3 requirement.

Council is advised that since the gazettal of the Planning and Development (Local Planning Scheme) Regulations 2015 and their subsequent introduction in October 2015, the form and status of structure plans (including those previously endorsed) has changed, perhaps most notably in the following respects:

- a) Whereas 'Part 1' of a structure plan document formerly enjoyed statutory status (i.e. the same force and effect as the Scheme), this is no longer the case, and decision makers must now have 'due regard' to all parts of a structure plan, but shall not be bound by it.
- b) Local governments no longer adopt or approve proposed structure plans, but instead submit to the Western Australian Planning Commission (WAPC) a report that includes a recommendation stating whether the Commission should approve the proposed structure plan, and then if so, with or without modifications.

The form and scope of the draft Detailed Structure Plan is regarded as appropriate and compliant with current legislative provisions.

The publicly advertised draft Detailed Structure Plan Report is set out in Attachment 12.12.1. This provides background information which is generally not repeated in this report however the document comprises of a:

- Part 1 – Implementation section; and
- Part 2 – Explanatory section and supporting technical appendices, which includes:
 - Appendix A - Detailed Structure Plan A
 - Appendix B - Higgins Swamp Structure Plan and Report
 - Appendix C - Figure 1 - Location
 - Appendix D - Figure 2 - Land Use
 - Appendix E - Environmental Assessment
 - Appendix F - Figure 3 - Zoning
 - Appendix G - Figure 4 - Higgins Swamp Structure Plan
 - Appendix H - Aboriginal Heritage Inquiry System
 - Appendix I - Figure 5 – Servicing
 - Appendix J - Figure 6 – Section Through.

In accordance with deemed provisions of the Scheme as recently introduced by the *Planning and Development (Local Planning Scheme) Regulations 2015*, the Shire sought public comment on the draft Detailed Structure Plan for a 24 day period through:

- writing to and inviting comments from 27 adjoining/nearby landowners and 14 stakeholders and government agencies;
- placing a public notice once in the Busselton Dunsborough Times;
- placing details on the Shire of Nannup website; and
- information being available at the Shire office.

The Shire received 8 submissions on the draft Detailed Structure Plan which are provided in the Schedule of Submissions in Attachment 12.12.2. The submissions from State Government departments and servicing agencies raise no objections and they typically provide standard advice. The submission from Main Roads Western Australia does however raise issues which are outlined later in this report. The submissions from neighbours and community members are overall supportive.

The applicant has provided additional advice which responds to matters raised in the submissions. These responses have been included in the officer comments in the Schedule of Submissions in Attachment 12.12.2.

The draft Detailed Structure Plan has been referred to Council for its consideration in order to determine a recommendation to the WAPC.

COMMENT:

The subject site has previously been the subject of a Council decision to adopt the Higgins Swamp Structure Plan which comprised Lot 67, together with Lot 68 Warren Road, Lot 700 Higgins Street and Lot 701 Kearney Street.

These four lots are encompassed by SU5, within which Schedule 4 of the Scheme provides a list of special uses (land use classes) that are permissible within the zone, alongside a list of conditions that include the requirement for the preparation and endorsement of a Detailed Structure Plan prior to any subdivision or further residential development.

The adopted Higgins Swamp Structure Plan was approved by Council at its meeting of 28th June 2012, subject to modifications. This Structure Plan establishes the spatial distribution of appropriate land use classes together with development criteria to guide the preparation of the draft Detailed Structure Plan. The draft Detailed Structure Plan is intended to elaborate on design requirements at the site specific level, and as such, inform the preparation of future development applications.

Part 1 (Implementation Section) of the draft Detailed Structure Plan has been reviewed and is considered to be consistent with the adopted Higgins Swamp Structure Plan and general Structure Plan requirements. Minor inaccuracies/oversights are identified and captured within the relevant Schedule of Local Government Corrections and Modifications which is shown in Attachment 12.12.3. Any resulting revision of the documents in accordance with the Schedule would be minor in nature and would not affect the overall intent.

Part 2 (Explanatory Section) of the draft Detailed Structure Plan explores the capacity of the subject site to accommodate a particular development scenario whilst seeking to adhere to requirements contained within Part 1 and relevant

standards of the adopted Higgins Swamp Structure Plan.

It is recommended that Council resolves to inform the WAPC that the draft Detailed Structure Plan for Lot 67 Warren Road, Nannup be approved subject to the applicant satisfactorily addressing the minor corrections/modifications as noted in the Schedule of Local Government Corrections and Modifications.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005, Planning and Development (Local Planning Schemes) Regulations 2015, Shire of Nannup Local Planning Strategy and LPS3.

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS:

There are no immediate financial implications for Council from the draft Detailed Structure Plan. As planning and design progress, it will be imperative that the landowners/developers install drainage systems that achieve effective stormwater control that meet best practice environmental standards and which ensure lower operating costs for Council. The Council should, in-time, adequately increase budget accounts to ensure that infrastructure is appropriately maintained.

The landowners/developers will meet the cost of providing new infrastructure to service future development and lots in accordance with State Planning Policy.

STRATEGIC IMPLICATIONS:

The site forms part of Policy Area No. 1 – Townsite in the *Shire of Nannup Local Planning Strategy*. The Strategy's recommendation for the policy area is that urban consolidation is encouraged subject to issues of effluent disposal and flooding being addressed where relevant. The site is outside of the 1 in 100 ARI floodplain.

The site represents a logical area to accommodate new development in Nannup.

RECOMMENDATION:

That Council resolves to:

1. Inform the Western Australian Planning Commission that the draft Detailed Structure Plan for Lot 67 Warren Road, Nannup be approved, subject to satisfactorily addressing minor corrections/modifications as identified within the Schedule of Local Government Corrections and Modifications provided in Attachment 12.12.3.
2. Advise the applicant, landowner and submitters of Council's decision.

VOTING REQUIREMENTS: Simple Majority

16060 DEAN/MELLEMA

That Council resolves to:

1. ***Inform the Western Australian Planning Commission that the draft Detailed Structure Plan for Lot 67 Warren Road, Nannup be approved, subject to satisfactorily addressing minor corrections/modifications as identified within the Schedule of Local Government Corrections and Modifications provided in Attachment 12.12.3.***
2. ***Advise the applicant, landowner and submitters of Council's decision.***

CARRIED (8/0)

AGENDA NUMBER:	12.13
SUBJECT:	Scott River Bridle Trail/Old Railway Bridge
LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 6
AUTHOR:	Louise Stokes – Economic & Community Development Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	None
DATE OF REPORT	19 April 2016

BACKGROUND:

Funding acknowledgement has been received from Lotterywest to complete the Scott River Bridle Trail planning and to undertake an Engineering Report on the Old Railway Bridge. The total value of this grant is \$43,728.00. As this funding is over \$5,000, Council is required to accept the funding as per Council policy FNC 6.

COMMENT:

The Scott River Bridle Trail feasibility plan was adopted by Council at the January 2015 meeting. The Heritage Bridle Trail network follows the path of stock routes throughout the region. This concept was identified in the development of the Shire of Nannup Cultural Plan and approved as a priority project.

Information reports throughout the process have outlined the trail alignment and consultation has been undertaken with community members, the Department of Parks and Wildlife and the Shire of Bridgetown Trails Manager. Correspondence has been forwarded to the Shire of Bridgetown-Greenbushes to integrate this trail into the main Bridgetown to Broke Inlet trail.

This trail, once constructed, would form part of the Nannup Trails Hub and could potentially link to the Margaret River Bridle Trails.

This next stage of funding will complete the planning to construction stage.

The engineering report for the Old Railway Bridge is critical to the ongoing maintenance schedule of this infrastructure. The Old Railway bridge is the only pedestrian crossing of the Blackwood River to the north of town and is the entry point to Nannup for the Munda Biddi and Timberline Trails. The engineering report will assist to develop a maintenance schedule into the future.

STATUTORY ENVIRONMENT: Nil.

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS: \$3,000 contribution from Council.

STRATEGIC IMPLICATIONS:

Shire of Nannup Community Plan 2013 – 2023:

4.3 Our Sustainable Future: Promote a healthy lifestyle and alternative methods of transport: Improve bike and pedestrian friendly path network.

RECOMMENDATION:

That Council accept the funding of \$43,728.00 from Lotterywest to undertake the Engineering Report of the Old Railway Bridge and the final planning of a bridle trail from the Nannup Townsite to Scott River.

VOTING REQUIREMENTS: Simple Majority.

16061 STEER/SLATER

That Council accept the funding of \$43,728.00 from Lotterywest to undertake the Engineering Report of the Old Railway Bridge and the final planning of a bridle trail from the Nannup Townsite to Scott River.

CARRIED (8/0)

AGENDA NUMBER:	12.14
SUBJECT:	Main Roads Naming Request
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Main Roads Western Australia
FILE REFERENCE:	WRK 23
AUTHOR:	Chris Wade – Manager Infrastructure
REPORTING OFFICER:	Chris Wade – Manager Infrastructure
DISCLOSURE OF INTEREST:	
DATE OF REPORT	18 April 2016

BACKGROUND:

The Warren Road Traffic Bridge is a Main Roads Western Australia (MRWA) asset and as such has management of this asset.

COMMENT:

Council has received communications from MRWA regarding a request they have received from a local resident to have signs with the local indigenous name (Goorbalbilyup) for the waterway that passes under the bridge installed.

MRWA does not have any objections to installing the requested signs but only if there was strong community support from the local community and clearly ascertain that the name is correct.

STATUTORY ENVIRONMENT: Nil.

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS: Nil

RECOMMENDATION:

Council place an information note in the local paper and newsletter seeking feedback from the community as to the naming and erection of signs on the Warren Road Traffic bridge "Goorbalilyup".

VOTING REQUIREMENTS: Simple Majority

16062 MELLEMA/LONGMORE

That this Item lay on the table and be resubmitted to a future Ordinary Council meeting for consideration once correspondence has been received from the South West Aboriginal Land and Sea Council.

CARRIED 8/0

REASON FOR ALTERATION TO THE RECOMMENDATION:

Whilst Council had no objections to the proposal, it considered that further investigation into the proposed name should be sought from the South West Aboriginal Land and Sea Council as this organisation was representative of all Aboriginal groups within the South West.

AGENDA NUMBER:	12.15
SUBJECT:	Proposed 2016/17 Fees and Charges
LOCATION/ADDRESS:	Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	FNC10
AUTHOR:	Tracie Bishop – Manager Corporate Services
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	23 April 2015
ATTACHMENTS:	12.15.1 – Proposed Schedule of Fees and Charges for 2016/17

BACKGROUND:

Officers have reviewed Council's fees and charges for the services offered for the 2016/17 financial year. The attached list shows the current and proposed fees and charges.

These fees and charges will be used to develop the 2016/17 budget due to be presented to Council in draft form on 16 June 2016.

COMMENT:

For 2016/17 most fees and charges have been reviewed in the light of what the market will bear and statutory requirements; uplifts have been based around any external increases that apply to the fee i.e. Consumer Price Indexation (CPI), utility and insurance increases as well as internal increases relating to wages where applicable. Within waste fees and charges an overall increase of between 10% - 15% has been applied as a direct attempt to close the actual gap between revenue collected and the actual expense of running this facility. Within all of the fees and charges listed once the new percentage increase has been applied it has then been rounded to a manageable figure for practical application.

Fees are shown inclusive of any GST so that Council can see the full fee charged for the service. The schedule has been annotated to indicate whether the fee includes GST. The GST element of the fee is not retained by the Council.

Some of the fees and charges are set through regulations (for example, some Planning and Health fees). The schedule has been annotated to indicate whether or not the fee is set by statutory regulations. These fees can only be adjusted as and when advice is received of changes and as a result statutory fees may change over the financial year.

Other changes to the fee structure are described in the paragraphs below.

Hire of Facilities

Fees within this area are recommended to increase by 5%. The reasoning behind this increase is that included within the upkeep of these facilities are CPI costs at 2.7%, employment costs at 3%, and utility costs estimated to be 7%.

Continued in 2016/17 within the fees and charges will be a discount for our community groups who book facilities on a term basis. This should help to alleviate the increases as much as possible.

Waste

Costs associated with the service charge for both domestic refuse collection and recycling have been increased by 10%. As mentioned earlier this is in an attempt to close the gap between the costs associated with this service and eventually arrive at a full cost recovery model.

2014/15 saw the introduction of the *Waste Avoidance and Resource Recovery Act 2007 (WARR Act)* as a way of recouping costs associated with running our Waste Management facility. This has been well accepted by the community at large and officer recommendation is for this to continue.

A continuing issue for a small minority of ratepayers has been that if you own more than one property within the Shire of Nannup then this WARR Act fee was imposed multiple times. Research has shown that a policy can be introduced that would see ratepayers within this category not charged in multiples under certain circumstances. A draft policy to address this issue will be completed and brought to Council at the May meeting and this should address the concerns raised.

It is proposed that for the 2016/17 year the WARR Act levy imposed should be \$53 per applicable assessment. This will see the burden imposed on rates income as a result of expenses relating to waste management reduced. Officer recommendation is that this levy be increased by 20% annually from the 2017/18 year onwards until such time as full recovery is achieved.

For all tip users who do not reside within the Shire of Nannup the option to purchase an out of town tip pass applies for their domestic waste disposal. This fee has been increased by 15%.

New Fees and Charges

Electric Vehicle Charger Fees

The new electric vehicle charger will see a new fee added to fees and charges for 2016/17. Discussions with participating shires, E-Station and RAC have been concluded with the agreed charge being set by kilowatt hour. For the 2016/17 year the agreed rate is set at \$0.45 per kilowatt hour. Calculations on a Tesla vehicle using this facility to fully charge its batteries would be \$3.50 at the Council electricity rate of \$0.27cents per kilowatt hour. The Shire of Nannup will receive \$6.00 from E-Station per charge, which includes costs associated with on-going maintenance of the facility.

Building Services Fees

Two new fees have been added to the building service area. These fees are not anticipated to be used in large quantities however have been included so that if the work is required there will be a means of recovery. Both fees relate to works completed without prior permits being obtained.

STATUTORY ENVIRONMENT:

Local Government Act 1995 Sections 6.16 and 6.17; Waste Avoidance and Resource Recovery Act 2007 Sections 66.1 and 66.3

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS:

Council's 2016/17 budget.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

1. Council endorse the proposed Fees and Charges for 2016/17 as listed in Attachment 1 for inclusion in the 2016/17 budget.
2. That Council continue to endorse the proposed increase to \$53 per applicable property in the *Waste Avoidance and Resource Recovery Act 2007* as a means to cover costs associated with operating the Nannup Waste Management Facility
3. That Council endorse that the annual increases in the *Waste Avoidance and Resource Recovery Act 2007* be set at 20% until such time as full recovery is achieved.

VOTING REQUIREMENTS: Simple Majority.

16063 LONGMORE/FRASER

That this Item lay on the table and be resubmitted to the 28th May 2016 Ordinary Council meeting for consideration.

CARRIED 8/0

REASON FOR ALTERATION TO THE RECOMMENDATION:

The Manager Corporate Services requested that Council defer the adoption of the Fees and Charges for the 2016/2017 financial year as Impounding Fees associated with the construction of the new Dog Pound had been omitted and would therefore be investigated and included in a revised Schedule of Fees and Charges for presentation to the May 2016 Ordinary meeting.

AGENDA NUMBER:	12.16
SUBJECT:	Donnelly River Lease – Hut 3 – Response to bulk letter addressing rating inclusion from 2016/17 onwards.
LOCATION/ADDRESS:	Donnelly River Lease No 2353/100
NAME OF APPLICANT:	Kevin and Dianne Sparrow
FILE REFERENCE:	
AUTHOR:	Tracie Bishop – Manager Corporate Services
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	19 April 2016
ATTACHMENTS:	12.16.1 – Letter received from Kevin & Dianne Sparrow

BACKGROUND:

A letter was received from the above applicants raising concerns relating to rates being raised on their leased Donnelly River Hut number 3.

Their focus and concerns are related to the fact that during the three year period that this group of hut owners were in negotiations with Department of Parks and Wildlife the prospect of having rates raised on these leases was not brought to their attention.

It is their perception that clause 5.1 of their signed lease agreement was 'ambiguous' and that they did not understand that this may mean rates may be payable once this lease was signed by both parties.

Further the letter goes on to ask what if any benefits the Shire of Nannup offers these lease owners in return for rates payable.

COMMENT:

While it is understandable that as a lease holder, if you were not aware of the ability for a Local Government to rate your leased property at the outset of the agreement then receiving this notification of impending rates would raise concerns, it is still officers recommendation that these rates are applicable to these owners.

The fact that Department of Parks and Wildlife did not seek to include the Shire of Nannup in the negotiations between the two parties is not something that the Shire of Nannup can comment on however in hindsight if consultation had have

occurred this may have alleviated this angst now shown by the lease holders of these properties.

In terms of benefits supplied to the lease holders in return for rates paid this is acknowledged as being limited however this land is within the Shire of Nannup boundaries and in an effort to reduce the rate burden on the remaining 13% of ratepayers within the shire once a property becomes rateable then it should be included within the rate base moving forward.

STATUTORY ENVIRONMENT:

Local Government Act 1995 Section 6.26

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS:

Inclusion of 33 leased properties within the rate base for duration of leased agreements.

STRATEGIC IMPLICATIONS:

Strategic Community Plan – 6.1

Be an exemplar of sustainability - Balance our environment, social and financial requirements.

RECOMMENDATION:

That Council write to Mr & Mrs Sparrow acknowledging their concerns but advising that as per the Local Government Act 1995 Section 6.26 rates will be raised on these leased properties for the duration of the leased term.

VOTING REQUIREMENTS: Simple Majority

16064 LONGMORE/FRASER

That Council write to Mr & Mrs Sparrow acknowledging their concerns but advising that as per the Local Government Act 1995 Section 6.26 rates will be raised on these leased properties for the duration of the leased term.

CARRIED (8/0)

AGENDA NUMBER:	12.17
SUBJECT:	Budget Monitoring – March 2016
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 8
AUTHOR:	Robin Prime – Corporate Services Officer
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
DATE OF REPORT:	28 April 2016
ATTACHMENTS:	12.17.1 – Financial Statements for the period ending 31 March 2016 12.17.2 – Table Showing Detailed Variances for March 2016

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 \$5,000, whichever is the greater on which to report. The statutory statements are appended at Attachment 12.17.1.

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:

As part of Council's statutory compliance an annual review of the financial budget was completed earlier in the year. These trends will continue to be monitored throughout the year with only new variances reported each month. For the period ending March 2016 no new variances were identified.

Attachment 12.17.2 provides detailed breakdowns of income and expenditure incurred within the period 1 July 2015 and 31 March 2016 and the associated annual budgets. These are broken down into four columns. The annual budget within the schedule, the budgeted year to date figures, actual spend to date and variance between budgeted year to date and actual.

STATUTORY ENVIRONMENT:

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

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS: Nil.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

It is recommended that the Monthly Financial Statements for the period ending 31 March 2016 be received.

VOTING REQUIREMENTS: Simple Majority

16065 STEVENSON/SLATER

That the Monthly Financial Statements for the period ending 31 March 2016 be received.

CARRIED (8/0)

AGENDA NUMBER:	12.18
SUBJECT:	Monthly Accounts for Payment - March 2016
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 8
AUTHOR:	Tracie Bishop – Manager Corporate Services
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
PREVIOUS MEETING REFERENCE:	None
DATE OF REPORT:	28 April 2016
ATTACHMENTS:	12.18.1 – Accounts for Payment – March 2016 12.18.2 – Credit Card Transactions – March 2016

BACKGROUND:

The Accounts for Payment for the Nannup Shire Municipal Account fund and Trust Account fund to 31 March 2016 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	8130 - 8217	\$204,781.22
Accounts paid by cheque	19997 – 20012	\$15,641.42
Accounts paid by Direct Debit	DD9547.1 to DD9556.7	\$31,033.87
Sub Total Municipal Account		<hr/> \$251,456.51

Trust Account

Accounts paid by EFT	\$0.00
Accounts Paid by cheque	<hr/> \$0.00
SubTotal Trust Account	<hr/> \$0.00
Total Payments	<hr/> \$278,982.45 <hr/>

STATUTORY ENVIRONMENT:

LG (Financial Management) Regulation 13

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS:

As indicated in Schedule of Accounts for Payment.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

That the List of Accounts for Payment for the Nannup Shire Municipal Account fund totalling \$251,456.51 for period 1 March 2016 to 31 March 2016 in the attached schedule be endorsed.

VOTING REQUIREMENTS: Simple Majority

16066 SLATER/MELLEMA

That the List of Accounts for Payment for the Nannup Shire Municipal Account fund totalling \$251,456.51 for period 1 March 2016 to 31 March 2016 in the attached schedule be endorsed.

CARRIED (8/0)

**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)**

14.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

**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

There being no further business to discuss the Shire President declared the meeting closed at 5:24 pm.