



Shire of  
**Nannup**  
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# Agenda

Council Meeting to be held  
on Thursday 28 August 2014  
Commencing at 4.15pm

# Agenda

1. **DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**
2. **RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**  
(previously approved)
3. **RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**
4. **PUBLIC QUESTION TIME**
5. **APPLICATIONS FOR LEAVE OF ABSENCE**
6. **PETITIONS/DEPUTATIONS/PRESENTATIONS**
7. **DECLARATIONS OF INTEREST**

The Shire President will read out any declarations received relating to financial, proximity or impartiality interests and ask for any further declarations to be made.

Members should make any declarations at the start of the meeting but may declare an interest before the resolution of any agenda item.

8. **CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

That the Minutes of the Ordinary Council Meeting of the Shire of Nannup held in Council Chambers on 24 July 2014 be confirmed as a true and correct record.

9. **MINUTES OF COUNCIL COMMITTEES**

LEMC meeting held 5 February 2014

10. **ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**
11. **REPORTS BY MEMBERS ATTENDING COMMITTEES**

## 12. REPORTS OF OFFICERS

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### **COMMUNITY & DEVELOPMENT SERVICES**

- 12.1 Review of Shire of Nannup Local Planning Strategy: submitted for adoption (initiation)
- 12.2 Delegation 80 - Food Act 2008 (Part 5)
- 12.3 Policy – HAB 3 Temporary Accommodation

### **FINANCE & ADMINISTRATION**

- 12.4 Review of the Internal Control Manual
- 12.5 Privacy Policy
- 12.6 Dogs Local Law 2014
- 12.7 Badminton Club – Request for Concessionary Rate
- 12.8 Budget Monitoring – June 2014
- 12.9 Budget Monitoring – July 2014
- Community Bus Feasibility Plan
- 12.10
- 12.11 Monthly Accounts for Payment - July 2014

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

- (a) OFFICERS
- (b) ELECTED MEMBERS

## **14. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Cr Dean - Proposed Motion

That Council send a letter to the Flower and Garden Committee commending them on a very successful event in 2014. Particular note to be given to the number of visitors in town, positive comments from visitors and the development of the event over recent years.

## **15. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

## **16. CLOSURE OF MEETING**

# **COMMUNITY & DEVELOPMENT SERVICES**

AGENDA NUMBER:	12.1
SUBJECT:	Review of Shire of Nannup Local Planning Strategy: submitted for adoption (initiation)
LOCATION/ADDRESS:	All of district
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	TPL 3A
AUTHOR:	Steve Thompson – Consultant Planner
REPORTING OFFICER:	Robert Jennings – Chief Executive Officer
DISCLOSURE OF INTEREST:	Edge Planning & Property receive planning fees for advice to the Shire therefore declare a Financial Interest – Section 5.70 of the Local Government Act 1995
DATE OF REPORT:	18 August 2014

Attachment 12.1.1: Draft Shire of Nannup Local Planning Strategy

Attachment 12.1.2: Draft Background and Context Report

Attachment 12.1.3: Outcomes Report on Survey to Support the Review of the  
Shire of Nannup Local Planning Strategy

## **BACKGROUND:**

The purpose of this report is to seek Council support to adopt (initiate) a revised draft Local Planning Strategy (LPS) with the goal of seeking community/stakeholder comment. The draft LPS is set out in Attachment 1 which primarily consists of aims, strategies (policies) and actions and the corresponding Strategy Plans. The associated Background and Context Report (Attachment 2) provides background information and context to support the LPS. To reduce the size of the agenda, not all attachments are included with the Background and Context Report. These can be provided to Councillors on request.

By way of background, the current LPS was endorsed by the Western Australian Planning Commission (WAPC) on 6 December 2007. In this report, the current LPS will be called “LPS 2007”. LPS 2007 incorporates the *Nannup Townsite Strategy* that was formulated in the 1990s and endorsed by the WAPC in 2000. Accordingly, the last time there was a major review of planning and associated community/stakeholder input for the Nannup townsite and nearby areas was in the late 1990s. There have been a number of key changes since the 1990s including changes to the demographics, community expectations, the economy and the approach to bushfire management.

The LPS, when finalised, will set the strategic land use direction for the district for the next 10 – 15 years. The LPS is the main framework for land use planning at the local

level to enable the Council to plan for the future. The LPS expresses the strategic vision, policies and proposals of the Council and reflects local needs and aspirations. The LPS is also the key instrument for translating State and regional plans and policies to the local level and to provide the strategic framework and rationale for the zones and other provisions for a Local Planning Scheme.

The LPS is primarily concerned with “spatial” or “land use” considerations including the location, distribution and relationship of land uses, subdivision, development and associated infrastructure. The LPS considers wide ranging economic, natural resource management, environmental and social considerations at a strategic level. It is however highlighted that various issues are beyond the scope of the LPS and land use planning e.g. decisions relating to education funding and levels of service. Non-spatial matters will be addressed by the Council, State Government agencies and other organisations through other programmes, projects and activities. The non-spatial issues provide opportunities for further discussion, involvement and lobbying between the community, representative groups, the local government and other agencies.

The process to formulate the draft LPS has included:

- reviewing the 2013 community survey results (the outcomes report is set out in Attachment 3) which included support for growth in and around the Nannup townsite provided it retains the area’s character, requiring future rural living (rural residential/rural smallholding) subdivision to be located close to the Nannup townsite, wanting to expand services/facilities, and support for job creation;
- obtaining input and feedback from Councillors and the Department of Planning;
- assessing wide ranging information including State, regional and local planning policies, strategies and documents; and
- an assessment of key opportunities and constraints (physical, environmental, economic, social and infrastructure).

**COMMENT:**

*1. Overview*

It is suggested that the draft LPS, outlined in Attachment 1, is suitable for adoption and referral to the WAPC with a request that it be certified to be publicly advertised. It is considered that the draft LPS provides a sound land use planning framework for the district, including promoting subdivision/development in appropriate locations and highlighting areas where subdivision/development is not supported. The following section outlines some of the major issues and key components of the LPS.

The LPS anticipates that the district will experience population growth and development in the next 10 – 15 years. Important decisions will need to be made to determine the most appropriate locations and ways in which to accommodate

additional people and development, which also conserve the qualities that are most valued in the district. This includes its waterways, bushland, productive agricultural land, important landscapes and retaining and enhancing the area's character.

## *2. Similarities and key changes between the LPS 2007 and the draft LPS*

The draft LPS builds on LPS 2007 and the associated *Nannup Townsite Strategy*. Accordingly, various matters are treated in a similar way including:

- respecting the area's character, environmental assets and heritage;
- recognising the importance of agriculture to the local economy and controlling the subdivision of rural land;
- not supporting additional rural residential subdivision at Jalbarragup or Darradup;
- respecting important landscapes including along the Balingup-Nannup Road and the approaches to the Nannup townsite; and
- the future location of industrial areas (Nannup timber mill and east of Sexton Way).

There are various changes between LPS 2007 and the draft LPS which include:

- separating background information from strategies and actions through an LPS report and a separate Background and Context Report;
- reviewing opportunities for residential and rural residential development in and near the Nannup townsite;
- the draft LPS provides increased planning direction for the Nannup townsite;
- introducing Rural Smallholding areas (lot sizes between 4 – 40 hectares) near the Nannup townsite;
- deleting the Cluster Farming Zone and instead strategically locating rural living areas near the Nannup townsite;
- reviewing the expected lot sizes for Mount Folly which is zoned as "Future Development" in the *Shire of Nannup Local Planning Scheme No. 3*;
- deleting the Special Residential Zone and replacing it with the Residential Zone and an appropriate density (R-Codes);
- promoting a wider range of residential densities, however lowering densities within flood risk land;
- deleting the planning precincts as they add little value and are repetitive;
- promoting conservation lots and introducing a Bushland Protection Zone;
- deleting the Mixed Use Zone and generally expanding the town centre;
- introducing a Tourism Zone which in time is expected to see tourist sites currently zoned as "Special Use" changed to the "Tourism Zone";
- showing buffers for the Nannup timber mill, wastewater treatment plant and the waste disposal site;
- introducing special control areas for public drinking water source protection areas for the Millstream Catchment and the Nannup Water Reserve;

- the approach to managing the coastal strip following subdivision;
- promoting appropriate developer contributions; and
- outlining where there are opportunities to enhance infrastructure and connections to improve safety and convenience.

### *3. Intent of the LPS*

The draft LPS seeks to work towards the following on-the-ground and associated economic, community and environmental outcomes:

- the Nannup townsite will be a thriving community hub supporting an increased population with new development respecting the area's landscapes and heritage;
- new rural residential and rural smallholding areas, provided near the Nannup townsite, will provide attractive lifestyle opportunities which will enhance the Nannup townsite;
- there will be enhanced and increased services, recognising financial realities, in association with a greater range of housing and lifestyle opportunities;
- the economy will be expanded and increasingly diversified with the Nannup townsite providing a range of businesses and community services;
- the vast majority of the agricultural areas will be effectively conserved and managed for agricultural production and rural uses with water resources sustainably managed;
- development will avoid areas of flood risk and extreme bushfire prone risk;
- environmental assets will be conserved and where possible enhanced;
- the district's character and landscape qualities will be conserved; and
- areas will be well connected and will provide safe and convenient access for pedestrians, cyclists and motorists.

### *4. Nannup townsite and nearby rural living areas*

Appropriate development and consolidation of the Nannup townsite is considered to have economic, social and environmental benefits. Not only is this a more efficient use of natural resources such as land, infrastructure and energy, but it also assists to support community services/facilities along with local businesses.

The LPS supports a range of lot sizes and housing in and near the Nannup townsite to accommodate the needs of the community which is changing over time. There is support for medium density and mixed use development in and near the town centre provided it is connected to reticulated sewerage and is outside of the floodplain. In accordance with State and regional planning policy guidance, rural living areas should be located near townsites.

The LPS allocates a generous supply of residential and rural living land which is expected to provide a sufficient supply of land beyond the LPS's 10 - 15 year time-frame.

5. *Environmental and natural resource management*

The district contains considerable environmental assets. The LPS suggests the most significant environmental issues relate to the management of water and the retention of biodiversity. Supporting conservation lots and supporting the introduction of a Bushland Protection Zone can assist (in perpetuity) to protect native vegetation on privately owned properties which have high conservation, landscape and biodiversity values. These initiatives can provide a financial incentive to conserve native vegetation.

The LPS incorporates various measures to assist in combating possible impacts of a changing climate.

6. *Bushfire management*

The LPS endorses a precautionary approach to fire risks which reflects State Government policy and Council's *Local Planning Policy 21 Bushfire Management*. The LPS seeks to control the location of development and use of land to avoid placing inappropriate subdivision/development in areas that have extreme fire risks. The LPS complements the *Bush Fire Hazard Strategy - Shire of Bridgetown-Greenbushes and Shire of Nannup*.

7. *Conserving important landscapes*

The LPS outlines the importance of retaining the rural character and visual amenity of landscapes throughout the district and especially along Balingup-Nannup Road and the entrances to the Nannup townsite. To achieve this, the LPS sets out the need to appropriately control the location, nature, density and scale of development and to influence subdivision. Proposed rural residential, rural smallholding and other subdivision/development are required to be appropriately designed and sited.

8. *Promoting economic development and creating employment*

The LPS seeks to assist supporting a more robust and resilient economy. Agriculture is the key local industry and accordingly agricultural land should be protected. There are various opportunities to encourage greater diversification of the local economy. The LPS sets out that the establishment of businesses is encouraged in appropriate locations in the district provided relevant planning issues are addressed (including addressing off-site impacts, appropriate servicing and environmental considerations).



## *9. Agriculture*

The LPS highlights that agriculture makes a significant contribution to the economic, social and landscape structure of the district. Agricultural land is an important and finite resource. State Government policy seeks to protect agricultural areas from potentially conflicting development such as rural-living subdivision. Farming is an important business of the district and should be protected to conduct normal operations and protected from incompatible subdivision and development.

The LPS seeks to reduce or where possible remove speculation about the potential locations for future residential, rural residential and rural smallholding subdivision. Instead, the LPS seeks to provide long term confidence that agricultural land will be used for agricultural or compatible ancillary purposes.

There is a general presumption against subdivision (the creation of additional lots) of land designated as General Agriculture, Priority Agriculture 1 – Scott Coastal Plain and Priority Agriculture 2 on the Strategy Plans. The LPS however supports boundary adjustments/boundary rationalisation (not creating additional titles) to assist to achieve better land management outcomes.

## *10. Tourism*

There are a number of opportunities to encourage the growth of tourism, including attracting additional tourists/visitors and retaining tourists/visitors longer. The LPS supports providing for and encouraging a range of tourism facilities and development within the district, in appropriate locations, that respects adjoining land uses and environmental assets.

## *11. Infrastructure and community services*

The LPS seeks to provide clear direction for servicing authorities and other stakeholders as to the location and form of development to assist in the planning and delivering of infrastructure and services.

The LPS recognises that population growth and development will require the timely provision of utility and community services. In particular, the Nannup townsite needs adequate and appropriate infrastructure. Expanding infrastructure, such as the timely provision of power supplies, telecommunications, reticulated water and reticulated sewerage is critical to the growth of the district. Land use planning can assist in the coordination of development and sequencing of land release with social and physical infrastructure delivery, including assisting to optimise the use of established infrastructure and services through infill development.

The LPS notes that determining funding and seeking timely provision will be critical to effective implementation of the LPS. Accordingly, the LPS seeks the support of the

State Government to take a leadership position on funding infrastructure headworks to promote planned development where consistent with the endorsed LPS.

### *12. Heritage and design*

The LPS highlights that the district's heritage contributes to its sense of place and amenity. Properly managed and developed heritage assets also aid in economic development through the attraction of visitors and tourists. Accordingly, new development should respect Aboriginal and historic heritage. The LPS also supports quality design which ideally has a distinctive local character.

### *13. Next steps*

The draft LPS is recommended for Council adoption (initiation). Should Council agree with the officer recommendation, the following steps include:

- requesting the WAPC to certify the draft LPS and authorise that it can be publicly advertised. The WAPC's assessment will include whether the draft LPS meets the requirements of the *Town Planning Regulations 1967* including consistency with State and regional planning policies. Should advertising approval be granted, it is recommended that draft LPS is advertised for a minimum period of 90 days which is considerably greater than the minimum of 21 days required by the Regulations;
- the draft LPS will be well publicised. Submissions will be invited through advertisements in local papers, brochures/mail outs to residents/ratepayers, writing to community groups, government agencies and other stakeholders, placing details on the Shire's website and information being available at the Shire office;
- submissions will be assessed by the Shire administration and Council with suggested modifications considered. After this, the Council will again consider the draft LPS and in time, grant final adoption and seek endorsement from the WAPC; and
- the WAPC will consider the submissions and the Council's final adopted version of the LPS and, in time, the WAPC will endorse the LPS.

Following WAPC endorsement of the LPS, LPS 2007 will be revoked.

### **STATUTORY ENVIRONMENT:**

*Planning and Development Act 2005* and *Town Planning Regulations 1967*. The Act and Regulations require a local authority to review its Local Planning Scheme and prepare an accompanying LPS. The *Town Planning Regulations 1967* 12A(3) set out that:

“A Local Planning Strategy shall:

- (a) set out the long-term planning directions for the local government;
- (b) apply State and regional planning policies; and
- (c) provide the rationale for the zones and other provisions of the Scheme.”

### **POLICY AND CONSULTATION IMPLICATIONS:**

Policy implications are outlined in the LPS. Finalisation of the LPS will increase certainty for everyone with an interest in the matters raised and should assist in more consistent decision making.

Consultation undertaken to date and proposed consultation are set out in the Background and Comment sections. Workshops and public meetings are not initially proposed. This can be reviewed subject to issues raised during the comment period.

### **FINANCIAL IMPLICATIONS:**

The LPS raises the prospect of the local government needing to fund more detailed strategies and plans, however it is difficult to accurately predict costs at this stage. Subject to the content of the final LPS, it may have other direct and indirect financial implications on the local government in the next 10 – 15 years. Opportunities for working in partnership should be explored. The Council should in-time adequately increase budgets to ensure that necessary additional and/or expanded infrastructure and services are appropriately funded and maintained.

Developers/subdividers are required to meet the cost of new development/subdivision in accordance with State Planning Policy 3.6 and Council's *Local Planning Policy 20 - Developer and Subdivider Contributions Policy*.

The Shire will be required to meet the cost of advertising the draft LPS including placing notices in papers.

### **STRATEGIC IMPLICATIONS:**

The LPS (and the associated Local Planning Scheme) will establish Council's land use planning framework for the district. Accordingly, it is highlighted that the finalised LPS will have significant implications on development and subdivision in the district along with influencing infrastructure coordination, economic development and managing natural resources. There are wide ranging economic, social and environmental implications which are summarised in this report and outlined in the attached draft LPS. This includes the likelihood of planning for an increase in population and the associated demands of new and expanded infrastructure and services.

The LPS, once endorsed will assist:

- in coordinating the provision of infrastructure and services;
- in more orderly, planned and sustainable development;
- in the decision-making of the local government and other authorities/agencies;
- the Council in its planning, the Shire with its service delivery and will provide increased certainty for other stakeholders;
- to provide a framework for more detailed planning at the structure plan, scheme amendment, subdivision and development stages;
- to inform landowners and developers/subdividers of Council requirements; and
- to raise community/stakeholder awareness.

The LPS has referred to and is considered consistent with the *Shire of Nannup Community Strategic Plan 2013-2023* including its approach to community services, the economy, the built environment and the natural environment.

**VOTING REQUIREMENTS:** Simple majority

**RECOMMENDATION:**

That Council:

1. Adopt the draft *Shire of Nannup Local Planning Strategy*, outlined in Attachment 1, pursuant to Regulation 12A(1) of the *Town Planning Regulations 1967*.
2. Note the associated Background and Context Report outlined in Attachment 2.
3. Refer the draft Local Planning Strategy to the Western Australian Planning Commission for certification in accordance with Regulation 12A of the *Town Planning Regulations 1967* to facilitate advertising of the Local Planning Strategy in accordance with Regulation 12B of the *Town Planning Regulations 1967*.
4. Delegates authority to the Shire's Chief Executive Officer to progress matters with the Department of Planning and other stakeholders and make modifications to the draft Local Planning Strategy if directed to by the Western Australian Planning Commission.
5. Note that following Western Australian Planning Commission certification, the draft Local Planning Strategy will be advertised to meet the requirements of the *Town Planning Regulations 1967* including an extended public comment period of 90 days compared to the minimum of 21 days required by the *Town Planning Regulations 1967*.

AGENDA NUMBER:	12.2
SUBJECT:	Delegation 80 - Food Act 2008 (Part 5)
LOCATION/ADDRESS:	Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	ADM 22
AUTHOR:	Evelyn Patman – Executive Officer
REPORTING OFFICER:	Evelyn Patman – Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	15 August 2014

Attachment 12.2.1: Delegation 80 - Food Act 2008 (Part 5)

**BACKGROUND:**

The Local Government Act 1995 enables Council to delegate many of its functions and powers under the Act to officers and committees for the purpose of facilitating the smooth running of Council’s operations.

Where a delegation is delegated further from the Chief Executive Officer to a subordinate officer this is noted in the delegation.

**COMMENT:**

The proposed Delegation 80 will allow the Health Consultant or any other officer designated by the Chief Executive Officer to carry out the duties specified in Part 5 of the Food Act 2008. (e.g. food sampling, water sampling and food premise inspections). The need to update to the delegations was determined during a review of the Delegations Register. It had previously been assumed that the relevant powers had been delegated under Delegation 77.

**STATUTORY ENVIRONMENT:** Local Government Act 1995 Section 5.42.

**POLICY IMPLICATIONS:**

Where there is cross reference to a delegation from a Council Policy the delegation is noted as such.

**FINANCIAL IMPLICATIONS:** None.

**STRATEGIC IMPLICATIONS:** None.

**VOTING REQUIREMENTS:** Absolute Majority.

**RECOMMENDATION:**

That, pursuant to Section 5.42 of the Local Government Act 1995, Council approve delegation 80 – Food Act 2008 (Part 5).

AGENDA NUMBER:	12.3
SUBJECT:	Policy – HAB 3 Temporary Accommodation
LOCATION/ADDRESS:	Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	ADM 9
AUTHOR:	Evelyn Patman – Executive Officer
REPORTING OFFICER:	Evelyn Patman – Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	15 August 2014

Attachment 12.3.1: Policy HAB3 – Temporary Accommodation

**BACKGROUND:**

Policy HAB 3 Temporary Accommodation was originally adopted in February 1993. It was revoked in error in April 2010 then re-instated in March 2012. Policy HAB 3 was last reviewed 22 March 2012.

*Policy HAB3 – Temporary Accommodation's* purpose is to allow a shed/other structure to be lived in whilst building the main dwelling on a property.

**COMMENT:**

During a review of the planning policies it was determined that policy HAB 3's first condition (below) is not relevant. This states:

1. *Planning Approval for Temporary Accommodation being granted by Council for a period of 12 months.*

Planning approval is not required for either sheds or single dwellings and so there shouldn't be any need to get planning approval for temporary accommodation. The other conditions currently in place in the policy cover the necessary requirements to ensure that measures are in place to allow living in the temporary accommodation only whilst the main dwelling is being constructed.

**STATUTORY ENVIRONMENT:** None.

**POLICY AND CONSULTATION IMPLICATIONS:**

Minor modification of policy.

**FINANCIAL IMPLICATIONS:** None

**STRATEGIC IMPLICATIONS:** None.

**VOTING REQUIREMENTS:** Simple majority.

**RECOMMENDATION:**

Policy HAB 3 – Temporary Accommodation be amended to remove condition 1 as follows:

**Conditions Applicable To Temporary Accommodation**

- ~~1. Planning Approval for Temporary Accommodation being granted by Council for a period of 12 months.~~

# **FINANCE & ADMINISTRATION**

AGENDA NUMBER:	12.4
SUBJECT:	Review of the Internal Control Manual
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	ADM 2
AUTHOR:	Vic Smith – Manager Corporate Services
REPORTING OFFICER:	Vic Smith – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
DATE OF REPORT	14 August 2014

Attachment 12.4.1: Administration Policy ADM2

## **BACKGROUND:**

Policy ADM2 is the Council's Internal Control Manual. The Policy satisfies the requirements of Regulation 5(2)(a) of the Local Government (Financial Management) Regulations 1996, which states that the CEO is to:

*“ensure that the resources of the local government are effectively and efficiently managed”.*

The policy has to be reviewed on an annual basis.

## **COMMENT:**

The proposed amendment to the policy is shown at Attachment 1. Wording which is recommended for deletion is shown as crossed through and new wording as underlined.

The main change to the document is to add the Community Emergency Services Officer to the list of Authorised Officers for purchasing; this will allow him to authorize small items of expenditure at a similar level to the Plant Mechanic, Leading Hand Gardener and Manager Caravan Park. The only other significant change is to update officers' titles and responsibilities to reflect the current organisational structure.

## **STATUTORY ENVIRONMENT:**

Local Government (Financial Management) Regulations 1996.



**POLICY AND CONSULTATION IMPLICATIONS:**

Where there is cross reference to a delegation from a Council Policy the delegation is noted as such.

**FINANCIAL IMPLICATIONS:** None

**STRATEGIC IMPLICATIONS:** None

**VOTING REQUIREMENTS:** Simple Majority.

**RECOMMENDATION:**

That Council approve the suggested revisions to Policy ADM2 as outlined in Attachment 1.

AGENDA NUMBER:	12.5
SUBJECT:	Privacy Policy
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	ADM9
AUTHOR:	Vic Smith – Manager Corporate Services
REPORTING OFFICER:	Vic Smith – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
DATE OF REPORT	14 August 2014

Attachment 12.5.1: Privacy Policy

**BACKGROUND:**

The council does not currently have a formal policy detailing how it will deal with the handling of personal information. The position has been reviewed and a suggested policy is appended at Attachment 1.

**COMMENT:**

The privacy of individuals is governed by the Privacy Act 1988, which sets out 13 Privacy Principles. Whilst not all of these would apply to the council a number of them are of relevance:

**Principle 1 - open and transparent management of personal information:**

The object of this principle is to ensure that entities manage personal information in an open and transparent way.

**Principle 3 - collection of solicited personal information:**

The entity must not collect personal information unless the information is reasonably necessary for one or more of the entity's functions or activities.

**Principle 5 - notification of the collection of personal information:**

At or before the time, or as soon as practicable after, an entity collects personal information about an individual, the entity must take steps to notify the individual of various matters related to that collection.

**Principle 6 - use or disclosure of personal information:**

If an entity holds personal information about an individual that was collected for a particular purpose (the primary purpose), the entity must not use or disclose the information for another purpose (the secondary purpose) unless the individual has consented to the use or disclosure of the information, or the individual would

reasonably expect the entity to use or disclose the information for the secondary purpose.

**Principle 10 - quality of personal information:**

An entity must take such steps as are reasonable in the circumstances to ensure that the personal information that the entity collects is accurate, up-to-date and complete.

**Principle 11 - security of personal information:**

If an entity holds personal information, the entity must take such steps as are reasonable in the circumstances to protect the information from misuse, interference and loss and from unauthorised access, modification or disclosure.

**Principle 12 - access to personal information:**

If an entity holds personal information about an individual, the entity must, on request by the individual, give the individual access to the information.

**Principle 13 - correction of personal information:**

If an entity holds personal information about an individual and the entity is satisfied that, having regard to a purpose for which the information is held, the information is inaccurate, out of date, incomplete, irrelevant or misleading, or the individual requests the entity to correct the information, the entity must take such steps as are reasonable in the circumstances to correct that information to ensure that, having regard to the purpose for which it is held, the information is accurate, up to date, complete, relevant and not misleading.

While Privacy Principles 12 and 13 have been incorporated into the Freedom of Information Act 1992 in Western Australia the remaining provisions have not been incorporated into State legislation. Nevertheless, individuals have a reasonable expectation that the council will handle their personal information appropriately and this policy sets out these procedures. It will provide guidance for officers concerning information which can and cannot be disclosed and will clearly set out the council's procedures for individuals accessing council services.

**STATUTORY ENVIRONMENT:**

Privacy Act 1988, Freedom of Information Act 1992.

**POLICY AND CONSULTATION IMPLICATIONS:**

The new policy governs the handling, access and safeguarding of personal information and supplements the provisions contained in the Freedom of Information Statement.

**FINANCIAL IMPLICATIONS: None**

**STRATEGIC IMPLICATIONS:** None

**VOTING REQUIREMENTS:** Simple Majority.

**RECOMMENDATION:**

The Privacy Policy at Attachment 1 is approved.

AGENDA NUMBER:	12.6
SUBJECT:	Dogs Local Law 2014
LOCATION/ADDRESS:	Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	ADM 5
AUTHOR:	Vic Smith – Manager Corporate Services
REPORTING OFFICER:	Vic Smith – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
DATE OF REPORT	14 August 2014

Attachment 12.6.1: Proposed Dogs Local Law 2014  
Attachment 12.6.2: Department of Local Government comments

**BACKGROUND:**

At its meeting on 27 February 2014 Council resolved to make a Dog Local Law, the purpose of which is control dogs within the Nannup townsite with the effect being the effective and fair control of dogs in the area.

The justification for the local law is:

The controls and enforcement provisions ensure that dog owners must take all measures for their dogs not to be a nuisance to the community and cause harm to children and people in public places, and for the safety and good governance of the people in the district.

The Dog Local Law would be established under sections 49 – 51 of the Dog Act 1976 and covers the following areas:

- Fencing requirements
- Limitation of dog numbers
- Enforcement

In accordance with the statutory process the proposed Local Law was advertised State-wide and a copy submitted to the Minister for local government.

**COMMENT:**

The proposed new local law was advertised in the West Australian newspaper on 28 May giving six weeks for public comment to be received. The proposals were also advertised locally. No public comments have been received.

A copy of the proposed local law was sent to the Minister for Local Government on 6 June 2014. A number of comments have been made and these are appended at Attachment 2.

The comments were primarily to do with formatting and clarification of the clauses and did not substantially alter the provisions in the local law that would require it to be readvertised. The modified penalty contained in the draft has been reduced from \$100 to \$50 following an amendment to the Dog Act 1976 that limits the modified penalty to 10% of the full amount rather than the 20% previously specified. The notices in Schedules 2 and 3 have also been updated to reflect the recommended format in the Dog Regulations 2013.

The proposed local law has been updated to reflect all of the comments received from the Minister and the revised version is appended at Attachment 1.

If adopted by Council the local law will be gazetted in the Government Gazette and will come into operation 14 days after publication. Following gazettal an explanatory notice and check list must be signed by the Shire President and CEO and submitted to the Department for Local Government.

#### **STATUTORY ENVIRONMENT:**

Sections 49 – 51 of the Dog Act 1976.

Local Government Act 1995 Section 3.12 (1) states:

*In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*

Local Government Act 1995 Section 3.12 (2) states:

*At a Council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*

Local Government (Functions and General) Regulations 1996 Section 3 states:

*For the purpose of Section 3.12, the person presiding at a council meeting is to give notice of the purpose and effect of a local law by ensuring that –*

- (a) the purpose and effect of the proposed local law is included in the agenda for that meeting; and*
- (b) the minutes of the meeting of the council include the purpose and effect of the proposed local law.*

**POLICY IMPLICATIONS:** Nil.

**FINANCIAL IMPLICATIONS:** Possible additional income from the imposition of fines and penalties under the proposed local dog law.

**STRATEGIC IMPLICATIONS:** Nil

**VOTING REQUIREMENTS:** Absolute Majority.

**RECOMMENDATION:**

That Council adopt the Shire of Nannup Dogs Local Dog Law 2014 as set out in Attachment 1 and authorise the Shire President and Chief Executive Officer to complete the necessary returns to the Department for Local Government.

AGENDA NUMBER:	12.7
SUBJECT:	Badminton Club – Request for Concessionary Rate
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	REC 2
AUTHOR:	Vic Smith – Manager Corporate Services
REPORTING OFFICER:	Vic Smith – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
DATE OF REPORT	14 August 2014

Attachment 12.7.1: Email from Neville Tanner of the Badminton Club

Attachment 12.7.2: Letter from Freespirit Trapeze

**BACKGROUND:**

Following the adoption of the new fees and charges for 2014/15 a request has been received from the Nannup Badminton Club for the Council to agree a concessionary rate for their use of the Recreation Centre. The request is appended at Attachment 1.

**COMMENT:**

The fees for the use of the Recreation Centre have increased from \$20 to \$30 per hour in 2014/15; this was done partly to equalise charges across the Council's facilities and to cover more of the cost of cleaning the facilities. Prior to 2014/15 the charge had been held at \$20 for 2013/14 and 2012/13. Prior to this the charge was \$19.

The Badminton Club contend that the increase in the fee is unreasonable and does not compare well with the fee for facilities in Busselton, which are charged at \$22 per hour. The club does not wish to reduce their current level of activity but are concerned that they cannot afford the current fee if they continue to use the recreation Centre twice per week; they are therefore seeking a concessionary rate that will allow them to maintain their current level of activity.

If Council are minded to grant the request the minimum fee recommended by officers would be \$22. This level would represent two years worth of increases at 5% (the rate that has been generally applied to fee increases over the last two years) and would match the charge being levied in Busselton.

Since the request from the Badminton Club a similar request has been received from Freespirit Trapeze (see Attachment 2) and an informal enquiry from the Basketball Club has also been received to reduce the session rate.



Council does not have a policy that requires users to fund the full cost of using a facility but does require users to contribute to the costs of maintaining a facility. It would not be in accordance with Council policy to waive the fee entirely and this is not being requested by the Badminton Club.

**STATUTORY ENVIRONMENT:** *Local Government Act 1995 Section 6*

**POLICY AND CONSULTATION IMPLICATIONS:** None.

**FINANCIAL IMPLICATIONS:**

Although the recommendation would result in lower income than would otherwise be received, this will not have a material effect on the budget. The budget was based on a level of reduced activity as a result of the works to the facility but the program of works will allow use of the centre to continue at a broadly similar level to previous years.

**STRATEGIC IMPLICATIONS:** None.

**VOTING REQUIREMENTS:** Simple majority.

**RECOMMENDATION:**

That the Recreation Centre hire rate be reduced for all users to a rate of \$25 per hour.

AGENDA NUMBER:	12.8
SUBJECT:	Budget Monitoring – June 2014
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 8
AUTHOR:	Tracie Bishop – Corporate Finance Officer
REPORTING OFFICER:	Vic Smith – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
DATE OF REPORT	15 August 2014

Attachment 12.8.1: Monthly Financial Statements for period ending 30 June 2014  
Attachment 12.8.2: Table Showing Detailed Variances for 2013/14

**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 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:**

The gross deficit that is anticipated for the end of this financial year is expected to be \$35,420; this is shown in the table below.

	<i>(Surplus)/ Deficit \$</i>
<b>Gross (surplus)/deficit expected for the year</b>	
Income – under received	\$645,237
Expenditure – underspent	-\$609,817
<b>Projected deficit at end of the year</b>	<b>\$35,420</b>

Income for the year is expected to be \$645,237 lower than budgeted. The main reason for this is that the Royalties for Regions grants for 2013/14 will not be received following the revisions to the State Government's budget within the financial year. This will have no net effect on the council's budget since these grants had been allocated to specific projects; the spending on these projects will be reduced to compensate for the loss of grant.

Interest income has been difficult to monitor because much of the council's surplus cash is placed as a term deposit to maximise returns. These term deposits will not mature until November 2014 but there is a risk that the interest due to 30 June 2014 will be lower than budgeted by up to \$15,000.

The grant to fund the Community Emergency Services Officer is expected to be \$11,308 lower than budgeted; this is offset by lower expenditure as the post was vacant for part of the year. Additional grant has been received to compensate for additional costs in 2012/13 that was funded by the Shire.

Income in Education and Welfare is approximately \$61,800 higher than budgeted due to the receipt of grants to develop a heritage trail, a bridle trail from Nannup to the South Coast, construct community sheds and for the Town Hall Centenary celebrations; this will be matched by expenditure and will not therefore result in a budget variation.

Department of Transport licensing commission is \$24,100 higher than budgeted. This increase in income has been used to fund the Scott River Growers Group expenditure of \$15,000 approved by Council in August 2013 and to offset capital expenditure of \$5,800 at the caravan park.

Planning fees are \$3,300 higher than budgeted; however, this is offset by a reduction in income from Building Control fees of \$6,917.

Within the income variances showing, Private Works will exceed budget expectations. At this stage it is anticipated that there will be a gross surplus of \$73,000 in this area. Once expenses have been accounted for there will be a net surplus of \$47,264. As noted last month, this surplus will be transferred to the Plant Reserve as per policy WRK 12; therefore this additional income will have no overall effect on the end of year position.

As previously reported, there will be savings shown within the Parks and Gardens budget of approximately \$17,700 and Road Verges of \$17,900. This is a combined result of careful planning and spending. As reported previously, savings within these areas will be used to offset the repairs to council vehicles which is overspent by \$29,900. Within the August 2013 report it was noted that the vehicle overspend is due to a major repair to a grader that was initially hoped could be substantially recouped from the supplier. It is also noted that fuel expenditure is anticipated to exceed the budget by approximately \$50,000.

Some employee costs are anticipated to be lower than originally budgeted, with superannuation being the principle area, accounting for a saving of approximately \$34,000. This will be due in part to the shorter time taken to complete the Mowen Road works.

The income and expenditure of the caravan park continues to be closely monitored and income is down \$7,000 on original estimates. As previously reported expenditure is higher than expected within the utilities and maintenance areas; the costs of electricity and water are \$14,000 higher than budgeted because of lack of historic data on which to base the estimates and higher use of the park. Maintenance costs are \$16,000 higher than budgeted for similar reasons and the need to carry out substantial repairs to the park during the year.

Officers continue to liaise with the Department of Parks and Wildlife (DPaW) regarding the outstanding rates on 16 Carey Street. As long as DPaW continue to dispute liability for these arrears officers have included a possible bad debt provision of \$21,000 in these projections.

Please refer to the attachments for detailed breakdowns within these areas.

Capital expenditure items are largely within allocated budgets. There are overspends in the construction area relating to local roads and the Carey Street footpath that will be offset by lower expenditure on road maintenance. The overspend shown in office equipment relates to a replacement photocopier that will generate revenue savings in 2014/15; the cost of the copier will be met by the Office Equipment Fund.

Attachment 2 provides a detailed breakdown of income and expenditure incurred to 30 June 2014 and the associated annual budgets. The first two columns show the budget and the income or expenditure to date against each account code. The two columns on the right show the budget remaining for the year and the anticipated income or expenditure at the year end.

The variances shown in the statutory statements at Attachment 1 that are not commented on above result from income and expenditure not being in accordance with the profile adopted for the budgets and are therefore due to timing differences.

As previously reported, any deficit will be offset by the uncommitted surplus carried forward from the 2012/13 financial year.

#### **STATUTORY ENVIRONMENT:**

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

**POLICY AND CONSULTATION IMPLICATIONS:** None.

**FINANCIAL IMPLICATIONS:**

In accordance with Council Resolution 9095 surpluses or deficits arising at the end of the year will be transferred to the Rate Equalisation Reserve.

**STRATEGIC IMPLICATIONS:** None.

**VOTING REQUIREMENTS:** Simple Majority

**RECOMMENDATION:**

It is recommended that the Monthly Financial Statements for the period ending 30 June 2014 be received.

AGENDA NUMBER:	12.9
SUBJECT:	Budget Monitoring – July 2014
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 8
AUTHOR:	Vic Smith – Manager Corporate Services
REPORTING OFFICER:	Vic Smith – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
DATE OF REPORT	13 August 2014

Attachment 12.9.1: Monthly Financial Statements for period ending 31 July 2014  
Attachment 12.9.2: Table Showing Detailed Variances for 2014/15

**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.

Regulation 34(5) of the Local Government (Financial Management) Regulations 1996 requires that:

*Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances.*

Currently the materiality level for budget variances for reporting purposes has been set at 10% or \$5,000, whichever is greater. It is not proposed to amend this limit for monthly reporting for 2014/15.

Under the Regulations reporting can be broken down by program area, the nature or type of expenditure or by business unit. For statutory reporting purposes a breakdown by program area is used.

The Regulations allow Council to incorporate any supplementary information that it seems appropriate into its monthly reporting. The current reporting format makes extensive use of this provision; this supplementary information focuses attention on the expected outturn position rather than the monthly variation. The statutory statements are appended at Attachment 1.

**COMMENT:**

The gross surplus that is anticipated for the end of this financial year is expected to be \$30,386; this is shown in the table below.

	<i>(Surplus)/ Deficit</i> \$
<b>Gross (surplus)/deficit expected for the year</b>	
Income – over received	-\$5,728
Expenditure – underspent	-\$24,658
<b>Projected surplus at end of the year</b>	<b>-\$30,386</b>

Income for the year is expected to be \$5,728 higher than budgeted, mainly due to additional properties being added to the rate base, resulting in higher rates and service charges.

At this early point in the financial year most expenditure is expected to be contained within budgets and no major overspends are anticipated.

Insurance costs are expected to be lower than budgeted by approximately \$25,000; this has arisen because there will be fewer employees as the Mowen Road project comes to a close. The reduced number of employees has a consequent impact on the cost of Workers Compensation Insurance.

Capital expenditure items are all within allocated budgets.

Attachment 2 provides a detailed breakdown of income and expenditure incurred to 31 July 2014 and the associated annual budgets. The first two columns show the budget and the income or expenditure to date against each account code. The two columns on the right show the budget remaining for the year and the anticipated income or expenditure at the year end.

The variances shown in the statutory statements at Attachment 1 that are not commented on above result from income and expenditure not being in accordance with the profile adopted for the budgets and are therefore due to timing differences.

**STATUTORY ENVIRONMENT:**

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

**POLICY AND CONSULTATION IMPLICATIONS:** None.

**FINANCIAL IMPLICATIONS:**

An anticipated saving at the end of the year of approximately \$30,000.

**STRATEGIC IMPLICATIONS:** None

**VOTING REQUIREMENTS:** Simple Majority

**RECOMMENDATION:**

1. That the statutory reporting of material variances in the monthly financial statements for 2014/15 be based on variations of 10% or \$5,000, whichever is the greater.
2. It is recommended that the Monthly Financial Statements for the period ending 31 July 2014 be received.



AGENDA NUMBER:	12.10
SUBJECT:	Community Bus Feasibility Plan
LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 6
AUTHOR:	Louise Stokes – Community Development Officer
REPORTING OFFICER:	Robert Jennings – Chief Executive Officer
DISCLOSURE OF INTEREST:	None
DATE OF REPORT	18 August 2014

Attachment 12.10.1: Shire of Nannup Community Bus Feasibility Plan

**BACKGROUND:**

A Community Bus Feasibility Plan has been developed for Council to determine if there is support and need to purchase a community bus for use by community groups and residents in the Shire.

The purpose of the community bus is to provide an affordable 'local' transport service made available by the Nannup Shire for all community groups, youth, seniors and sporting clubs within the Shire. When the bus is not in use by these above mentioned priority core groups, it can be made available for hire by the broader community. It is not the intent for a community bus to be used for commercial gain.

A community bus is essentially for local residents, to access experiences outside of town, to access regional physical recreation facilities, and to provide social interaction which builds networks and a sense of community.

**COMMENT:**

The need for a community bus was first identified as a priority in a debrief after the Volunteer's Ball in 2001. The Community Bus Feasibility Plan outlines consultation that has been undertaken with the community from 2001 until 2011, when a pilot program was developed by the Shire in partnership with the Department of Sport and Recreation and the South West Development Commission.

This project utilised the resources of existing school buses outside of travel hours for school children and provided a fortnightly bus service to Busselton and Manjimup, linking with recreational facilities that are not available in Nannup. The pilot program identified that there was a need for a community bus, and that ongoing funding for a public transport service was not available. Any service provided would need to include the purchase of a community bus.

There has not been extensive consultation with the Nannup community as part of the development of this feasibility plan as there was concern that community expectations would be raised unduly.

The Community Bus Feasibility Plan details financial implications for Council, and outlines options to address the key issues of housing, management, administration, servicing, sustainability and drivers.

The option for the Community Resource Centre to manage the Community bus bookings, cleaning and management of volunteer drivers is the Officers' preferred option. There has been initial discussion with the Community Resource Centre to discuss their in principal support for this, however to date there has not been an in-depth discussion over responsibilities and roles.

Since the development of the Feasibility Plan an offer has been made to Council to hire the 14 seater bus residing at the Blackwood River Clinic. The daily hire cost would be \$230 plus fuel and an insurance excess once the bus travels over 200 kms. This is not sustainable or affordable for community organisations and has been discounted as an option.

**STATUTORY ENVIRONMENT:** None

**POLICY IMPLICATIONS:** None

**FINANCIAL IMPLICATIONS:**

\$5,000 per year from 2015/16. The cost of the purchase price of the bus plus housing would be covered by funding applications and funds allocated in Council's restricted assets.

**STRATEGIC IMPLICATIONS:**

The Shire of Nannup Community Strategic Plan 2013- 2023 *1.3 Our Youth*

The Shire of Nannup Community Strategic Plan 2013- 2023 *1.2 Our Aged*

**VOTING REQUIREMENTS:** Simple majority.

**RECOMMENDATION:**

That Council accept the Shire of Nannup Community Bus Feasibility Report and the project stages if consecutively completed as per the time frame schedule.

AGENDA NUMBER:	12.11
SUBJECT:	Monthly Accounts for Payment - July 2014
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 8
AUTHOR:	Tracie Bishop – Corporate Services Officer
REPORTING OFFICER:	Vic Smith – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
DATE OF REPORT	14 August 2014

Attachment 12.11.1: Schedule of Accounts for Payment – July 2014

**BACKGROUND:**

The Accounts for Payment for the Nannup Shire Municipal Account fund and Trust Account fund to 31 July 2014 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 are two corporate credit cards currently in use. A breakdown of this expenditure in the monthly financial report is required to comply with financial regulations. There are no credit card transactions to report for July 2014.

**Municipal Account**

Accounts paid by EFT	6239 - 6355	\$356,994.06
Accounts paid by cheque	19553 –19577	\$22,230.57
Accounts paid by Direct Debit		\$0.00

Sub Total Municipal Account	\$379,224.63
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**Trust Account**

Accounts paid by EFT	\$0.00
Accounts Paid by cheque	\$0.00

Sub Total Trust Account	\$0.00
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<b>Total Payments</b>	<b>\$379,224.63</b>
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**STATUTORY ENVIRONMENT:**

LG (Financial Management) Regulation 13

**POLICY AND CONSULTATION IMPLICATIONS:** None

**FINANCIAL IMPLICATIONS:**

As indicated in Schedule of Accounts for Payment.

**STRATEGIC IMPLICATIONS:** None.

**VOTING REQUIREMENTS:** Simple majority

**RECOMMENDATION:**

That the List of Accounts for Payment for the Nannup Shire Municipal Account fund totalling \$379,224.63 in the attached schedule be endorsed.

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

- (a) OFFICERS
- (b) ELECTED MEMBERS

**14. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS  
BEEN GIVEN**

Cr Dean - Proposed Motion

That Council send a letter to the Flower and Garden Committee commending them on a very successful event in 2014. Particular note to be given to the number of visitors in town, positive comments from visitors and the development of the event over recent years.

**15. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

**16. CLOSURE OF MEETING**