



Shire of
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Minutes

Public Copy

Council Meeting held Wednesday 25 January 2017

Unconfirmed

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Minutes

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 4.15pm

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

ATTENDANCE:

Shire President: Cr A Dean

Councillors: R Mellema, C Gilbert, R Longmore, N Steer, A Slater and P Fraser

Peter Clarke – Chief Executive Officer

Mr Jon Jones – Manager Infrastructure

Tracie Bishop – Manager Corporate Services

APOLOGIES:

Cr C Stevenson (see Leave of Absence approval)

VISITORS:

Mr M Camarri, Mr and Mrs Twiss, Mr and Mrs Brenkman, Mr Gilchrist, Mr C Morten, Mr D Brown, Mrs M Gibbs, Mr and Mrs Tanner, Mr C Bottomore.

3. APPLICATION FOR LEAVE OF ABSENCE:

The Shire President advised that Cr Stevenson had applied in writing for Leave of Absence from this meeting.

17001 LONGMORE/STEER

That Cr Stevenson be granted Leave of Absence from this meeting of Council.

CARRIED (7/0)

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.

Nil

5. PUBLIC QUESTION TIME

The Shire President invited questions from the Public.

Mrs Pat Twiss, Kearney Street, Nannup

Q1. Mrs Twiss firstly congratulated Council on the upgrading works that had been carried out in Forrest Street but questioned why the job was not completely finished with kerbing?

A1. The Shire President deferred this question to the Manager Infrastructure who advised that the sealing works and kerbing were only intended to be undertaken on Forrest Street. Jephson Street, whilst a continuation of Forrest Street, had not been earmarked for any works however, as funds were available it was considered appropriate to continue with the sealing works on Jephson Street, but no kerbing works were included.

Q2. Now that Forrest Street has been upgraded and improves the look of the town, why is it that the Blackwood Café's overflowing recycling and rubbish bins continue to be left out on the road rather than being stored behind their property line?

A2. The Shire President deferred this question to the CEO who advised that the Blackwood Café proprietors were previously asked to place their bins behind the property line but obviously the new owners were unaware of this request and staff would approach the new proprietors requesting their cooperation in this regard.

Mr Len Gilchrist, Lot 35 Blackwood River Drive, Nannup

Q1. In relation to the recent announcement of funding for the FM Radio Repeater site in Nannup, why has this taken so long to achieve when it was first considered in 2007 and then left for someone else to follow through?

A1 The Shire President advised that this question did not require a response as the funding had now been achieved.

Q2. Mr President, do you recall me previously mentioning Gracilis Road and am I complaining about it now? I consider I deserve an apology.

A2. The Shire President responded in the negative and that the questioning did not warrant an apology.

6. PETITIONS/DEPUTATIONS/PRESENTATIONS

The Shire President advised that Mr Neville Tanner, member of the “Friends of Nannup Foreshore Group”, had requested the opportunity to address Councillors on the current Dog Exercise Area and issues relating to this area being utilised and the effects that it is having on the rehabilitation works being undertaken by the Group.

Mr Tanner advised that a number of years ago the “Friends of Nannup Foreshore Group” had consulted with Council on the rehabilitation of the foreshore and had been allocated the area that in 2016 Council approved as a Designated Dog Exercise Area.

Over a period of 7 years the Foreshore Group had removed invasive weeds and planted approximately 1,000 native seedlings and erected bamboo stakes to ensure that the seedlings planted were identifiable. Since the allocation of the Foreshore area as a dog exercise area it has been noticed that bamboo stakes have been knocked down and seedlings damaged which has been attributed to dogs freely being exercised in this area.

Mr Tanner advised that Council had awarded the “Friends of Nannup Foreshore” with the Citizen of the Year Group Award in 2016 which obviously recognised the work that the group had been undertaking in rehabilitating this sensitive area of the Nannup town site. Mr Tanner requested that Council reconsiders its decision on the current Dog Exercise Area in support of the group’s work.

The Shire President thanked Mr Tanner for his presentation and advised that consideration of the Dog Exercise area would be given later in the meeting.

7. DECLARATIONS OF INTEREST

The Shire President advised that the following Declarations of Interest from Councillors and staff had been submitted:-

The Chief Executive Officer had declared an Impartiality Interest in Item 12.7 relating to “Review of the Dog Exercise Area” as he was a member of the Nannup Golf Club.

Cr Dean had declared an Impartiality Interest in Item 12.7 relating to “Review of the Dog Exercise Area” as he was the President and member of the Nannup Golf Club.

Cr Steer had declared an Impartiality Interest in Item 12.7 relating to “Review of the Dog Exercise Area” as he was a member of the Nannup Golf Club.

Cr Gilbert noted that he had an association with the “Friends of Nannup Foreshore Group” in relation to Item 12.7 but did not consider it as a formal Declaration of Interest.

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

17002 MELLEMA/LONGMORE

That the Minutes of the Ordinary Council Meeting of the Shire of Nannup held in Council Chambers on 24 November 2016 be confirmed as a true and correct record.

CARRIED (7/0)

9. MINUTES OF COUNCIL & OTHER COMMITTEES

17003 FRASER/LONGMORE

That the Minutes of the WALGA South West Zone meeting held on Friday 25th November 2016 be received.

That the Minutes of the Warren Blackwood Alliance of Councils meeting held on Tuesday 6th December 2016 be received.

CARRIED (7/0)

10. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

11. REPORTS BY MEMBERS ATTENDING COMMITTEES

Date	Meeting	Councillor
20/1/17	Attend the FIFWA Awards Dinner and was presented with a gift to the Shire in recognition of it adopting the Wood Encouragement Policy	Cr Dean
	Advised that the Minister for Regional Development had presented to Cr Mellema a plaque to recognise Council receiving R4R funding for an FM Radio repeater in Nannup.	Cr Dean
1/12/16	Attended Audit Committee Meeting with other Councillors	Cr Longmore
5/12/16	Attended the “Thank a Volunteer Day” at the Nannup SES Headquarters	Cr Longmore

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6/12/16	Attended Warren Blackwood Alliance of Council meeting with Shire President and CEO	Cr Longmore
12/12/16	Attended Blackwood Basin Group meeting as Council's representative	Cr Longmore
15/12/16	Along with the CEO and Manager Corporate Services, attended the "Challenge of the Gift" seminar in Bunbury	Cr Longmore
21/12/16	Along with all Councillors and senior staff, attended the Annual Meeting of Electors	Cr Longmore
21/1/17	Attended and assisted with organisation for Family Fun Day activities	Cr Fraser

AGENDA NUMBER:	12.1
SUBJECT:	Review of Shire of Nannup Policy Manual
LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	N/A
FILE REFERENCE:	ADM 9
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	9 January 2017
ATTACHMENT:	12.1.1 - Shire of Nannup Policy Manual highlighting appropriate amendments

BACKGROUND:

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

In 2016 Council introduced an annual review of individual Policies as opposed to previous practices of undertaking reviews on an as needs basis. A whole of Policy Manual annual review ensures that Council's Policies remain current and in keeping with current management practices.

Council's Management team has undertaken the annual review and presents same for Council consideration.

COMMENT:

Section 2.7(2)(b) of the *Local Government Act 1995* requires Council to determine the local government's policies. The *Act* does not prescribe specific timeframes for the review of Policies however; a practice is now in place for reviews to be conducted on an annual basis.

The following four (4) new Policies have been recommended for adoption:-

Policy ADM 21 – Council Spokespersons

The Regulation 17 Review that was conducted in September 2016 by Council's Auditors, AMD Chartered Accountants, identified that Council did not have a Council Spokespersons Policy and recommended the establishment of such a Policy in accordance with sound Risk Management practices.

Policy ADM 22 – Complaint Handling

Whilst the Shire of Nannup has a “Customer Service Charter”, which identifies staff commitment to quality customer service practices, there is no Council Policy specifically relating to processes for Complaint Handling. It is considered that a Complaints Handling Policy will ensure that there is an efficient, fair and accessible framework for resolving customer complaints.

Policy FNC 10 – Fraud Management

The Regulation 17 Review that was conducted in September 2016 by Council’s Auditors, AMD Chartered Accountants, identified that Council did not have a Fraud Management Policy and recommended the establishment of such a Policy in accordance with sound Risk Management practices.

Policy HLT 5 – Events

Staff identified that Council did not have a set criteria to manage event applications and approval processes for same. The new Policy ensures that assessment of event applications meet the necessary legislative requirements.

The following three (3) Policies are recommended for revocation:

Policy ADM 8 – Council Meeting Procedure

As Council has a Local Law relating to Standing Orders which details Council Meeting Procedure, it is considered that Policy ADM 8 is unnecessary as it states that where there is inconsistency, the Standing Orders Local Law prevails.

Policy ADM 15 – Art Purchase

Policy ADM 15 relates to Art Purchases from the Nannup Arts Council’s Annual Art Exhibition. The current Policy states that Council considers in its annual Budget an amount not to exceed \$1,000 for the purchase of an art piece from the Exhibition and that nominated Councillors and the CEO be designated to select a piece of art for purchase. This Policy has not been invoked for a number of years. The Policy does not stipulate where a purchased art piece would be housed and the Shire Offices and Council Chambers has little room for the display of art.

Policy PSN 5 - Negotiated Salaries – Award Increases

Contracts of Employment dictate that negotiated salary salaried officers are excluded from award increases and adjustments and therefore it is considered that the Contracts negate the need for this Policy to be in place.

Significant changes/amendments to other Polices are as follows:-

Policy ADM 6 – Conference Attendance and Training – Elected Members, Senior Management and Employees

This Policy is now generalised on Conference Attendance and Training by Elected Members, Senior Staff and Employees rather than being specific to the CEO and Manager Corporate Service positions. Conference attendance by these two Officers is detailed within their Contracts of Employment and therefore does not require reiteration within a Policy.

Policy ADM 7 – Council Community Meeting Room Hire

The Shirley Humble Room has been excluded from general hire as the new Community Meeting Room at the Nannup Recreation Centre is now promoted as the general meeting room for the community.

Policy ADM 16 - Selecting and Presenting the Australia Day Citizen of the Year Awards

2016 saw the removal of the title “Premier’s Australia Day Citizenship Award” and reverting back to the “Australia Day Citizen of the Year Award”. The Policy also includes the additional Citizen of the Year – Senior Award. Amendments to this Policy also includes the removal of “Honorary Ambassador” appointments and Procedure Item 12 relating to Citizen of the Year – Youth Award being invited to make an address at a future Australia Day ceremony.

Policy BFC 1 - Brigade Administration

The Regulation 17 Review that was conducted in September 2016 by Council’s Auditors, AMD Chartered Accountants, indicated that the “requirement of an annual return of all Brigade Officers to be submitted on or before the 31st day of May each year” had not been met. AMD were advised that the wording of the Policy was ambiguous and that it was not a requirement for **all** Brigade Officers to provide an annual return and that this would be addressed in the annual Policy Review. It is considered that the above wording should be removed as it is confusing.

Policy FNC 1 - Capitalisation of Fixed Assets

It is recommended that fixed assets be capitalised where their individual value equals or exceeds \$5,000 as opposed to the current \$2,000. This simply recognises the current changes in cost of assets and their value to the organisation.

STATUTORY ENVIRONMENT:

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

POLICY IMPLICATIONS:

Annual review of Shire of Nannup Policy Manual.

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS: Nil

RECOMMENDATION:

That in undertaking the annual review of Council's Policy Manual, the following actions be endorsed:-

1. That Council adopts the inclusion of:
ADM 21 – Policy on Council Spokespersons;
ADM 22 – Policy on Complaint Handling Procedures;
FNC 10 – Policy relating to Fraud Management; and
HLT 5 – Policy on Event Applications and Approval Processes.
2. That Council revokes the following Policies:
ADM 8 – Council Meeting Procedure;
ADM 15 – Art Purchase; and
PSN 5 – Negotiated Salaries – Award Increases
3. That Council adopts all other amendments to Policies as presented in the Consolidated Policy Manual 2017 Review

VOTING REQUIREMENTS: Simple Majority

17004 STEER/SLATER

That in undertaking the annual review of Council's Policy Manual, the following actions be endorsed:-

1. *That Council adopts the inclusion of:
ADM 21 – Policy on Council Spokespersons;
ADM 22 – Policy on Complaint Handling Procedures;
FNC 10 – Policy relating to Fraud Management; and
HLT 5 – Policy on Event Applications and Approval Processes.*
2. *That Council revokes the following Policies:
ADM 8 – Council Meeting Procedure;
ADM 15 – Art Purchase; and
PSN 5 – Negotiated Salaries – Award Increases*
3. *That Council adopts all other amendments to Policies as presented in the Consolidated Policy Manual 2017 Review*

CARRIED (7/0)

AGENDA NUMBER:	12.2
SUBJECT:	Review of Delegations Register
LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	ADM 22a
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	9 January 2016
ATTACHMENT:	12.2.1 - Shire of Nannup Delegations Register

BACKGROUND:

Section 5.46(2) of the *Local Government Act 1995* requires a local government to review its delegations to officers at least once every financial year.

The *Act* enables Council to delegate many of its functions and powers to officers and committees for the purpose of facilitating the smooth running of Council's operations.

Where a delegation is delegated to the Chief Executive Officer, this can be further delegated to other officers and this is noted in each delegation.

COMMENT:

The last review of delegations Register was in January 2016.

In undertaking the Review only minor amendments were identified, those particularly relating to the introduction of the Health Act 2016 and the Health (Miscellaneous Provisions) Act 1911 that will apply during the course of implementing the new Act.

STATUTORY ENVIRONMENT:

Section 5.46(2) of the *Local Government Act 1995*.

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS: Nil

RECOMMENDATION:

That pursuant to Section 5.42 of the *Local Government Act 1995*, Council approves of the proposed minor wording amendments to the delegations contained within the Shire of Nannup Delegations Register as presented to Council.

VOTING REQUIREMENTS: Absolute Majority

17005 SLATER/MELLEMA

That pursuant to Section 5.42 of the Local Government Act 1995, Council approves of the proposed minor wording amendments to the delegations contained within the Shire of Nannup Delegations Register as presented to Council.

CARRIED BY ABSOLUTE MAJORITY (7/0)

AGENDA NUMBER:	12.3
SUBJECT:	Shire of Nannup Community Strategic Plan Review - 2017-2027 Draft Plan
LOCATION/ADDRESS:	Whole of Shire
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	12 January 2017
ATTACHMENT:	12.3.1 - Draft 2017-2027 Community Strategic Plan

BACKGROUND:

Section 5.56 of the *Local Government Act 1995* requires a local government to plan for the future of its district and to ensure that such plans are in accordance with regulations made about planning for the future of the district.

Section 19C of the *Local Government (Administration) Regulations 1996* sets out the following processes in relation to the development of a Strategic Community Plan:-

- (1) A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.
- (3) A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.
- (4) A local government is to review the current strategic community plan for its district at least once every 4 years.
- (5) In making or reviewing a strategic community plan, a local government is to have regard to —
 - (a) the capacity of its current resources and the anticipated capacity of its future resources; and
 - (b) strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and
 - (c) demographic trends.

- (6) Subject to sub regulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.
- (7) A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.

*Absolute majority required.
- (8) If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.
- (9) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.
- (10) A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.

COMMENT:

Following the Community Survey, Key Stakeholder Interviews and Community Workshop in late 2016, a draft 2017-2027 Community Strategic Plan has been prepared for consideration by Council.

Council may wish to further workshop the contents of the Draft Plan or alternatively, put it out for further community comment now that it is prepared in a more formal document. Following this public consultation process Council can then finalise the document for adoption prior to 30 June 2017.

STATUTORY ENVIRONMENT:

Section 5.56 of the *Local Government Act 1995* and Section 19C of the *Local Government (Administration) Regulations 1996* relating to Planning for the Future.

POLICY IMPLICATIONS:

As per Policy ADM 19 in relation to processes for Community Consultation for major plans with Shire wide impacts.

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS:

Shire of Nannup Community Strategic Plan 2013-2023 – Our Community Leadership - Strategy 5.1, Lead, Listen, Advocate, Represent and Provide – Listen to People.

RECOMMENDATION:

That Council advertises the Draft Community Strategic Plan 2017-2027 for a six (6) week consultation period inviting residents to have further input into the development of the document. At the conclusion of the six (6) week advertising period submissions received be presented to Council for consideration and possible inclusion into the Plan prior to formal adoption.

VOTING REQUIREMENTS: Simple Majority

17006 LONGMORE/SLATER

That Council advertises the Draft Community Strategic Plan 2017-2027 for a six (6) week consultation period inviting residents to have further input into the development of the document. At the conclusion of the six (6) week advertising period submissions received be presented to Council for consideration and possible inclusion into the Plan prior to formal adoption.

CARRIED (7/0)

AGENDA NUMBER:	12.4
SUBJECT:	Department of Lands – Nannup High School Part Reserve 2884 Lot 232 – Proposed Nannup Men’s Shed
LOCATION/ADDRESS:	Lot A Widdeson Street, Nannup
NAME OF APPLICANT:	N/A
FILE REFERENCE:	ASS 28
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	13 January 2017
ATTACHMENT:	12.4.1 - Map showing proposed area of land for Nannup Men’s Shed

BACKGROUND:

The Department of Lands has written to Council to formally advise that the Department has decided to make available a portion of Reserve 26684 being past Lot 232 on Deposited Plan 168946 previously set aside for the purpose of ‘School Site’ and now proposed for the Nannup Men’s Shed.

The Department advises that the land will be made available subject to all costs being paid by the Shire of the Nannup Men’s Shed Inc., including survey costs and the Shire of Nannup also providing the Department of Lands with indemnification against costs and claims.

The Department further advises that the portion of land on the attached plan will be set aside as a reserve for the purposes of “Nannup Men’s Shed Inc.” or something similar. The Department has requested that Council confirms who will be accepting the management of the land (Management Order), the Shire of Nannup or the Nannup Men’s Shed Inc.

COMMENT:

The CEO referred the above correspondence to the Nannup Men’s Shed for their information and to enquire whether they had any objections to the organisation accepting responsibility for the Management Order over the land. The CEO did indicate that as they were an Incorporated Body, and the Department having no objections with the Management Order being issued in their name, it appeared that it was the logical process.

The Nannup Men's Shed Inc., have since responded in writing advising that at their meeting of 11 January it was resolved that they will gladly accept responsibility for the Management Order over the land.

In respect to costs associated with survey and other incidentals, it is recommended that the Shire of Nannup cover these fees as a contribution to the Nannup Men's Shed acquiring land for their future operations. Council had also agreed to assist with land clearing once the land had been obtained in readiness for building works. All other costs would be the responsibility of the Men's Shed and it is envisaged that this would be obtained via grant funding through appropriate funding bodies.

STATUTORY ENVIRONMENT:

As per the *Land Administration Act 1997* relating to the issuing of Management Orders.

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS:

Costs associated with surveying of the land and other incidentals. It is considered that these costs would not be incurred until the 2017/2018 financial year.

STRATEGIC IMPLICATIONS:

Shire of Nannup Community Strategic Plan 2013-2023 – Our Community Leadership - Strategy 5.1, Lead, Listen, Advocate, Represent and Provide – Support Existing and Emerging Community Groups

RECOMMENDATION:

That Council advises the Department of Lands that it will cover surveying and other incidental costs associated with securing land for the Nannup Men's Shed and also indemnify the Department of Lands against costs and claims.

Council also advises the Department that it supports the Management Order being issued to the Nannup Men's Shed Inc., for management and control of the land.

VOTING REQUIREMENTS: Simple Majority

17007 STEER/LONGMORE

That Council advises the Department of Lands that it will cover surveying and other incidental costs associated with securing land for the Nannup Men's Shed and also indemnify the Department of Lands against costs and claims.

Council also advises the Department that it supports the Management Order being issued to the Nannup Men's Shed Inc., for management and control of the land.

CARRIED (7/0)

AGENDA NUMBER:	12.5
SUBJECT:	Compliance Audit Return 2016
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Department of Local Government and Communities
FILE REFERENCE:	ADM 14
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	16 January 2017
ATTACHMENT:	12.5.1 2016 - Annual Compliance Audit Return

BACKGROUND:

Council is required by section 14 of the Local Government Audit Regulations 1996 to complete a Compliance Audit Return each year covering the period 1 January to 31 December. The Compliance Audit Return is to be:

1. Presented to Council at a meeting of the Council.
2. Adopted by the Council.
3. The adoption recorded in the minutes of the meeting at which it is adopted.
4. Signed by the Shire President and Chief Executive Officer and returned to the Department of Local Government with a copy of the Council minutes of the meeting at which it was received.
5. Submitted to the Department for Local Government by 31 March each year.

The Return must also be reviewed by the Audit Committee prior to its adoption by Council.

COMMENT:

The Annual Compliance Audit Return contains 87 questions of which:

- 40 were complied with;
- 44 were not applicable to the Shire of Nannup during the year under review, and
- 3 matters were detected to be non-compliant.

The areas of non-compliance detected were as follows:-

Delegation of Power/Duty

Question 7 – *Were all delegations to the CEO resolved by an absolute majority?*

Comment – *Council reviewed its delegation register at its January 2016 Ordinary meeting and whilst Council resolved unanimously (8/0) to accept the revocation of two delegations and minor wording amendments to other delegations, it was not recorded as being carried by absolute majority.*

Question 8 – *Were all decisions by the Council to amend or revoke a delegation made by absolute majority?*

Comment – *See Question 7 comment.*

Disclosure of Interest

Question 1 – *If a member disclosed an interest, did he/she ensure that they did not remain present to participate in any discussion or decision-making procedure relating to the matter in which the interest was disclosed (not including participation approvals granted under s.5.68)*

Comment – *At the July 2016 Ordinary meeting of Council two (2) Notices of Motions were submitted at which two (2) Councillors declared Proximity Interests relating to same. Whilst the Councillors had declared their interest they failed to vacate the Chamber and also voted on the matters. The CEO contacted the Department of Local Government to alert them of the above matter and indicated that the issues were quite minor and the Councillors had genuinely made a mistake in not vacating the Chamber. In discussions with Departmental staff it was suggested that if Council rescinded the two (2) motions of July 2016 it would resolve the matter. At the September 2016 Ordinary Council meeting the above rescission motions were moved and carried with the two (2) Councillors absent from the Chamber. Reiteration of Councillors obligations regarding Declaration of Interest and requirements to vacate the Chamber has been reinforced following this matter.*

Whilst it is a requirement for the Return to be reviewed by the Audit Committee as per the *Local Government Audit Regulations 1996*, the Audit Committee for the Shire of Nannup consists of the whole of the Council and therefore it is not considered necessary to convene a meeting of the Audit Committee for this purpose.

STATUTORY ENVIRONMENT:

Section 14 of the *Local Government Audit Regulations 1996*

- (3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.
- (3) After the audit committee has reported to the council under sub-regulation (3A), the compliance audit return is to be —
 - (a) presented to the council at a meeting of the council; and
 - (b) adopted by the council; and
 - (c) recorded in the minutes of the meeting at which it is adopted.

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS: Nil

RECOMMENDATION:

That Council adopts the Local Government Compliance Audit Report for the Shire of Nannup for the period 1 January 2016 to the 31 December 2016, noting the comments made by the CEO in respect to three (3) areas of non-compliance, and authorises the Shire President and CEO to sign and submit the report to the Department of Local Government as required.

VOTING REQUIREMENTS: Absolute Majority.

17008 SLATER/STEER

That Council adopts the Local Government Compliance Audit Report for the Shire of Nannup for the period 1 January 2016 to the 31 December 2016, noting the comments made by the CEO in respect to three (3) areas of non-compliance, and authorises the Shire President and CEO to sign and submit the report to the Department of Local Government as required.

CARRIED BY ABSOLUTE MAJORITY (7/0)

AGENDA NUMBER:	12.6
SUBJECT:	Development Assessment Panels – Local Government Nominations
LOCATION/ADDRESS:	
NAME OF APPLICANT:	Department of Planning
FILE REFERENCE:	TPL 18
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	17 January 2017

BACKGROUND:

The Department of Planning has advised that Development Assessment Panels (DAP) member appointments expire on 26 April 2017.

The Department advises that Members whose term has expired will be eligible for re-consideration at this time. Under regulation 26 of the *Planning and Development (Development Assessment Panels) Regulations 2011* (DAP Regulations), Council is requested to nominate four elected members of the Council, comprising two local members and two alternate local members to sit on your respective DAP as required.

Nominations are required to be submitted to the Department by 28 February 2017.

COMMENT:

Following receipt of all local government nominations, the Minister for Planning will consider and appoint nominees for up to a three-year term, expiring on 26 April 2020. All appointed local members will be placed on the local government member register and advised of DAP training dates and times. It is a mandatory requirement, pursuant to the DAP regulations, that all DAP members attend training before they can sit on a DAP and determine applications. Local government members who have previously undertaken training are not required to attend further training, but are encouraged to attend refresher training.

When selecting nominees, Council should consider that local government elections may result in a change to DAP membership if current Councillors, who are DAP members, are not re-elected. If members are not re-elected, the local government will need to re-nominate for the Minister's consideration. DAP members are entitled

to be paid for their attendance at DAP meetings and training, unless they fall within a class of persons excluded from payment.

The current DAP members for the Shire of Nannup are Cr's Dean and Slater with Cr's Stevenson and Steer as alternative Members.

STATUTORY ENVIRONMENT:

Planning and Development (Development Assessment Panels) Regulations 2011.

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS: Nil

RECOMMENDATION:

That Council advises the Department of Planning of the following nominees to represent the Shire of Nannup on the Development Assessment Panels:-

Development Assessment Panel Members – Cr's and

Alternate Development Assessment Members – Cr's and.....

VOTING REQUIREMENTS: Simple Majority.

17009 STEER/FRASER

That Council advises the Department of Planning of the following nominees to represent the Shire of Nannup on the Development Assessment Panels:-

Development Assessment Panel Members – Cr's Dean and Slater

Alternate Development Assessment Members – Cr's Stevenson and Steer

CARRIED (7/0)

The Chief Executive Officer had declared an Impartiality Interest in Item 12.7 relating to “Review of the Dog Exercise Area” as he was a member of the Nannup Golf Club.

Cr Dean had declared an Impartiality Interest in Item 12.7 relating to “Review of the Dog Exercise Area” as he was the President and member of the Nannup Golf Club.

Cr Steer had declared an Impartiality Interest in Item 12.7 relating to “Review of the Dog Exercise Area” as he was a member of the Nannup Golf Club.

Cr Gilbert noted that he had an association with the “Friends of Nannup Foreshore Group” in relation to Item 12.7 but did not consider it as a formal Declaration of Interest.

As the above were Declarations of Impartiality, Councillors could remain in the Chamber, discuss and vote upon the matter.

AGENDA NUMBER:	12.7
SUBJECT:	Review of Dog Exercise Area
LOCATION/ADDRESS:	Nannup Town Site
NAME OF APPLICANT:	
FILE REFERENCE:	WRK 28
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	Peter Clarke – Impartiality Interest - Member of the Nannup Golf Club
DATE OF REPORT:	19 January 2017
ATTACHMENT:	12.7.1 - Submissions received prior to and during the Dog Exercise Area Review advertising period.

BACKGROUND:

At the January 2016 Ordinary meeting of Council the following was resolved in respect to the allocation of a Dog Exercise Area within the Nannup town site:-

16007 GILBERT/SLATER

That following consideration of the submissions received in respect into proposed Designated Dog Exercise Areas within the Nannup town site, Council identifies the following land to be “Specified Areas” for the purpose of exercising dogs off the lead in accordance with Section 3(A) of the Dog Act 1976:-

- ***“The Public Transport Authority of WA land leased to the Shire of Nannup that commences 60 metres south of the Foreshore Park toilets and which runs parallel to the River terminating at the old Railway Shed; and***
- ***“Reserve 42287 being the Old Girl Guides Hall area vested in Council for the purpose of Recreation”.***

In relation to the Specified PTA Area, this is to remain in force until the termination/renewal of the Lease in 2024. In allocating the Specified Areas, Council advertises same in the local “Telegraph” newspaper and erects appropriate signage at various locations along the route.

Clarification was obtained in respect to Reserve 42287 and at the February 2016 Ordinary meeting, Council was advised that as this Reserve was located outside of the Nannup town site boundary, it did not apply to the requirements of the *Dog Act* for Dog Exercise Areas within town site boundaries.

At the February 2016 Ordinary meeting Council further clarified the Dog Exercise Area as follows:-

16023 GILBERT/MELLEMA

“The Public Transport Authority of WA land leased to the Shire of Nannup that commences on the southern edge of the service road approximately 60 metres south of the Foreshore Park toilets and which runs parallel to the River terminating at the northern border of Ford Way”.

Following the above resolutions a request was received from the “Friends of the Nannup Foreshore” seeking a review of the Dog Exercise Area following 12 months of operation as this group were concerned that additional activity in this area would be detrimental to the plantings and rehabilitation works that had been undertaken. Council agreed to this request which has resulted in this review being undertaken.

COMMENT:

Throughout the course of the 12 month trial period a number of residents have expressed concern with the PTA land not being suitable for exercising their dogs off lead and have continued to support the Nannup Golf Course as a more appropriate area.

To advise residents of the Review being undertaken, an advertisement was placed in the December 2016 edition of the *Telegraph* Newsletter calling for submission from residents in order that Council could further consider the approved Exercise Area or other suggested areas.

Submissions closed on Wednesday, 18 January 2017 and provided as an attachment to the Agenda document are the submissions received.

STATUTORY ENVIRONMENT:

Section 31 of the *Dog Act 1976* Relation to Control of Dogs in Certain Public Places

- (1) A dog shall not be in a public place unless it is —
- (a) held by a person who is capable of controlling the dog; or
 - (b) securely tethered for a temporary purpose,
by means of a chain, cord, leash or harness of sufficient strength and not exceeding the prescribed length.
- (2A) Despite subsection (1), a dog shall not be in a public place —
- (a) at all if the place is specified under subsection (2B) as a place where dogs are prohibited at all times; or
 - (b) at a time when the place is specified under subsection (2B) as a place where dogs are prohibited at that time.
- (2B) A local government may, by absolute majority as defined in the *Local Government Act 1995* section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a place where dogs are prohibited —
- (a) at all times; or
 - (b) at specified times.
- (2) A dog is exempt from the requirements of subsection (1) if —
- (a) it is in a dog exercise area specified under subsection (3A); or
 - (b) it is in a public place that is in an area of the State outside the metropolitan region or outside a townsite, and that is not a rural leashing area specified under subsection (3B); or
 - (c) it is in or on a vehicle; or
 - (d) it is being exhibited for show purposes; or
 - (e) it is participating in an obedience trial or classes conducted under the auspices of the body known as the Canine Association of Western Australia (Inc.) or a body approved by the local government in whose district the obedience trial or classes are conducted; or
 - (f) it is registered as being *bona fide* used in the droving or tending of stock and is being so used or is going to or returning from a place where it will be, or has been, so used; or

- (g) it is a foxhound in a pack *bona fide* engaged in hunting or hound exercise or in going to or returning from hunting or hound exercise; or
- (h) it is being used for retrieving, duck hunting or other customary sporting purposes.

Sections (3A) and (3C) of the *Dog Act 1976*

- (3A) A local government may, by absolute majority as defined in the *Local Government Act 1995* section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a dog exercise area.
- (3C) At least 28 days before specifying a place to be —
 - (a) a place where dogs are prohibited at all times or at a time specified under subsection (2B); or
 - (b) a dog exercise area under subsection (3A)

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS:

Shire of Nannup Community Strategic Plan 2013-2023 – Our Community Leadership - Strategy 5.1, Lead, Listen, Advocate, Represent and Provide

RECOMMENDATION:

That following consideration of the submissions received in respect to the Review of the Designated Dog Exercise Area within the Nannup town site, Council identifies the following land as “Specified Areas” for the purpose of exercising dogs off the lead in accordance with Section 3(A) of the *Dog Act 1976*:-

1. The Public Transport Authority of WA land leased to the Shire of Nannup that commences on the southern edge of the service road approximately 60 metres south of the Foreshore Park toilets and which runs parallel to the River terminating at the northern border of Ford Way, and
2. Part of Reserve 9185 (Nannup Golf Course land) daily between the hours of 5.00pm in the evening until 9.30am the following morning.

In approving the above Specified Areas, Council authorises the appropriate signage be erected at these locations to inform the community.

VOTING REQUIREMENTS: Absolute Majority

FRASER/MELLEMA

That following consideration of the submissions received in respect to the Review of the Designated Dog Exercise Area within the Nannup town site, Council identifies the following land as “Specified Areas” for the purpose of exercising dogs off the lead in accordance with Section 3(A) of the Dog Act 1976:-

- 1. The Public Transport Authority of WA land leased to the Shire of Nannup that commences on the southern edge of the service road approximately 60 metres south of the Foreshore Park toilets and which runs parallel to the River terminating at the northern border of Ford Way, and***
- 2. Part of Reserve 9185 (Nannup Golf Course land) daily between the hours of 5.00pm in the evening until 9.30am the following morning.***

In approving the above Specified Areas, Council authorises the appropriate signage be erected at these locations to inform the community.

AMENDMENT

FRASER/LONGMORE

That following consideration of the submissions received in respect to the Review of the Designated Dog Exercise Area within the Nannup town site, Council identifies the following land as “Specified Areas” for the purpose of exercising dogs off the lead in accordance with Section 3(A) of the Dog Act 1976:-

- 1. The Public Transport Authority of WA land leased to the Shire of Nannup that commences on the southern edge of the service road approximately 60 metres south of the Foreshore Park toilets and which runs parallel to the River terminating at the northern border of Ford Way, and***
- 2. Part of Reserve 9185 (Nannup Golf Course land) daily between the hours of 5.00pm in the evening until 9.30am the following morning.***
- 3. Full entitlement to exercise dogs on the Nannup Town Oval other than when Cricket matches and other sporting events are being conducted.***

In approving the above Specified Areas, Council authorises the appropriate signage be erected at these locations to inform the community.

AMENDMENT LOST (3/4)

AMENDMENT

17010 GILBERT/DEAN

That following consideration of the submissions received in respect to the Review of the Designated Dog Exercise Area within the Nannup town site, Council identifies the following land as “Specified Areas” for the purpose of exercising dogs off the lead in accordance with Section 3(A) of the Dog Act 1976:-

- 1. The open areas of the Public Transport Authority of WA land leased to the Shire of Nannup that commences on the southern edge of the service road approximately 60 metres south of the Foreshore Park toilets and which runs parallel to the River terminating at the northern border of Ford Way, and*
- 2. Part of Reserve 9185 (Nannup Golf Course land) daily between the hours of 5.00pm in the evening until 9.30am the following morning.*

In approving the above Specified Areas, Council authorises the appropriate signage be erected at these locations to inform the community.

***AMENDMENT CARRIED (7/0)
THE AMENDMENT BECAME THE MOTION
THE MOTION WAS PUT AND DULY CARRIED BY ABSOLUTE MAJORITY (7/0)***

REASON FOR ALTERATION TO RECOMMENDATION

Council in specifying the open areas of the PTA land recognised the work being undertaken by the “Friends of Nannup Foreshore Group” and that Council would now encourage through signage at this location, for dog owners to keep their animals in the open areas, i.e., on cleared areas and tracks away from the rehabilitation works (plantings) that have been undertaken by the “Friends of Nannup Foreshore Group”.

Council also indicated that it would continue to review the Designated Dog Exercise Areas to ensure that the best outcomes are achieved for all parties.

AGENDA NUMBER:	12.8
SUBJECT:	Proposed partial closure of the Cundinup West Road reserve adjoining Lot 12408, Cundinup
LOCATION/ADDRESS:	Lot 12408 Cundinup West Road, Cundinup
NAME OF APPLICANT:	Mario Camarri
FILE REFERENCE:	A197
AUTHOR:	Jane Buckland – Development Services Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	
DATE OF REPORT:	12 January 2017
PREVIOUS MEETING REFERENCE:	
ATTACHMENT:	12.8.1 - Correspondence and plan from applicant 12.8.2 - Location map 12.8.3 - Aerial photograph showing location of existing infrastructure

BACKGROUND:

An application has been made to permanently close a portion of the Cundinup West Road reserve which adjoins Lot 12408 Cundinup West Road, Cundinup and once closed, for it to be amalgamated into Lot 12408. The proponent's request is outlined in Attachment 12.7.1.

The location of the road reserve is shown in Attachment 12.7.2. The area is approximately 20 kilometres north-northwest of the Nannup Townsite.

The Cundinup West Road was realigned along the section which adjoins Lot 12408 approximately 35 years ago. At that time, the road reserve was widened to incorporate the new alignment rather than being moved which is commonplace throughout the Shire. The width of the current road reserve is approximately 50m for the length of the section which adjoins Lot 12408.

The proponent has recently submitted a development application to construct a new grain commodity storage shed to be located immediately to the northeast of the existing grain silos. The proposed shed needs to be close to the grain receiving and milling area as it is impractical to move the grain any great distance. On receipt of the application it was discovered that a large amount of existing farm infrastructure was located in the Cundinup West Road reserve as shown in Attachment 12.7.3, and that the proposed location of the grain shed would also encroach into the reserve.

COMMENT:

The proponent operates a considerable beef business from Lot 12408 Cundinup West Road and is anxious to secure the encroaching infrastructure. It would not be practical for the Shire to request the structures be relocated within the existing property boundary and advice from the proponent indicates that a majority of the infrastructure was in its present location prior to the issue of titles.

It is suggested that the Council initiates permanent partial road closure of the Cundinup West Road reserve and agrees that it be amalgamated into adjoining Lot 12408 on Plan 164775. The extra wide road reserve has been in place since the realignment of Cundinup West Road approximately 35 years ago and the land is largely cleared.

If Council agrees, the Shire administration will advertise the resolution to initiate a partial road closure in a newspaper circulating in the district for a period of 35 days, write to and invite comments from stakeholders and government agencies, place public notices on community noticeboards, place details on the Shire website and at the Shire office. Following the close of the consultation period, the Council and the Shire administration will consider the submissions and determine whether to request the Minister to close the unnamed road reserve.

The road reserve closure and acquisition process usually takes considerable time to complete, often in the order of years, with most of the process and associated time associated with State Government agencies. The Cundinup West Road opposite the site is marginally located outside of the road reserve in the State Forest at one point. While it would be preferable to address as a package, associated with matters relating to Lot 12408, it is likely to make the process even more complex and time consuming in dealing with additional agencies.

Should Council decide to initiate permanent partial road closure, it is proposed that following the end of the advertising period Council could then consider the development application for the grain commodity shed located in the road reserve, subject to conditions.

It is highlighted that the Shire administration is not aware of a similar scenario where it has been asked to consider approving a permanent shed either partially or fully located within a road reserve.

STATUTORY ENVIRONMENT:

Land Administration Act and Land Administration Regulations. A Council resolution is required to initiate the road closure process.

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS:

The applicant has paid the application fee in accordance with the Council's fees and charges.

The applicant will meet all costs associated with the process including survey, land acquisition, State Government administration fees and land amalgamation fees.

In relation to the foreshadowed Development Application, should the Council separately determine it is conditionally appropriate, it is suggested the applicant will be responsible for costs associated with addressing risks associated with buildings being located in a road reserve. This may include the costs of drafting a suitable licence to occupy Crown land (road reserve) along with a deed or a Memorandum of Understanding.

STRATEGIC IMPLICATIONS: Nil

RECOMMENDATION:

That Council agree to initiate a request for permanent partial road reserve closure action, under section 58 of the Land Administration Act 1997 subject to the closed partial road reserve being amalgamated into adjoining Lot 12408 on Plan 164775.

VOTING REQUIREMENTS: Simple Majority

17011 FRASER/MELLEMA

That Council agree to initiate a request for permanent partial road reserve closure action, under section 58 of the Land Administration Act 1997 subject to the closed partial road reserve being amalgamated into adjoining Lot 12408 on Plan 164775.

CARRIED (7/0)

AGENDA NUMBER:	12.9
SUBJECT:	Water Wise Council Program
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Water Corporation
FILE REFERENCE:	DEP 23
AUTHOR:	Tracie Bishop – Manager Corporate Services
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	Nil
PREVIOUS MEETING REFERENCE:	
DATE OF REPORT:	21 December 2016
ATTACHMENT:	12.9.1 Waterwise Promotional material

BACKGROUND:

The Waterwise Council Program is a joint initiative between the Water Corporation and the Department of Water (DoW) designed to build a co-operative working relationship with local governments looking at ways to improve water use efficiency both within local governments and the communities that they represent.

COMMENT:

Benefits to Council include potential water and financial savings through improved efficiencies discovered by implementing data logging and free of charge water audits conducted by the Water Corporation, as well as opportunities to participate in funded and co-funded water efficiency initiatives that will be of benefit to the community. The first of these initiatives offered is a showerhead promotion. The showerheads are 3 star WELS (Water Efficiency Labelling and Standards) rated and use nine litres of water per minute. To participate residents need to take their Water Corporation water account and their current showerhead into the Shire Office and swap them for new water efficient ones. Each household can claim up to 2 showerheads per residence.

From the Water Corporation's perspective benefits may be that some of the mistrust and animosity that is prevalent within the shire dissipates and with efficiencies obtained the sustainability of this valuable resource.

If Council would like to participate with this initiative there are four steps that need to be enacted. These are listed below :

1. Commit to the program
2. Review council water consumption and create a water efficiency action plan for potable and non potable water sources;

3. Ensure that appropriate staff members complete free waterwise training; and
4. Ensure that there have been no breaches of groundwater licence terms or conditions as set by the DoW within the past 12 months.

Overall officers consider that the program has merit and given the impact that all Australian communities may be faced with due to water shortages in the future, any options to look at ways to increase efficiencies and make savings in relation to water consumption is something that should be considered. The training offered to staff members should benefit the organisation and provide a better understanding of best practices for waterwise consumption.

STATUTORY ENVIRONMENT: Nil

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS:

Potential cost savings through water savings and efficiency opportunities.

STRATEGIC IMPLICATIONS:

4.3 Our sustainable future – to support a sustainable, harmonious community and promote self sufficiency

RECOMMENDATION:

As a show of support to the initiatives of the Water Corporation and Department of Water, the Shire of Nannup becomes a Waterwise Council by following the four steps identified within the above report.

VOTING REQUIREMENTS: Simple Majority

17012 SLATER/FRASER

As a show of support to the initiatives of the Water Corporation and Department of Water, the Shire of Nannup becomes a Waterwise Council by following the four steps identified within the above report.

CARRIED (7/0)

AGENDA NUMBER:	12.10
SUBJECT:	Rating Audits within Shire of Nannup
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	
FILE REFERENCE:	RAT 9
AUTHOR:	Tracie Bishop – Manager Corporate Services
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	5 January 2017
ATTACHMENTS:	12.10.1 - Map of parcels identified for change in valuations 12.10.2 - Table showing details held of parcels identified for valuation; 12.10.3 - Copy of Letter to affected landowners and attachments.

BACKGROUND:

For most local governments, rates are the principal source of revenue. With limited alternatives, local governments need to optimise this source to generate revenue for their operations. A key to optimising the rating system is to ensure that the appropriate method of valuation of land is used as the basis for rates.

Urban land that is rated on its unimproved value (UV) would normally attract a lesser rate assessment than it would if rated on its gross rental value (GRV).

Generally, this is also the case if rural land is rated on its GRV rather than its UV. Applying the appropriate method of valuation to each property will also minimise complaints from ratepayers of inconsistent and inequitable treatment.

Under Section 6.28 of the Local Government Act 1995 (*The Act*) the Minister for Local Government (*The Minister*) is responsible for determining the method of valuation of land to be used by a local government as the basis of rates.

In determining the method of valuation, the Minister is to have regard to the general principle that the basis for a rate on any land is to be:

- Where the land is used predominantly for rural purposes, the Unimproved Valuation (UV) of the land should be used; and
- Where the land is used predominantly for non-rural purposes, the Gross Rental Valuation (GRV) of the land should be used.

Each local government has a role in ensuring that the rating principles of the Act are correctly applied to rateable land within their district so that rural land is rated by its UV valuation and all non-rural land is rated on its GRV valuation. This will ensure that the principles of objectivity, fairness and equity, consistency, transparency and administrative efficiencies are observed across the board and all ratepayers are treated equal.

COMMENT:

In order to remain consistent in this role, from time to time it becomes necessary for audits to be completed to ensure that all properties are being treated equal. As part of this process officers have recently been looking at properties that sit on the fringe of the Rural/Special Rural/Townsite areas to ensure that they are being correctly rated. The result of this audit was that several properties were identified within the Dean Road area that may not be being correctly rated. Dean Road currently has 27 properties included with 17 being rated as GRV and 10 rated as UV. Of these 10 properties currently rated UV, 8 are zoned Special Rural which is consistent with a GRV rating basis. The two remaining include one property which currently is under Western Australian Planning Commission to have it subdivided into three parcels. Additionally the health clinic on the Balingup Road has also been identified as possibly needing to change from UV to GRV.

The steps that need to be followed now that these properties have been identified are as follows:

- A resolution passed by Council to endorse the works undertaken by officers to look at changing the valuation of the properties;
- A review of the predominant use of the land undertaken which will include consultation with the landowners;
- Following the consultation with landowners and a follow up on any objections received a final review to Council for implementation of changes.
- Submission made to the Minister of Local Government asking for the changes to be made;
- Changes to rating included in a notice published in the Government Gazette.

Officers are proposing that if Council endorses the actions taken to date, that the consultation process should begin immediately with the attached letter and attachments be sent to those affected landowners. Landowners would be given 21 days in which to supply information as to the predominant use of the land. Should landowners not respond to this request it is stated within the letter that Council will then assume that the land is used for predominantly non-rural purposes and these properties will be included within those submitted to the Minister for change of valuation basis.

This would allow the final submission to be sent through to the Minister for consideration ready for the 2017/18 financial year.

Further to the rating audit currently underway, Officers have been looking at leased properties and ensuring that these are being charged correctly for waste services received. This audit has identified that two leases currently were not being charged for any waste removal at all despite significant waste services provided. Officers have now raised interim service charges for the Nannup Caravan Park and FROG's Occasional Childcare to cover these costs for the current financial year. It is not proposed to back-rate these properties given that it is an administrative error that has allowed these anomalies to occur. It considered that as these are privately run businesses in their own right then all costs associated with operating these businesses should be passed to the owners.

STATUTORY ENVIRONMENT:

Local Government Act 1995 S6.28 and S6.38 and Waste Avoidance and Resource Recovery Act 2007

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS:

Possible changes to the rating income received from 2017/18 onwards.

STRATEGIC IMPLICATIONS:

Our Economy: We will have a sustainable, innovative and equitable economy.

RECOMMENDATION:

1. That Council endorses all actions taken to date by Officers in identifying properties that may not currently be being rated according to predominant use or services used;
2. That Council endorse officers to proceed with consultation with land owners to determine predominant usage of identified land parcels and at the end of this period a further report to Council of these outcomes for consideration for inclusion in submission to the Minister of Local Government.

VOTING REQUIREMENTS: Simple Majority

17013 GILBERT/FRASER

- 1. That Council endorses all actions taken to date by Officers in identifying properties that may not currently be being rated according to predominant use or services used;**
- 2. That Council endorse officers to proceed with consultation with land owners to determine predominant usage of identified land parcels and at the end of this period a further report to Council of these outcomes for consideration for inclusion in submission to the Minister of Local Government.**

CARRIED (7/0)

AGENDA NUMBER:	12.11
SUBJECT:	Budget Review 2016/17
LOCATION/ADDRESS:	Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	FNC 3
AUTHOR:	Tracie Bishop – Manager Corporate Services
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
DATE OF REPORT	10 January 2017
PREVIOUS MEETING:	Adoption Of 2016/17 Budget
REFERENCE:	FNC 3
ATTACHMENT:	12.11.1 - Review of Budget Report

SUMMARY:

As per the Financial Management Regulations 1996 Section 33A a review of a Local Governments annual budget must be completed between 1 January and 31 March each year. The following item allows the Shire of Nannup to reach compliance within this area.

There are variances expected from the original estimates of the Budget which was adopted at the June 2016 Ordinary Council Meeting. These are largely as a result of timely and prudent savings by officers and additional expenditure not known at budget adoption. Overall when each of the schedules is taken into consideration there is a modest saving of \$3,800 anticipated at the end of the financial year based on current expectations.

COMMENT:

The statutory requirement for the budgetary review is relatively limited and simply requires the Council to evaluate the likely position at the end of the current financial year. This report goes much further than this and presents an in depth review of the Council's finances covering:

- Performance on the previous year
- Current expectations on income and expenditure
- The sustainability of reserves
- The Council's exposure to financial risk

Outturn from 2015/16 Budget – Actual v Estimated

The Annual Report adopted by Council on 24 November 2016 showed a gross surplus carried forward of \$366,373. This varies to the estimated expected outturn that was reported during the budgeting process for the 2016/17 financial year. At that point in time it was estimated that there would be no surplus carried forward.

On analysis, it appears that the \$366,373 variance is a result of an administration error that did not include any surplus carried forward. The surplus is as a result of various items including income streams being received and spending associated with this income not occurring within the same financial year, prior year income being recovered and savings wherever possible.

Anticipated Outturn for 2016/17

Council will see from the budget monitoring reported within the January 2017 Council meeting that as at 31 December 2016 a surplus for the year of \$3,800 is currently predicted. This is primarily as a result of savings being initiated wherever possible.

There is however variations expected from the original budget adopted in June 2016 to spending trends anticipated as at today. Within each of the programs these are:

1. Governance – an overspend of \$14,200. This is primarily as a result of legal expenses not being anticipated at the time of budget adoption.
2. General Purpose Funding – a decrease in available cash of \$20,500. Interest earning shown within budget was based on previous period reserve balances.
3. Law & Order – Overspend of \$8,000 as a result of additional Rural Numbering works being completed. Loss of income of \$1,000 – historically the amount of income budgeted for within the Cockatoo Valley firebreaks has been overstated. This has been noted and will be corrected within the 2017/18 budget process.
4. Health – an increase in available cash of \$3,000 as a result of fees and charges collected within this schedule being higher than budget.
5. Housing – Overspend of \$11,000 as a result of one house now being used for staff housing resulting in income that was predicted from private rental now not included.
6. Community Amenities – an increase in available cash of \$19,000. Fees and charges collected within cemeteries and waste management exceeded expectations and town planning expenses were lower than anticipated.
7. Recreation & Culture – A saving of \$24,500 largely as a result of maintenance costs within the public halls and recreation centres not being required this financial year.
8. Transport – An overspend of \$46,000 is expected as a result of a footpath failure within the Hitchcock Drive area that needs attention and a co-contribution required for the Baker Road Bridge renewal.

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9. Economic Services – An overspend of \$7000 as a result of additional funding being allocated to the preliminary works that may be required for Quannup.
10. Other Property & Services – Overall a saving of \$55,000 that is largely as a result of fuel requirements being less than anticipated.

For a full breakdown of the individual components within each schedule that have moved since the budget was adopted please refer to the attachments.

Sustainability of Reserves

The Council maintains a number of reserves to meet recurrent capital expenditure requirements and other liabilities. Overall, Council's reserve funds represent a strong and sustainable position going forward. The budgeted position of these reserves is as follows:

Reserve	Opening Bal 1.7.16 \$	Budgeted Additions \$	Budgeted Payments \$	Closing Bal 30.6.17 \$
Long Service Leave	198,858	27,768	(19,500)	207,126
Plant	357,993	132,471	(110,000)	380,464
Recreation Centre	529	0	(0)	529
Office Equipment	66,677	15,740	(15,600)	66,817
Main Street Upgrade	185,569	14,123	(0)	199,692
Land Fill Site	51,839	20,601	(0)	72,440
Gravel Pit	40,000	20,292	(0)	60,292
Emergency Management	54,602	779	(0)	55,381
Aged Housing	21,845	312	(0)	22,157
Asset Management	445,700	106,138	(20,000)	531,838
Rate Equalization	50,000	1,461	(0)	51,461
Community Bus	5,000	0	(0)	5,000
Total	1,478,612	339,685	(165,100)	1,653,201

Risks

The Council's immediate financial position is steady but this must be considered in the light of limited information on future expenditure needs and the impact that these would have on the rate liability.

A number of key funding streams have now ceased and the overall impact that this will have on rate revenue is yet to be fully analysed. In general this will mean upward pressure will be applied to the base budget, which in turn will mean that either pressure will be applied to the amount of rates revenue required each year or savings must be found.

The initial work on a full review of the Long Term Financial Plan is currently underway and once completed will help to illustrate what will need to be addressed in order to continue to meet the needs of the community while still being mindful of achieving financial sustainability. It is anticipated that this plan will be reported to Council within the March 2017 meeting.

Other risks identified at last year's budget review have been mitigated and the underlying financial position remains strong.

Budget Timetable

The timetable for compiling the 2017/18 budget is set out below. In an effort to provide Councillors with the information required to make informed decisions for the upcoming budget, a number of workshops and consultation times for discussion on the various components of the budgetary process have been arranged. This year's workshops will commence with an Asset Management workshop prior to this Council meeting and are scheduled to continue through to mid May 2017. This should then allow both the Budget and Rate in the Dollar to be finalised and ready to be brought to the June 2017 Council meeting for adoption.

Financial Workshop Schedule 2017/18 Year		
Activity	Date	Description
AMP Presentation	25/01/2017	First Presentation to Councillors, providing a broad overview of the Asset Management Plan (AMP) to be held within the information session preceding Council Meeting.
LTFP Presentation	23/02/2017	Second presentation to Council based on the Integrated Planning reviews required. This workshop will provide a broad overview of Long Term Financial Plan (LTFP) implications and will be held within the information session preceding Council Meeting.
First Officer Workshop	8/03/2017	
Second Officer Workshop	15/03/2017	
Road Inspection	24/03/2017	

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First Formal Councillor Base Budget Workshop	6/04/2017	First budget workshop for Councillors allowing Councillors to go over budget considerations put forward from officers.
Second Formal Councillor Base Budget Workshop	20/04/2017	2nd budget workshop following on from queries raised within 1st workshop.
First Rate in the Dollar Workshop - Councillor level	4/05/2017	It is anticipated that budget considerations will have been finalised ready for Council meeting in June and this meeting will be looking at the preferred Rate in the Dollar options for the 2017/18 year.
Second Rate in Dollar workshop - Councillor Level	18/05/2017	If required second Rate in Dollar workshop
Rate in Dollar and Budget for 2017/18 brought to Council - Special Meeting of Council	15/06/2017	
Formal Statements- 2016/17 budget	22/06/2017	
Budget statements sent through to DLG	26/06/2017	Compliance issue

	Councillor Workshops/Road trips
	Officer Workshops
	Council Meetings

Conclusions

The variance that is shown between the actual and the estimated outturn for 2016/17 is primarily as a result of carried forward surplus not being included within the initial papers.

Once the budget is amended to include unanticipated spending and savings within the individual schedules there is an overall savings expected to the 2016/17 budget of \$3,800.

The Long Term Financial Plan will be updated and refined to inform the 2017/18 budget and to comply with the requirements of the Integrated Planning Framework. Consideration must be taken of the impact that the reduction of capital grants will have on the overall revenue required from rates in order to continue to maintain our cost base.

The overall reserve position is strong and supports Council's decision to ensure that it is in a good position to address potential capital projects identified by the community.

The work to complete the 2017/18 budget will commence early in the 2017 calendar year and Officers anticipate that with the inclusion of the various workshops arranged over the coming months that Council will be in a position to make an informed decision relating to the budget by the June 2017 Council meeting. This will enable officers to implement the budget and raise rates at the beginning of the 2017/18 financial year. This should place Council in a strong financial position moving forward.

STATUTORY ENVIRONMENT:

Sub-section 2A of the Regulations requires the Council to:

- (a) Consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
- (b) Consider the local government's financial position as at the date of the review; and
- (c) Review the outcomes for the end of that financial year that is forecast in the budget.

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS:

A potential surplus of \$3,800 for 2016/17.

STRATEGIC IMPLICATIONS: Nil

RECOMMENDATION:

That Council endorses all variances shown within this report and attachments as part of the annual Budget Review for the 2016/17 financial year required to remain compliant with statutory obligations.

VOTING REQUIREMENTS: Absolute Majority

17014 LONGMORE/FRASER

That Council endorses all variances shown within this report and attachments as part of the annual Budget Review for the 2016/17 financial year required to remain compliant with statutory obligations.

CARRIED (7/0)

AGENDA NUMBER:	12.12
SUBJECT:	Budget Monitoring – November 2016 December 2016
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 15
AUTHOR:	Robin Prime – Corporate Services Officer
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
DATE OF REPORT:	10 January 2017
ATTACHMENTS:	12.12.1 - Financial Statements for the period ending 30 November 2016 12.12.2 - Financial Statements for the period ending 31 December 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 \$30,000, whichever is the greater on which to report. The statutory statements are appended at Attachments 12.12.1 & 12.12.2.

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 at 31 December 2016, Council anticipates a modest savings of \$3,800 within the overall budget for the year ending 30 June 2017. Council's current expectations are as follows;

OPERATING BY PROGRAM:

General Purpose: This program is expected to have a \$20,000 deficit.

This is as a result of Department of Transport commission expected to be \$1,500 under received and interest earnings expected to be under budget by \$23,000. There is however expected to be an increase in instalment interest of \$1500.

Governance: This program is expected to have an overall deficit of \$8,200. Several Areas have contributed to this over-spend, including bank and audit fees, totalling \$5,200, Computer maintenance and subscriptions totalling an expected overspend of \$8,000 and legal expenses estimated to be over budget by an estimated \$10,000 due to unforeseen legal dealings. Areas currently expected to have savings within include the Integrated Planning Framework, building maintenance, printing & stationery, and advertising.

Law & Order: This program is expected to have an overall deficit of \$6,500. This is largely due to the rural numbering system implementation which is expected to be \$9,000 over budget and the loss of \$1,000 of Cockatoo Valley fire break income. Offsetting this overspend, there is expected to be an increase in fees as a result of the ranger role with fines income being over-received by \$3,500.

Health: This program is expected to have a surplus of \$3,000. This is as a result of more health fees being issued than anticipated.

Housing: This program is expected to have a deficit of \$11,000. This is as a net result of less rental income offset by less maintenance expenses.

Community Amenities: This program is expected to have a surplus of \$19,000. Savings within expenses are largely within planning, with savings of \$7,500 anticipated within two areas and public conveniences expected to have savings of \$1,500. Within income streams it is expected that an additional \$1,000 will be collected from WARR Act Fees, health licence fees \$2,000 and cemetery fees also having an anticipated \$2,000 additional Income. Waste management fees however are expected to be lowered by \$1,000.

Recreation & Culture: This program is expected to have a surplus of \$24,500. This is largely due to a number of facilities not requiring maintenance, and an increase in lease fees for the Nannup Sport and Recreation Lease.

Transport: This program is expected to have a deficit of \$46,000. This overspend will be as a result of capital spending due to unforeseen bridge works and footpath reconstruction.

Economic Services: This program is expected to have a \$7,000 deficit. This will be in part by Quannup initial expenses requiring an additional \$10,000 spend offset by \$3,000 of Regional Promotion savings.

Other Property & Services: This program is expected to have a \$56,000 surplus. Fuel is expected to have a savings of \$65,000 offset by vehicle licences expected to be over-spent by \$9,000.

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For additional information relating to the anticipated over and underspends please refer to the Budget Review item within this agenda.

	<i>(Surplus)/Deficit</i>
	\$
Gross (surplus)/deficit expected for the year	
Income – under received	\$24,500
Expenditure – underspent	(\$74,300)
Capital	\$46,000
Projected (surplus)/deficit at end of the year	(\$3,800)

STATUTORY ENVIRONMENT:

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

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS:

A potential surplus of \$3,800 for 2016/17

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

That the Monthly Financial Statements for the period ending 30 November 2016 and 31 December 2016 be received.

VOTING REQUIREMENTS: Simple Majority

17015 LONGMORE/SLATER

That the Monthly Financial Statements for the period ending 30 November 2016 and 31 December 2016 be received.

CARRIED (7/0)

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AGENDA NUMBER:	12.13
SUBJECT:	Monthly Accounts for Payment - November 2016 December 2016
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 8
AUTHOR:	Robin Prime – Manager Corporate Services
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
PREVIOUS MEETING REFERENCE:	None
DATE OF REPORT:	10 January 2017
ATTACHMENTS:	12.13.1 - Accounts for Payment – November & December 2016 12.13.2 - Credit Card Transactions – November 2016

BACKGROUND:

The Accounts for Payment for the Nannup Shire Municipal Account fund and Trust Account fund from 1 November 2016 to 31 December 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	8850 – 9039	465,368.36
Accounts paid by cheque	20112 – 20130	16,509.04
Accounts paid by Direct Debit	DD9732.1 – DD9757.6	51,371.40
Sub Total Municipal Account		\$533,266.80

Trust Account

Accounts paid by EFT		0.00
Accounts Paid by cheque	22801-22802	261.65
SubTotal Trust Account		\$261.65
Total Payments		\$533,528.45

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 \$533,528.45 1 November 2016 to 31 December 2016 in the attached schedule be endorsed.

VOTING REQUIREMENTS: Simple Majority

17016 STEER/MELLEMA

That the List of Accounts for Payment for the Nannup Shire Municipal Account fund totalling \$533,528.45 1 November 2016 to 31 December 2016 in the attached schedule be endorsed.

CARRIED (7/0)

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

13.1 OFFICERS

13.2 ELECTED MEMBERS

14. MEETING CLOSED TO THE PUBLIC

The Shire President informed those members of the public that were in attendance that Council had a confidential matter in which to discuss and therefore requested that they vacate the Chamber.

14.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

CONFIDENTIAL ITEM

PROCEDURAL RECOMMENDATION:

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

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

17017 MELLEMA/SLATER

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

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

CARRIED (7/0)

The meeting was closed to the public at 5.25pm.

AGENDA NUMBER:	14.1
SUBJECT:	Contraflow Pty Ltd v Shire of Nannup
LOCATION/ADDRESS:	
NAME OF APPLICANT:	
FILE REFERENCE:	FNC 8
AUTHOR:	Tracie Bishop – Manager Corporate Services
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	12 January 2017

17018 MELLEMA/STEER

That Council authorises the Chief Executive Officer based upon the advice from Council's lawyers that it continues to pursue the lawyer's recommendations regarding Contraflows claims and Council's counter-claim in respect to the current legal proceedings. In the event that a negotiable agreement is reached, Council authorises the Chief Executive Officer to settle the matter for the benefit of the Shire of Nannup.

CARRIED BY ABSOLUTE MAJORITY (7/0)

PROCEDURAL RECOMMENDATION

That the meeting be opened to members of the public in accordance with Sections 5.23(1)(a) of the Local Government Act 1995.

17019 STEER/MELLEMA

That the meeting be opened to members of the public in accordance with Sections 5.23(1)(a) of the Local Government Act 1995.

CARRIED (7/0)

The meeting was re-opened to the public at 5.32pm.

14.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

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 5.34pm