

AGENDA NUMBER: 10.5
SUBJECT: Fire Prone Land – Australian Standard 3969
LOCATION/ADDRESS:
NAME OF APPLICANT: N/A
FILE REFERENCE: BLD 9
AUTHOR: Ewen Ross – Manager Development Services
DISCLOSURE OF INTEREST:
DATE OF REPORT: 18 January 2010

BACKGROUND:

Council has not declared any "Fire Prone Area" under the *Planning and Development Act 2005*, *Local Government (Miscellaneous Provisions) Act 1960* or the *Bush Fires Act 1954*. Council has however included under Town Planning Scheme No 1 (TPS 1) and subsequent Local Planning Scheme 3 (2008) under the rezoning and subdivision areas the requirement for buildings to comply with AS3959 - 1991.

It has been noted that building permits have been issued in various zones/subdivision areas without specifying that fire requirements for such buildings must be in accordance with AS3959 – 1991.

Examples are:

LPS No3 SR8, Nelson Location 11876 Brockman Highway, Conditions:

1. "All buildings are to be constructed in compliance with Standards Australia AS3959-1991 "Construction in Bush Fire Prone Areas" and guidelines contained in CSIRO/Standards of Australia information and advice booklet SAA HB 36-1993 "Building in Bush Fire Prone Areas".

LPS No3 SR13, Nelson Location 11869 Brockman Highway Conditions;

13 "All buildings are to be constructed in compliance with Standards Australia AS3959-1991 "Construction in Bush Fire Prone Areas" and guidelines contained in CSIRO/Standards of Australia information and advice booklet SAA HB 36-1993 "Building in Bush Fire Prone Areas".

With the heightened attention to bush fires and the lessons learnt from serious fires in the eastern states, AS3959 1999 is currently under review and an amended version AS3969 2009 is likely to be produced and gazetted in 2010. (Indications are that due to the number of amendments already required this could be delayed until 2011).

COMMENT:

As indicated in the background to this report Council has identified "Fire Prone Areas" in that the requirement to construct buildings to AS3959- 1991 has been placed in various subdivision guide plans. However, the requirement has not

been enforced which could place Council in a position that after having identified a fire risk and imposed a requirement to mitigate that risk, has failed to apply the mitigation. This could place the Shire in a position worse than having not identified "Fire Prone Areas" in the first place.

TPS 1 and LPS No3 are approved by the Minister for Planning. As such they are legal documents and are enforceable in law and hence need to be adhered to by Council on all occasions. Additionally, any subdivision and associated guide plans approved by the Western Australian Planning Commission also need to be adequately enforced.

Under the LPS No3 any building outside a standard residential building in the Townsite requires planning approval. The identification of a "Fire Prone Area" and building to AS3959 - 1999 would and have been placed in subdivision guide plans. An applicant would be required to provide a fire assessment and the building plans would need to be endorsed as complying with AS3959 - 1999. Once built a certificate from the builder would be required to confirm that the building has been built in accordance with AS3959 - 1999.

Council is compromised to the degree that it cannot retrospectively enforce compliance with AS3969 – 1999 in areas where subdivision guide plans stipulate that building must be in accordance AS3959 – 1999 as permits have already been issued. With future applications compliance with AS3969 1999 in areas where subdivision guide plans stipulate that building must be in accordance AS3959 – 1999 would be undertaken.

The following actions are proposed on this issue:

1. Determine how many building permits have been issued within areas defined as requiring compliance with AS3959 – 1991.

This is an administrative function and will be undertaken in due course.

2. Determine any consensual retrospective action if any, noting that Council cannot enforce retrospective action where it has not enforced the standard in the first place.

Where building permits have been issued in areas requiring compliance with AS3959 – 1999 under rezoning and/or subdivision guide plans (and compliance has not been enforced) owners will be written to and asked to provide a fire risk assessment for their properties. Based on this assessment and analysis by Council's Community Emergency Services Manager (CESM) (and if need be FESA) any remedial action can be recommended on a case by case basis. Other options would be to do nothing; write and advise owners of the situation, or for Council to provide a consultant or CESM to undertake a fire assessment.

3. Define in absolute terms those areas requiring compliance with AS3959 –

1999 under rezoning and/or subdivision guide plans which have been noted as "Bush Fire Prone" areas.

4. All building permits from 1st January 2010 requiring compliance with AS3959 – 1999 under rezoning and/or subdivision guide plans noted as "Bush Fire Prone" areas to comply with AS3959 – 1999 where the LPS 3 requires.
5. Determine if the proposed new AS3959 – 2009 is to be adopted (once gazetted) and applied to new buildings contained within rezonings and/or subdivision guide plans. This would be the subject of a future report to Council.

The impact of the requirement to comply with AS3969 - 1999 in subdivision guide plans, and subsequently if AS3959 2009 is adopted is that building cost will be higher and the expected outcome would be that premises will be at a lesser risk of serious fire.

The need to undertake a planning assessment on properties in areas where compliance with AS3959 is required necessitates additional resources which add to Council's overall compliance administration costs. It should be noted the Shire's record system is manual and electronic linking of planning and building into an integrated information system is essential.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005.

Local Government (Miscellaneous Provisions) Act 1960.

Bush Fires Act 1954.

Town Planning Scheme 1.

Local Planning Scheme 3.

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

That Council endorses the following action:

1. Determine how many building permits have been issued within areas defined as requiring compliance with AS3959 – 1991.
2. Where building permits have been issued in areas requiring compliance with AS3959 – 1999 under rezoning and/or subdivision guide plans (and

compliance has not been enforced) owners be written to and asked to provide a fire risk assessment for their properties. Based on this assessment and analysis by Council's Councils Emergency Services Manager (and if need be FESA) any remedial action can be recommended on a case by case basis.

3. Define in absolute terms those areas requiring compliance with AS3959 – 1999 under rezoning and/or subdivision guide plans which have been noted as "Bush Fire Prone" areas.
4. Confirm that all building permits from 1st January 2010 requiring compliance with AS3959 – 1999 under rezoning and/or subdivision guide plans noted as "Bush Fire Prone" areas to comply with AS3959 – 1999 where the LPS 3 requires.
5. That a future report be presented to Council to determine if the proposed new AS3959 – 2009 is to be adopted (once gazetted) and applied to new buildings contained within rezonings and/or subdivision guide plans.

VOTING REQUIREMENTS:

**EWEN ROSS
MANAGER DEVELOPMENT SERVICES**

WORKS & **SERVICES**

AGENDA NUMBER: 10.6
SUBJECT: Policy Updates
LOCATION/ADDRESS:
NAME OF APPLICANT:
FILE REFERENCE: Policy Manual
AUTHOR: Chris Wade – Works Manager
DISCLOSURE OF INTEREST:
DATE OF REPORT: 12 February 2010

Attachments: 1. Existing Policy WRK 2 Disposal of Verge Timber.
2. Existing Policy WRK 3 Private Works.
3. Existing Policy WRK 5 Clearing of Roadside Vegetation.
4. Existing Policy WRK 6 Naming and Renaming of Roads and Streets.
5. Existing Policy WRK 7 Driveway Crossovers.
6. Existing Policy WRK 8 Maintenance of Calm Access Tracks.
7. Existing Policy WRK 9 Road Verge Development.
8. Existing Policy WRK 10 Local Fuel Supply.
9. Existing Policy WRK 11 Townsite Verge Maintenance Areas.

BACKGROUND:

As part of the continuing process of updating the various Council policies in place a further number of policies have been reviewed.

COMMENT:

Council's overall policy manual has been divided into the functional areas of all senior officers and once each area is completed it will be submitted for Council's endorsement.

The following policies are submitted for Council consideration:

WRK 2 Disposal of Verge Timber

This policy was reviewed in July 2009 and no changes are recommended.

WRK 3 Private Works

This Policy was last reviewed in June 1998 and requires alterations to Point 4

Point 4 to now read –

All monies are to be paid prior to commencement of works unless prior arrangements are made with the Chief Executive Officer or the Works Manger.

WRK 5 Management of Roadside Vegetation

This policy requires the removal of points 9 and 10 to suit Council Policy WRK 2. Point 11 requires the word CALM to be replaced by Department of Environment and Conservation and the addition of a point 12

Point 12. All clearing is subject to DEC Native Vegetation Clearing Act

WRK 6 Naming and Renaming of Roads and Streets

This policy requires alterations as it was adopted in October 1995. Policy wording to be changed to-

Prior to any road naming or road name change the proponent submits a planning application under Local Planning Scheme No3.

WRK 7 Construction of Crossovers

No changes recommended.

WRK 8 Maintenance of CALM Tracks

This policy requires the removal of word CALM and replaced with Department of Environment and Conservation.

WRK 9 Road Verge Development

This policy was adopted in November 2002 and no changes recommended.

WRK 10 Local Fuel Supply

This Policy was adopted in February 2003 and no changes recommended.

WRK 11 Townsite Verge Maintenance Area

This policy was adopted in May 2003 and no changes recommended.

STATUTORY ENVIRONMENT: Nil.

POLICY IMPLICATIONS: Updated policies recommended.

FINANCIAL IMPLICATIONS: Nil.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATIONS:

1. That Council confirm existing policies WRK 2, WRK 7, WRK 9, WRK 10 and WRK 11.
2. That Council make the relevant changes to policies as follows:

WRK 3 Private Works

Point 4 to now read –

All monies are to be paid prior to commencement of works unless prior arrangements are made with the Chief Executive Officer or the Works Manager.

WRK 5 Management of Roadside Vegetation

This policy requires the removal of points 9 and 10 to suit Council Policy WRK 2. Point 11 requires the word CALM to be replaced by Department of Environment and Conservation and the addition of a point 12 -

Point 12. All clearing is subject to DEC Native Vegetation Clearing Act.

WRK 6 Naming and Renaming of Roads and Streets

This policy requires alterations as it was adopted in October 1995. Policy wording to be changed to -

Prior to any road naming or road name change the proponent submits a planning application under Local Planning Scheme No3.

WRK 8 Maintenance of CALM Tracks

This policy requires the removal of word CALM and replaced with Department of Environment and Conservation.

VOTING REQUIREMENTS:


for
CHRIS WADE
WORKS MANAGER

Disposal of Verge Timber

WRK 2

The Chief Executive Officer is delegated authority to dispose of all surplus wood arising from roadside clearing in the following circumstances:

- There is to be no consideration (money) paid for timber.
- Council declines any liability in respect of people accessing timber utilising their own equipment and machinery.
- Timber can be removed in an orderly manner on a first come first serve basis under the direction of Council's Works Manager.
- Any timber removed is to be removed from site by the person requesting.

Council reserves the right to retain any timber for it's own purposes.

Policy Adopted at a Council meeting on 24 September 1992.

Policy Reviewed at a Council meeting on 22 January 2004.

Policy Reviewed at a Council meeting on 26 August 2004.

Policy Reviewed at a Council meeting on 23 July 2009.

WRK 2
(Page 1/1)

Private Works

WRK 3

1. That all works costings for private works be authorised by the Works Manager or Chief Executive Officer.
2. Private Works customers are to agree to the quote by way of signature of standard Shire Form.
3. Standard Form is to contain exact specification of works to be performed and amount of works.
4. All monies are to be paid prior to commencement of works and standard Form to have cash register imprint as proof thereof. Government Agencies may submit a purchase order prior to the commencement of works in lieu of payment.
5. Any deviation to specifications are to be costed and paid for prior to commencement.
6. The Chief Executive Officer and the Works Manager do not have the power to refund any monies paid. All applications must be submitted in writing for Council consideration.

Policy Adopted at a Council Meeting on 9 July 1992.

Policy Reviewed at a Council Meeting on 25 June 1998.

WRK 3
(Page 1/1)

Management of Roadside Vegetation

WRK 5

1. All proposals to clear vegetation on a road reserve must be submitted to the Shire of Nannup in writing.
2. Each proposal should detail the location, amount and type of vegetation to be removed.
3. Council will delegate authority to the CEO to approve, after an on-site inspection, clearing for the installation of a new or replacement fence to a maximum width of one (1) metre.
4. Any dead or dying trees outside of the approved one (1) metre width may be removed with the authority of the CEO.
5. Landowners are to be mindful of existing natural vegetation when undertaking clearing activities to ensure that damage to such vegetation is minimised.
6. All timber pushed over is to be stacked in the landowners paddock for disposal prior to full repair of boundary fence by the applicant.
7. The road verge is to be left in a clean & tidy state after clearing has been completed.
8. All other requests for clearing in excess of one (1) metre width are to be submitted to Council for consideration.
9. Trees to be removed from road reserves to provide for fence lines or public safety or to facilitate roadworks are the responsibility of Council and can be sold or otherwise disposed of by Council.
10. CALM manages the disposal of all other timber except where it is felled by Council in the course of bonafide roadworks.

WRK5
(Page 1/2)

11. CALM manages requests from landowners for other tree removals generally by negotiation. Clearing of trees for fence lines is generally permitted, clearing of allegedly dangerous trees is managed following expert advice and not all tree removal requests are granted.

Policy Adopted at a Council Meeting on the 20th October, 1994.

WRK 5
(Page 2/2)

Naming and Renaming of Roads and Streets

WRK 6

REQUESTED BY RESIDENT

Prior to any road name or road name change being considered the proponent must provide Council with written agreement (petition/correspondence) that a majority of adjoining land owners on the road are in favour of the change and that upon Council accepting the proposal the road naming or road name change shall be advertised seeking public comment for a minimum period of two weeks prior to Council making its final decision.

REQUESTED BY STAFF OR COUNCILLOR

Prior to any road name or road name change being considered Council shall write to all adjoining land owners on the road seeking their suggestions/comments for a name and shall advertise for a minimum period of 14 days seeking suggestions/comments on the proposal.

Council will then consider all suggestions and comments and make a decision based on this information.

Policy Adopted at a Council Meeting 26th October 1995.

WRK 6
(Page 1/1)

DRIVEWAY CROSSOVERS

WRK 7

The Local Government Act 1995 Sch. 9.1.7 and the Local Government (Uniform Local Provisions) Regulations 1996 provides for the sharing of costs for the construction of driveway crossovers. The Regulations state that the Local Government is obliged to bear 50% of the cost, as estimated by the Local Government, of a standard crossing where the crossing is the first crossing to the land.

For the purposes of driveway crossover contributions the following definitions of a "standard crossing" shall apply.

1. Where the abutting road is a sealed and kerbed road the standard crossing shall consist of a 3m wide single coat bitumen spray seal over a 150mm compacted gravel base with 1m x 1m truncations at the kerb line.
2. Where the abutting road is of a rural cross section, either sealed or unsealed, the standard crossing shall consist of a 3m wide x 150mm compacted gravel base with 1m x 1m truncations at the shoulder line.

The crossover shall include the provision of drainage culverts as required.

A driveway crossover for the purposes of driveway crossover contributions shall only extend from the roadway to the property line.

A lot owner may request approval to construct a crossover to a higher standard than the "standard crossing" but the Local Government is only required to contribute 50% of the cost of the "standard crossing".

Where driveway crossovers are required as part of a Subdivisional Approval or a Commercial Development Approval then the developer shall be required to bear the full cost of the driveway crossovers.

WRK 7
(Page 1/1)

MAINTENANCE OF CALM ACCESS TRACKS

WRK 8

Council will not assume maintenance of CALM Access Tracks even though such Tracks may provide access to private property. Council will however maintain such tracks on a private works basis at the applicants expense.

Policy Adopted at a Council Meeting 25 May 2000.

WRK 8
(Page 1/1)

Road Verge Development

WRK 9

Policy Objective

To encourage and support the development of road verges in urban areas in a safe and aesthetically satisfactory manner appropriate to the surrounding environment.

Definitions

Verge: The section of the road reserve which lies in between the property boundary and the edge of the constructed road surface.

Footpath: That part of the actual road reserve set apart or constructed for use by pedestrians and cyclists.

Policy Statements

1. Council encourages the establishment of lawn and gardens of small trees, shrubs and ground covers with mulch provided that –
 - i) Clear sight visibility is maintained at all times for a person using the abutting road in the vicinity of an intersection or bend in the road; and
 - ii) Where there is no footpath, a pedestrian has safe and clear access of a minimum width of 1.5m along that part of the verge immediately adjacent to the kerb.
2. An owner who installs or maintains a verge development should keep the area in a good and tidy condition and ensure, where the development is a garden or lawn, that a footpath on the verge and a road adjoining the verge is not obstructed by the development.
3. All landscaping must allow for pedestrian and cyclist access off the road and road shoulder with no spillage of vegetation onto road edges, footpaths or covering of public utility facilities on the verge.

WRK 9
(Page 1/3)

4. Spreading varieties, poisonous trees / shrubs, spiky plants, plants with weed potential and any other plant species deemed dangerous or hazardous are not to be planted.
5. Council discourages use of gravel on verges as it is not in keeping with the amenity of the area and tends to encourage undesirable parking on verge.
6. Fixed items such as walls, letterboxes and retaining walls must be constructed behind the front property boundary line and not constructed on the verge.
7. Any irrigation equipment is installed in the verge at the risk of the owner and is to be maintained by the owner. Equipment and its operation must not inconvenience pedestrians or constitute a hazard (eg water spraying onto a road which causes motorists to swerve).
8. The levels of new verge areas shall be compatible with properties on either side.
9. Land owners should check the location of underground services within the verge area, prior to any development.
10. Trees planted under overhead electrical power lines should comply with Western Power recommendations "Trees and Power Lines: A Guide for Safely Planting Near Power Lines" or any updated version of this.
11. To prevent obstruction of visibility, trees or shrubs which grow taller than 750mm are not to be planted within six metres of intersecting kerb-lines.
12. Any enhancements placed or constructed on the verge is placed there at the risk of the property owner. Council will endeavour to preserve the layout, but no guarantee can be given.
13. Council reserves the right to remove any existing vegetation, trees, shrubs, or landscaping deemed to present a safety problem and/or maintenance problem and Council will not be responsible for reinstatement of items removed.
14. No assistance can be given by Council for development, ongoing operation or maintenance costs.

15. Where the local government or an authority empowered to do so under a written law disturbs a verge, the local government or the authority –
 - i) is not liable to compensate any person for that disturbance;
 - ii) may backfill with sand, if necessary, any garden or lawn; and
 - iii) is not liable to place or restore any verge development and, in particular, any plant or irrigation equipment.
16. All verge developments must conform with any street tree policies that Council may adopt.

Policy Adopted at a Council Meeting 28 November 2002.

WRK 9
(Page 3/3)

Local Fuel Supply

WRK 10

That Council access fuel through the two local fuel outlets unless impractical to do so. The State Fuel Supply contract is to be checked periodically prior to every quarterly period commencing January, April, July and October with the cheapest supplier being chosen subject to the following conditions;

- 1.1 That if there is less than 2 cents per litre difference on average in the supplier price from both outlets, then the fuel supply is to rotate on a three monthly (quarterly) basis between the two local outlets.
- 1.2 If a margin of greater than 2 cents per litre on average is apparent in the State Fuel Supply contract of both local suppliers, then the cheapest local supplier be chosen for that forthcoming three month period."

Policy Adopted at a Council Meeting 27 February 2003.

WRK 10
(Page 1/1)

Townsite Verge Maintenance Areas

WRK 11

Policy Objective

To define the areas of Council controlled road reserves within the Nannup Townsite that will receive maintenance, in particular mowing and works associated with improving the aesthetic appeal to any location. Please note this policy does not preclude Council from undertaking required verge maintenance works that involve reducing a hazard or implementing any other safety related initiatives in road reserves controlled by Council.

Definition

Verge: The section of the road reserve which lies in between the property boundary and the edge of the constructed road surface.

Policy Statement

Council will maintain verge areas by mowing and keeping in a aesthetically pleasing manner verge areas in the following locations:

- Warren Road west side from the northern to southern townsite boundaries, including the information bays at either end of the townsite.
- Warren Road east side, excluding that portion from Higgins Street to the cemetery, which predominantly adjoins private property.
- That entire portion of land adjoining the Nannup Recreation ground comprising the relevant sections of Higgins Street and North Street.
- All that portion of land surrounding Higgins Swamp comprising the relevant sections of Higgins Street and Kearney Street.
- The section of Kearney Street from Warren Road to Grange Road.
- The section of Grange Road, west side, from Adam Street to Forrest Street.
- The areas of land surrounding the bowling green encompassing sections of Grange Road and Forrest Street.
- The small area of Brockman Street adjoining the Old Roads Board building.

Beautification works in the main street will be in accordance with Council direction and budget adoption and shall generally include maintaining planter boxes, street trees and other associated beautification works.

Policy Adopted at a Council Meeting 22 May 2003.

WRK 11
(Page 1/1)

FINANCE & **ADMINISTRATION**

AGENDA NUMBER: 10.7
SUBJECT: Standing Orders Local Law
LOCATION/ADDRESS:
NAME OF APPLICANT:
FILE REFERENCE: ADM 5
AUTHOR: Shane Collie – Chief Executive Officer
DISCLOSURE OF INTEREST:
DATE OF REPORT: 15 February 2010

- Attachments: 1. Explanatory Memorandum Checklist.
2. Standing Orders Local Law 2010.

BACKGROUND:

Council at its meeting held on 26 November 2009 resolved to advertise the intention to make a Standing Orders Local Law, the purpose of which is to conduct orderly meetings of the council or committees, with the effect being the effective and fair local government decisions by the council.

COMMENT:

The process for the making of a local law is relatively complex and is summarised in attachment 1, an Explanatory Memorandum Checklist. As can be seen public submissions are to be called and this was undertaken by State wide advertisement 19 December 2009 as well as placement on Council's official Notice Board.

Submissions closed on 5 February 2010 and none were received. To progress this matter to conclusion Council is now required to formally "make" the local law that is not significantly different to that proposed.

There are some observations and one minor change recommended to the draft Standing Orders Local Law which are detailed below. The one change recommended is not significantly different to the advertised copy.

4.1 (3) Business at an Adjourned Meeting:

The section reads –

“(3) No business is to be transacted at an adjourned meeting of the Council or a Committee other than that -

- (a) specified in the agenda of the meeting which had been adjourned; and*
- (b) which remains unresolved,*

except in the case of an adjournment to the next ordinary meeting of the Council or the Committee, when the business unresolved at the adjourned meeting is to be the first business to be considered at that ordinary meeting.”

The comment on this matter is that if a meeting is adjourned it matters not what is discussed as there is no business that can be transacted by virtue of there being no meeting being conducted. Nevertheless the intent appears to be that if the meeting is adjourned because of an impasse or disorder then Council should seek to resolve this in order to get back to the meeting and not start discussing other matters.

There is no compelling reason to remove the section from the draft local law.

4.8 (4) Correspondence:

The section reads –

“(4) Correspondence placed before a meeting of the Council or a Committee is not to be the subject of discussion or questions from members.”

This is reference to correspondence that is received after an agenda has gone out and members of the public wish to respond to an agenda item (perhaps as the applicant) or for the purpose of lobbying Council members for a certain outcome.

7.7 (a) Members who wish to speak:

The section reads –

“A member who wishes to speak -

- (a) is to indicate his or her intention to speak by the method determined by the Council or Committee”*

Council has not determined a method of intention. It is recommended that the draft local law include a method that being a simple show of hand.

13.8 Ruling by presiding member be overruled:

The section reads –

“If a motion “that the ruling of the Presiding Member be overruled” is carried, that ruling is to have no effect and the meeting is to proceed accordingly.”

STATUTORY ENVIRONMENT: Local Government Act 1995 Section 3.12 (4).

POLICY IMPLICATIONS:

The following Council policies will require amendment or deletion at such time as the Standing Orders Local Law is enacted. A check on any other policies or procedures will also be undertaken to update any that may be in conflict with the Standing Orders Local Law.

ADM 5 Recording of Votes at Council Meetings
ADM 8 Council Meeting Procedure

FINANCIAL IMPLICATIONS:

Costs are incurred in the gazettal process and are allocated to the advertising budget area.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

That Council formally make the Shire of Nannup Standing Orders Local Law 2010 per attachment 2 with the following minor alteration:

Clause 7.7 (a) Members who wish to speak:

Include that the method of indicating an intention to speak to be by a show of hand.

VOTING REQUIREMENTS:

Absolute Majority Local Government Act 1995 Section 3.16 (4).



SHANE COLLIE
CHIEF EXECUTIVE OFFICER

EXPLANATORY MEMORANDA DIRECTIONS – CHECKLIST

This document forms part of the Explanatory Memoranda Directions 2005

(Please tick the box in the relevant item to indicate that the procedure has been completed)

1. PROCEDURAL MATTERS THAT ARE PRE-REQUISITES TO THE VALID MAKING OF A LOCAL LAW

(Note: Regional local government to change terminology as applicable.)

1.1 Local laws made under the *Local Government Act 1995*

s. 3.12 Procedure for making local laws

Presiding person to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner (s. 3.12(2)).

Date of Council Meeting 26 November 2009.

State-wide public notice (s. 3.12(3)(a)).

1. Publication in newspaper, paper circulating generally throughout the State;

Name of newspaper West Australian.

Date of publication 19 December 2009.

2. Exhibited to public on notice boards at the local government's offices and library. (15 December 2009).

Copy of proposed local law and Statewide public notice sent to Minister for Local Government and Regional Development and to another Minister if the other Minister administers the Act under which the local law is made eg Minister for Health in respect of Health local laws (s. 3.12(5)), (s 3.12(3)(b)). Sent 15/12/09.

Local public notice (s. 3.12(3a)).

1. Publication in newspaper, paper circulating generally throughout the District;

Name of newspaper¹ West Australian.

Date of publication 19 December 2009.

2. Exhibited to public on notice boards at the local government's offices and library.

Consideration of submissions, if any received (s. 3.12(4)).

Making of local law as proposed after the last day for submissions. (s. 3.12(4))².

¹ In some cases the West Australian or other Statewide newspaper is also the only local paper and as such publication in the West Australian or other Statewide newspaper will suffice as both local and Statewide publication.

² The local government must not make the local law before the minimum six-week consultation period has elapsed. The six-week period is calculated from the day after the date of publication of Statewide public notice. For method of calculation of minimum consultation period see DLGRD Circular 10-2003.

- Absolute majority required to make local law that is not significantly different to that proposed (s. 3.12(4)).

Date of Council Meeting 25 February 2010.

- Copy of local law after adoption by local government to be published in the *Government Gazette* (s. 3.12(5)).

Number and date of *Gazette* _____

Copy of gazetted local law given to Minister for Local Government and Regional Development and to another Minister if the other Minister administers the Act under which the local law is made eg Minister for Health in respect of Health local laws (s. 3.12(5)). Sent _____

- Local public notice after the local law has been published (s. 3.12(6)).

1. Publication in newspaper; paper circulating generally throughout the District

Name of newspaper Nannup Telecentre Telegraph

Date of publication _____

2. Exhibited to the public on notice boards at the local government's offices and library.

s. 3.6 Places outside the District – Governor's approval

- Governor's approval obtained prior to the making of the local law under s. 3.12(4) if any aspect of the local law is to apply beyond the boundaries of the local government's District.
Date approval published in the *Gazette* _____

1.2 Local Laws made under the *Health Act 1911*

s. 3.42 – Health local laws generally

- Approval of Executive Director Public Health (or delegate) in respect to Health local laws obtained.

S 161 – Eating Houses

- Declaration by Governor that the provisions of Division 3 of Part V shall apply to the District.
Date declaration published in the *Gazette* _____

Signature of Shire President

Cr Barbara Dunnet

Printed Name of Shire President

Signature of Chief Executive Officer

Mr Shane Collie

Printed Name of Chief Executive Officer

Public Notices



**ROAD TRAFFIC ACT 1974
SECTIONS 80G (3)(E) AND
80G(4) (G)
NOTICE OF INTENTION TO
MAKE APPLICATION TO A
COURT FOR AN ORDER TO
IMPOUND/CONFISCATE
A VEHICLE**

Pursuant to the Road Traffic Act 1974, the Western Australia Police hereby advise the below mentioned vehicle is subject to a pending application to have it impounded or confiscated.

Vehicle:
Holden Commodore
WA registration 1OZG730
Responsible person:
Anderson, Shannon Alfred of
36 Stonesfield Court,
Dardanup

Any person with an interest in this vehicle who wishes to make a submission to the Court regarding the application to impound or confiscate the vehicle, is advised to attend the Bunbury Magistrates Court at 3 Stephen Street, Bunbury on 11th February 2009 at 10:00am.
**Karl J O'Callaghan APM
Commissioner of Police**



**SHIRE OF NANNUP
Standing Orders Local Law**

Pursuant to Section 3.12 (3) (a) of the Local Government Act 1995 the Shire of Nannup gives Statewide public notice that it proposes to make a local law the purpose of which is to conduct orderly meetings of the council or committees, with the effect being effective and fair local government decisions by the council.

A copy of the proposed local law may be inspected or obtained from the Shire of Nannup Council office, 15 Adam Street, Nannup or by phoning 08 9756 1018 during normal office hours. The proposed local law is also located on Council's website www.nannup.wa.gov.au

Submissions on the proposed local law may be made to Council prior to 4.30pm Friday 5 February 2010.

**SHANE COLLIE
CHIEF EXECUTIVE OFFICER**

**WESTERN METROPOLITAN
REGIONAL COUNCIL**



**CONSTITUENT
MUNICIPALITIES:
CITY OF SUBIACO
TOWN OF CLAREMONT
TOWN OF COTTESLOE
TOWN OF MOSMANN
SHIRE
PEPPERIDGE**

ANNOUNCEMENT

**NEWBOROUGH PRIMARY
SCHOOL**

WINE RAFFLE RESULTS
Permit No: LS038115
1st Prize - Sanders, 2nd David
Wheeler, 3rd Jennifer Hooker,
4th Gary Delamare

PEEL AQUATIC CLUB Raffle

Drawn 15 Dec - drawn by D.
De Jong at M.A.R.C.
1st Prize - No. 1200
2nd Prize - No. 0121
3rd Prize - No. 1292
4th Prize - No. 0489
All winners
have been notified.

**RESULTS HOLY SPIRIT P & F
Wine Raffle**

Permit No: LS038090
2, 1100 Cunningham, 3, 0884
Rogers, 4, 2193 Sinclair, 5,
3618 Carney.

**SORRENTO PS P&C
XMAS RAFFLE**

Permit No
LS038348. Eight winners.
Ticket nos: 851, 1007, 1971,
2437, 2475, 3076, 3549, 3609

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Beauty**

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seeking adult services,
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4 hands mass. by stunning
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*Local Government Act 1995***SHIRE OF NANNUP****STANDING ORDERS LOCAL LAW 2010**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Nannup resolved on 26 November 2009 the intention to make the following local law.

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PART 1 - PRELIMINARY

1.1 Title

This local law may be cited as the *Shire of Nannup Standing Orders Local Law 2010*.

1.2 Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

1.3 Purpose and effect

- (1) The purpose of the local law is to provide the rules for the conduct of meetings of the Council, Committees and electors.
- (2) The effect of the local law is intended to result in -
 - (a) better decision-making at meetings;
 - (b) the orderly and efficient conduct of meetings; and
 - (c) greater community understanding of the business of the Council.

1.4 Application

All meetings of the Council, Committees and the electors are to be conducted in accordance with the Act, the Regulations and the local law.

1.5 Interpretation

- (1) In the local law, unless the contrary otherwise requires -

“**absolute majority**” has the meaning given to it in the Act;

“**Act**” means the *Local Government Act 1995*;

“**CEO**” means the Chief Executive Officer of the Shire;

"Committee" means a Committee of the Council established under the Act;

"Council" means the Council of the Shire of Nannup;

"Councillor" has the same meaning as is given to it in the Act;

"deputation" means a verbal submission at a Council or Committee meeting on an agenda item made by a person who has a direct interest in the agenda item;

"employee" means an employee of the Shire;

"external body" includes -

- (a) a Regional Council;
- (b) an incorporated or unincorporated association;
- (c) a trust;
- (d) a tribunal;
- (e) a government agency, instrumentality, board or committee; and
- (f) any other external body,

to which the Shire is entitled, or has been invited, to provide a representative;

"implement", in relation to a decision, includes -

- (a) communicate notice of the decision to a person affected by, or with an interest in, the decision; and
- (b) take other action to give effect to the decision;

"Shire President" means the Shire President of the Shire;

"member" -

- (a) in relation to the Council, means the Shire President or a Councillor; and
- (b) in relation to a Committee, means a member of the Committee;

"Minister" means the Minister responsible for administering the Act;

"Presiding Member" means -

- (a) in respect of the Council, the person presiding under section 5.6 of the Act; and
- (b) in respect of a Committee, the person presiding under sections 5.12, 5.13 and 5.14 of the Act;

"primary motion" means an original motion or an original motion as amended, but does not include an amendment motion or a procedural motion;

"simple majority" means more than 50% of the members present and voting at meetings.

"Regulations" means the *Local Government (Administration) Regulations 1996*;

"Rules of Conduct Regulations" means the *Local Government (Rules of Conduct) Regulations 2007*;

"revocation motion" means a motion to revoke or change a decision made at a Council or Committee meeting;

"Shire" means the Shire of Nannup;

"standing orders" means the meeting procedures and/or rules on the conduct and behaviour of persons at a meeting of the Council, Committee or electors; and

"urgent business" means business dealt with in accordance with clause 4.14.

- (2) Unless otherwise defined, the terms used in the Standing Orders have the meaning given to them in the Act and Regulations.

1.6 Repeal

The Shire of Nannup has not previously operated under a Standing Orders local law therefore no repeal is necessary.

PART 2 – CALLING AND CONVENING MEETINGS

2.1 Ordinary and special Council meetings

- (1) Ordinary and special Council meetings are dealt with in the Act.
- (2) An ordinary meeting of the Council, held on a monthly basis or otherwise as determined by the Council, is for the purpose of considering and dealing with the ordinary business of the Council.
- (3) A special meeting of the Council is held for the purpose of considering and dealing with Council business that is urgent, complex in nature, for a particular purpose or confidential.

2.2 Calling Council meetings

The calling of Council meetings is dealt with in the Act.

2.3 Calling Committee meetings

A meeting of a Committee is to be held -

- (a) in the case of a special meeting, if called for in a verbal or written notice to the CEO by the Presiding Member, setting out the date and purpose of the proposed meeting;
- (b) in the case of a special meeting, if called for by at least two members of the Committee in a written notice to the CEO, setting out the date and purpose of the proposed meeting; or
- (c) in the case of an ordinary or special meeting, if so decided by the Council or the Committee.

2.4 Convening ordinary and special Council meetings

The convening of ordinary and special Council meetings is dealt with in the Act.

2.5 Convening ordinary and special Committee meetings

- (1) The CEO is to convene an ordinary meeting of a Committee by giving each member at least 72 hours' notice of the date, time, place and an agenda for the meeting.
- (2) The CEO is to convene a special meeting of a Committee by giving each member notice, before the meeting, of the date, time, place and an agenda for the meeting.
- (3) The CEO is to give notice of meetings referred to in subclauses (1) and (2) to every member of the Council.

PART 3 - PRESIDING MEMBER AND QUORUM

3.1 Who presides at Council meetings

Who presides at a Council meeting is dealt with in the Act.

3.2 When Deputy Shire President can preside

When the Deputy Shire President can preside is dealt with in the Act.

3.3 Who presides if no Shire President or Deputy Shire President

Who presides if the Shire President or Deputy Shire President are absent or unavailable is dealt with in the Act.

3.4 Election of Presiding Members and Deputy Presiding Members of Committees

The election of Presiding Members and Deputy Presiding Members is dealt with in the Act.

3.5 Functions of Deputy Presiding Members

The functions of Deputy Presiding Members are dealt with in the Act.

3.6 Who acts if no Presiding Member

Who acts if there is no Presiding Member is dealt with in the Act.

3.7 Quorum for meetings

The quorum for meetings is dealt with in the Act and Regulations.

3.8 Quorum to be present

The Council or a Committee is not to transact business at a meeting unless a quorum is present.

3.9 Procedure if quorum not present

The procedure if a quorum is not present to begin a meeting is dealt with in the Regulations.

3.10 Loss of quorum during a meeting

- (1) If at any time during a meeting a quorum is not present, the Presiding Member upon becoming aware of that fact is to suspend the proceedings of the meeting for up to 15 minutes.
- (2) If a quorum is not present at the expiration of the period in subclause (1), the Presiding Member may suspend the proceedings of the meeting for a further period of up to 15 minutes or adjourn the meeting to a future time and date.
- (3) A record is to be taken of all those who have spoken on the subject under consideration at the time of the adjournment.

3.11 Debate on motion to be resumed

- (1) Where the debate on any motion is interrupted at a Council or Committee meeting which is adjourned under clause 3.10, that debate is to be resumed at the next meeting at the point where it was so interrupted.
- (2) Where the interruption in subclause (1) occurs at an ordinary meeting the resumption is to be at the next ordinary meeting unless a special meeting is called earlier for the purpose.
- (3) Where the interruption in subclause (1) is at a special meeting, the resumption is to be at the next special meeting called to consider the same business or at the next ordinary meeting if it occurs before a special meeting can be called.

3.12 Names to be recorded

At any meeting -

- (a) at which there is not a quorum of members present; or
- (b) which is adjourned under clause 3.10,

the names of the members then present are to be recorded in the minutes of the meeting.

PART 4 - BUSINESS OF THE MEETING

4.1 Business to be specified in agenda

- (1) No business is to be transacted at any ordinary meeting of the Council or Committee other than that specified in the agenda without the approval of the Presiding Member or a decision of the Council or Committee, except matters which the Act or the Standing Orders permits to be dealt with without notice.
- (2) No business is to be transacted at a special meeting of the Council or Committee other than that specified in the agenda, and to which notice as to the purpose of the meeting has been given.
- (3) No business is to be transacted at an adjourned meeting of the Council or a Committee other than that -
 - (a) specified in the agenda of the meeting which had been adjourned; and
 - (b) which remains unresolved,

except in the case of an adjournment to the next ordinary meeting of the Council or the Committee, when the business unresolved at the adjourned meeting is to be the first business to be considered at that ordinary meeting.

- (4) Despite subclauses (1) to (3), the CEO may include on the agenda of a Council or Committee meeting in an appropriate place within the order of business any matter which must be decided, or which he or she considers is appropriate to be decided, by that meeting.

4.2 Meeting to proceed to business

A meeting is to proceed to business as soon after the time stated in the notice as a quorum is constituted.

4.3 Order of business

- (1) Unless otherwise decided by the Council the order of business at an ordinary meeting of the Council is to be as follows -
 - (a) declaration of opening;
 - (b) apologies;
 - (c) question time for the public;
 - (d) members on leave of absence and applications for leave of absence;
 - (e) confirmation of minutes;
 - (f) announcements by the Shire President;
 - (g) disclosure of members' interests;
 - (h) questions by members of which due notice has been given;
 - (i) correspondence;
 - (j) petitions;
 - (k) matters for which the meeting may be closed;

- (l) reports;
 - (m) motions of which previous notice has been given;
 - (n) urgent business;
 - (o) closure.
- (2) Unless otherwise decided by the Committee, the order of business at any ordinary meeting of the Committee is to be as follows -
- (a) declaration of opening;
 - (b) apologies;
 - (c) question time for the public (subject to clause 5.7(5));
 - (d) members on leave of absence and applications for leave of absence;
 - (e) confirmation of minutes;
 - (f) correspondence;
 - (g) disclosure of members' interests;
 - (h) matters for which the meeting may be closed;
 - (i) reports;
 - (j) motions of which previous notice has been given;
 - (k) general business;
 - (l) items for consideration at a future meeting;
 - (m) closure.
- (3) Unless otherwise decided by the members present, the order of business at any special meeting of the Council or a Committee is to be the order in which that business stands in the agenda of the meeting.

4.4 Leave of absence

The grant of leave of absence is dealt with in the Act.

4.5 Confirmation of minutes

- (1) Confirmation of minutes is dealt with in the Act.
- (2) When minutes are being confirmed, discussion is not to be permitted other than discussion as to their accuracy as a record of the proceedings.

4.6 Announcements by the Shire President

At any meeting of the Council the Shire President may announce or raise any matter of interest or relevance to the business of the Council.

4.7 Questions by members of which due notice has been given

- (1) A member who wishes to ask a question at a meeting of the Council is to give to the CEO written notice of the text of the question at least 8 hours before the meeting of the Council, and the question is to, as far as practicable, be answered in writing at that meeting.

- (2) As far as practicable, the CEO is to ensure that a written answer to a question under subclause (1) is to be given at the meeting.
- (3) If the CEO considers that the question breaches or may breach the Standing Orders or any other law -
 - (a) the CEO is to refer the question to the Shire President;
 - (b) the Shire President is to exclude the question if he or she concurs with the view of the CEO; and
 - (c) if the question is excluded, the CEO is to give all members, as soon as practicable but not later than the next ordinary meeting, the reasons for the exclusion.
- (4) Notice of a question that is not excluded is to be included, if practicable, in the agenda, or is otherwise to be tabled at the meeting.
- (5) Every question and answer is to be submitted as briefly and concisely as possible, and no discussion is to be allowed thereon, unless with the consent of the Shire President.

4.8 Correspondence

- (1) Correspondence placed before a meeting of the Council or a Committee must relate to a matter on the agenda of the meeting.
- (2) Correspondence may be placed before the Council or a Committee in the form of a precis that contains all relevant and material facts.
- (3) Where correspondence contains a matter to be decided by the Council or the Committee, the CEO is, if the circumstances permit, to recommend a course of action to the Council or the Committee, or state the alternative.
- (4) Correspondence placed before a meeting of the Council or a Committee is not to be the subject of discussion or questions from members.

4.9 Petitions

- (1) A petition received by a member or the CEO is to be presented to the next ordinary Council meeting.
- (2) A petition to the Council is -
 - (a) as far as practicable to be prepared in the form prescribed in the Schedule;
 - (b) to be addressed to the Council and forwarded to a member or the CEO;
 - (c) to state the name and address of the person to whom correspondence in respect of the petition may be served; and

- (d) to be respectful and temperate in its language.
- (3) The presentation of a petition is to be confined to the reading of the petition.
- (4) The only motions in respect of a petition that are in order are that -
 - (a) the petition be received;
 - (b) a report on the petition be prepared; or
 - (c) the petition be referred to a Committee.

4.10 Matters for which the meeting may be closed

For the convenience of members of the public, the Council or a Committee may identify by decision, early in the meeting, any matter on the agenda of the meeting the discussion of which is to be closed to members of the public, and that matter may be deferred as the last item of the meeting.

4.11 Reports

- (1) The functions of the CEO, including to advise the Council and Committees and implementing decisions, are dealt with in the Act.
- (2) The CEO may prepare or cause to be prepared a report on an item that in the CEO's opinion requires consideration by the Council or the Committee, including any report of a late or urgent nature.
- (3) Where a report has been prepared in accordance with subclause (2), the CEO is to deliver the report to members of the Council or the Committee (as the case may be) or, in the case of urgency or other special circumstances, table the report at the meeting.
- (4) The CEO may, with the consent of the Presiding Member, withdraw an item or report listed in the agenda.

4.12 Motions of which previous notice has been given

- (1) Unless the Act, Regulations or the Standing Orders otherwise provide, a member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO.
- (2) A notice of motion under subclause (1) is to be signed by the member and given to the CEO at least 4 clear working days before the meeting at which the motion is to be moved.
- (3) A notice of motion must relate to a matter for which the Council is responsible.
- (4) The CEO -
 - (a) may with the concurrence of the Presiding Member, exclude from the

agenda any notice of motion that they consider to be out of order; or

- (b) may after consultation with the member who gave notice of the motion, make such amendments to the form but not the substance to bring the notice of motion into due form; and
 - (c) must provide relevant and material facts and circumstances pertaining to the notice of motion on matters such as policy, financial and legal implications.
- (5) If a notice of motion is excluded under subclause (4)(a), the CEO is to provide the reason for its exclusion to all members as soon as practicable.
- (6) A notice of motion is not out of order because -
- (a) the proposal involved is considered to be objectionable; or
 - (b) it raises a matter for which the Council is not responsible unless, in the opinion of the Presiding Member, the matter is one of significant public interest or importance.
- (7) A motion of which notice has been given is to lapse unless -
- (a) the member who gave notice, or another member authorised by him or her in writing, moves the motion when called on; or
 - (b) the Council or Committee on a motion agrees to defer consideration of the motion to a later stage or date.
- (8) If a notice of motion is given and lapses, a notice of motion in the same terms or to the same effect may be given for consideration at a subsequent meeting of the Council or Committee, but if the motion again lapses, the Council or Committee is not to consider a motion in the same terms or to the same effect at a subsequent meeting until at least 3 months have elapsed from the date of the meeting at which the motion last lapsed.
- (9) For the purposes of clarification, where a notice of motion is moved and seconded at a meeting of the Council or Committee, it is to be treated as a primary motion.

4.13 Representation on external bodies

- (1) Correspondence inviting the Council to submit a nomination for appointment to an external body is to be referred by the CEO to the Council or an appropriate Committee.
- (2) When speaking or voting on any item or business at a meeting of an external body, a member appointed to that body is to have regard to the decisions, policies and practices of the Shire.

4.14 Urgent business

- (1) A member, at an ordinary meeting of the Council, may move a motion involving business that is not included in the agenda for that meeting if the Presiding Member has first consented to the business being raised because the Presiding Member considers that either -
 - (a) the nature of the business is such that the business cannot await inclusion in the agenda for the next meeting; or
 - (b) the delay in referring the business to the next meeting could have adverse legal or financial implications for the Shire.
- (2) If a member objects to a motion moved under subclause (1), the motion is to be of no effect unless it is agreed to by an absolute majority.
- (3) Subclauses (1) and (2) do not apply to a revocation motion being considered as urgent business in accordance with clause 11.2.

4.15 General business

- (1) A member may raise any item of general business at a Committee meeting that they consider requires the attention of the Committee within its role as established by the Council.
- (2) If a Committee wishes to take further action after discussing an item raised under subclause (1), it must first ask the CEO to prepare a report on the item and consider that report.

4.16 Closure

At the conclusion of all business or when otherwise determined by the meeting, the Presiding Member is to declare the meeting closed and the closing time is to be recorded in the minutes of the meeting.

PART 5 - PUBLIC PARTICIPATION

5.1 Meetings generally open to the public

Meetings being generally open to the public is dealt with in the Act.

5.2 Procedure to close meetings to the public

- (1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public.
- (2) The Council or a Committee, in one or more of the circumstances dealt with in the Act, may at any time, by resolution, decide to close a meeting or part of a meeting.

- (3) If a resolution under subclause (2) is carried -
- (a) the Presiding Member is to direct everyone to leave the meeting except -
 - (i) the members;
 - (ii) the CEO; and
 - (iii) any officer specified by the Presiding Member; and
 - (b) the meeting is to be closed to the public until, at the conclusion of the matter justifying the closure of the meeting to the public, the Council or the Committee, by resolution, decides otherwise.
- (4) A person who fails to comply with a direction under subclause (3) may, by order of the Presiding Member, be removed from the meeting.
- (5) A resolution under this clause may be made without notice of the relevant motion.
- (6) Unless the Council or Committee resolves otherwise, once the meeting is reopened to members of the public the Presiding Member is to ensure that any resolution of the Council or Committee made while the meeting was closed is to be read out including the details of any voting recorded.

5.3 Question time for the public

Question time for the public at meetings is dealt with in the Act.

5.4 Question time for the public at certain meetings

Question time for the public at certain meetings is dealt with in the Regulations.

5.5 Minimum question time for the public

Minimum question time for the public is dealt with in the Regulations.

5.6 Procedures for question time for the public

Procedures for question time for the public is dealt with in the Regulations.

5.7 Other procedures for question time for the public

- (1) Questions asked by the public are to relate to the business of the Council and are not to be in the form of a statement or a personal opinion.
- (2) Unless determined otherwise under the Regulations, the procedure for the asking of and responding to questions raised by members of the public at a meeting shall be as follows -
- (a) a member of the public who raises a question during question time is to state their name and address;

- (b) it is preferred that questions be submitted in writing in which case they will be read out by the CEO but questions may be asked orally;
 - (c) questions are to be answered by the member or employee nominated by the Presiding Member;
 - (d) questions may be taken on notice, at the determination of the Presiding Member, and the Presiding Member may determine that any complex question requiring research be answered only in writing;
 - (e) no discussion of a question or answer is to take place; and
 - (f) when a question is taken on notice under subclause (d) a response is to be given to the member of the public in writing, and a copy is to be included in the agenda of the next meeting of the Council or Committee as the case requires.
- (3) The Presiding Member may reject any question that may be deemed offensive towards, or reflect adversely upon the character and/or any actions, of any member of the Council or employee of the Shire.
- (4) Where a response to a question is given at a meeting, a summary of the question and the response is to be included in the minutes of the meeting.
- (5) There is to be no public question time in meetings of Committees other than a Committee to which the Council has delegated a power or duty, or which is open to the public.

5.8 Distinguished visitors

If a distinguished visitor is present at a meeting of the Council or a Committee, the Presiding Member may -

- (a) invite the person to sit beside the Presiding Member or at the meeting table;
- (b) acknowledge the presence of the distinguished visitor at an appropriate time during the meeting;
- (c) direct that the presence of the distinguished visitor be recorded in the minutes.

5.9 Deputations

- (1) A deputation wishing to be received by a Committee must apply in writing to the CEO who is to forward the written request to the Presiding Member of the relevant Committee.
- (2) The Presiding Member may either approve the request, in which event the CEO is to invite the deputation to attend a meeting of the Committee, or may instruct the CEO to refer the request to the Committee to decide whether or not to receive the deputation.

- (3) A deputation invited to attend a meeting -
 - (a) must not exceed 5 persons, only 2 of whom may address the meeting, although others may respond to specific questions from the members; and
 - (b) must not address the meeting for a period exceeding 10 minutes without the agreement of the meeting.
- (4) For the purpose of determining who may address the Committee on an issue, all those people either in favour of or opposed to an item are deemed to comprise a single deputation.
- (5) A matter which is the subject of a deputation to a Committee is not to be decided by that Committee until the deputation has completed its presentation.

5.10 Attending Committee meetings as an observer

- (1) The Shire President or a Councillor may attend any meeting of a Committee as an observer, even if the Shire President or Councillor is not a member of that Committee.
- (2) A deputy to a member of a Committee appointed under clause 14.4 may attend a meeting of that Committee as an observer, even if the deputy is not acting in the capacity of the member.
- (3) The Shire President or Councillor in the case of subclause (1), or deputy to a member attending a Committee meeting as an observer in the case of subclause (2) -
 - (a) may, with the consent of the Presiding Member, speak, but cannot vote, on any motion before the Committee; and
 - (b) must sit in the area set aside for observers separated from the Committee members.

5.11 Public inspection of agenda materials

Public inspection of agenda materials is dealt with in the Regulations.

5.12 Public access to unconfirmed minutes of meetings

Public access to unconfirmed minutes of Council and Committee meetings is dealt with in the Regulations.

5.13 Confidentiality of information withheld

- (1) Information withheld by the CEO from members of the public under the Regulations, is to be -
 - (a) identified in the agenda of a Council or Committee meeting under the item "Matters for which the meeting may be closed"; and

- (b) marked "confidential" in the agenda; and
 - (c) kept confidential by members and employees until the Council or Committee resolves otherwise.
- (2) A member or an employee who has -
- (a) confidential information under subclause (1); or
 - (b) information that is provided or disclosed for the purposes of or during a meeting, or part of a meeting, that is closed to the public,
- is not to disclose any of that information to any person other than another member or an employee to the extent necessary for the purpose of carrying out his or her duties.
- (3) Subclause (2) does not prevent a member or employee from disclosing information -
- (a) at a closed meeting;
 - (b) to the extent specified by the Council and subject to such other conditions as the Council determines;
 - (c) that is already in the public domain;
 - (d) to an officer of the Department;
 - (e) to the Minister;
 - (f) to a legal practitioner for the purpose of obtaining legal advice; or
 - (g) if the disclosure is required or permitted by law.

5.14 Media attendance

Media persons are to be permitted to attend meetings of the Council or Committees that are open to the public, in such part of the Council Chamber or meeting room as may be set aside for their accommodation, but must withdraw during any period when the meeting is closed to the public.

5.15 Recording of meeting prohibited

- (1) A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the Council or Committee unless the Presiding Member or CEO has given permission to do so.
- (2) If the Presiding Member or CEO gives permission under subclause (1), he or she is to advise the meeting, immediately before the recording is commenced, that such permission has been given and the nature and extent of that permission.

5.16 Prevention of disturbance

- (1) A reference in this clause to a "person" is to a person other than a member.
- (2) A person addressing the Council or a Committee must extend due courtesy and respect to the Council or Committee and the processes under which it operates and must comply with any direction from the Presiding Member.
- (3) A person must not interrupt or interfere with the proceedings of any meeting of the Council or a Committee, whether by expressing approval or dissent, by conversing or by any other means.
- (4) The Presiding Member may warn a person who fails to comply with this clause.
- (5) If -
 - (a) after being warned, the person again acts contrary to this clause, or to the direction; or
 - (b) a person refuses or fails to comply with a direction by the Presiding Member,

the Presiding Member may expel the person from the meeting by ordering him or her to leave the meeting room.

- (6) A person who is ordered to leave the meeting room and fails to do so may, by order of the Presiding Member be removed from the meeting room and, if the Presiding Member orders, from the premises.

PART 6 - DISCLOSURE OF INTERESTS

6.1 Disclosure of members' financial and proximity interests

The disclosure of direct and indirect financial interests and proximity interests by members and employees is dealt with in the Act.

6.2 Meeting to be informed of financial and proximity interests

Procedures for informing the meeting of disclosures in clause 6.1 are dealt with in the Act.

6.3 Disclosing member not to participate

The participation at meetings of a member that has disclosed an interest in clause 6.1 is dealt with in the Act.

6.4 When disclosing members can participate

The procedures for allowing participation in meetings of members disclosing an interest in clause 6.1 are dealt with in the Act.

6.5 Invitation to return to provide information

- (1) Where a member has disclosed an interest in clause 6.1, and has departed from the Council Chamber or meeting room, the meeting may invite the member to return to provide information in respect of the matter or in respect of the member's interest in the matter.
- (2) A member invited to return under subclause (1) must withdraw after providing the information.

6.6 Substitution of deputy at Committee meetings

Where a member discloses an interest on an item under clause 6.1 and withdraws from a meeting of a Committee, the Presiding Member may invite the disclosing member's deputy, if present, to participate as a member of the Committee in place of the disclosing member during the consideration of that item only.

6.7 Disclosure by members who are observers at Committee meetings

The obligation to disclose an interest in clause 6.1 is to apply to all members present at Committee meetings including a member attending a Committee meeting in the capacity of an observer.

6.8 Disclosure of impartiality interests

The disclosure of impartiality interests at meetings by the Shire President and Councillors is dealt with in the Rules of Conduct Regulations.

6.9 Other persons to disclose impartiality interests

- (1) In this clause, a reference to -
 - (a) "person" means an employee and a member of a Committee that is not either the Shire President or a Councillor; and
 - (b) "interest" means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.
- (2) A person who has an interest in any matter to be discussed at a meeting attended by the person must disclose the nature of the interest -
 - (a) in a written notice given to the CEO before the meeting; or
 - (b) at the meeting immediately before the matter is discussed.
- (3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4) Subclause (2) does not apply if -

- (a) a person fails to disclose an interest because the person did not know he or she had an interest in the matter; or
 - (b) a person fails to disclose an interest because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person disclosed the interest as soon as possible after the discussion began.
- (5) If, under subclause (2)(a), a person discloses an interest in a written notice given to the CEO before a meeting then -
- (a) before the meeting the CEO is to cause the notice to be given to the Presiding Member of the meeting; and
 - (b) at the meeting the Presiding Member is to bring the notice and its contents to the attention of the persons present immediately before a matter to which the disclosure relates is discussed.
- (6) If -
- (a) under subclause (2)(b) or (4)(b) a person's interest in a matter is disclosed at a meeting; or
 - (b) under subclause (5)(b) notice of a person's interest in a matter is brought to the attention of the persons present at a meeting,
- the nature of the interest is to be recorded in the minutes of the meeting.

6.10 On-going disclosure required

The obligation to disclose an interest under this Part applies in regard to each meeting at which the matter the subject of the interest arises.

6.11 Approval by Minister to be recorded

If the Minister approves of the participation in a meeting of a disclosing member, the conditions of the approval are to be recorded in the minutes of the meeting and the register of financial interests.

PART 7 - CONDUCT OF MEMBERS

7.1 Official titles to be used

A speaker, when speaking or referring to the Shire President or Deputy Shire President, or to a Councillor or employee, must use the title of that person's office.

7.2 Members to occupy own seats

- (1) At meetings of the Council each member is to occupy the place assigned to that member within the Council Chamber.

- (2) At the first meeting held after each ordinary elections day, the CEO is to allot by random draw, a position at the Council table to each Councillor and the Councillor is to occupy that position when present at meetings of the Council until such time as there is a call by a majority of Councillors for a re-allotment of positions.

7.3 Members not to interrupt

A member must not interrupt another member while speaking unless -

- (a) to raise a point of order under clause 8.3;
- (b) to call attention to the absence of a quorum;
- (c) to make a personal explanation under clause 10.4; or
- (d) to move a procedural motion that the member be no longer heard (under clause 12.1(i) and 13.9).

7.4 No adverse reflection on decision

- (1) A member must not reflect adversely on a decision of the Council or a Committee except on a motion that the decision be revoked or changed.
- (2) A member must not -
- (a) reflect adversely on the character or actions of another member or employee; or
 - (b) impute any motive to a member or employee,

unless the Council or Committee resolves, without debate, that the motion then before the Council or Committee cannot otherwise be adequately considered.

7.5 Offensive language

- (1) A member must not use offensive or objectionable expressions in reference to any member, employee, or other person.
- (2) If a member specifically requests, immediately after their use, that any particular words used by a member be recorded in the minutes, the Presiding Member is to cause the words used to be taken down and read to the meeting for verification and then to be recorded in the minutes.

7.6 Direction to withdraw

A member who, in the opinion of the Presiding Member and in the absence of a resolution under clause 7.4(2) -

- (a) reflects adversely on the character or actions of another member or employee;

- (b) imputes any motive to a member or employee; or
- (c) uses an expression that is offensive or objectionable,

must, when directed by the Presiding Member, withdraw the reflection, imputation or expression and make a satisfactory apology.

7.7 Members who wish to speak

A member who wishes to speak -

- (a) is to indicate his or her intention to speak by the method determined by the Council or Committee; and
- (b) when invited by the Presiding Member to speak, must address the meeting through the Presiding Member.

7.8 Priority of speaking

If two or more members of the Council or a Committee indicate, at the same time, their intention to speak, the Presiding Member is to decide which member is to be heard first.

7.9 The Presiding Member may take part in debates

The Presiding Member may take part in a discussion of any matter before the Council or Committee as the case may be.

7.10 Relevance

- (1) A member must restrict his or her remarks to the motion or amendment under discussion, or to a personal explanation or point of order.
- (2) The Presiding Member, at any time, may -
 - (a) call the attention of the meeting to any irrelevant or repetitious remarks by a member; or
 - (b) direct that member, if speaking, to discontinue his or her speech.
- (3) A member must comply with the direction of the Presiding Member under subclause (2) by immediately ceasing to speak.

7.11 Limitation on members speaking

- (1) Only the mover of a motion or an amendment may speak twice on the same motion or the same amendment, unless permitted by the meeting (on a majority vote).
- (2) The mover of a motion or an amendment-
 - (a) is to speak to that motion or amendment first, after it has been seconded; and

- (b) has the right of reply and in exercising that right must confine the reply to previous speakers' comments and not introduce any new matters.
- (3) A member must not speak on any motion or an amendment after the mover has replied and the motion or amendment is to be immediately put to the vote by the Presiding Member.
- (4) A member may speak on a motion or an amendment, or reply, for a period of only 5 minutes, unless an extension of time is granted by the Council without debate, but a member's total speaking time must not exceed 10 minutes.

7.12 Questions during debate

- (1) A member may ask a question at any time during the debate on a motion or an amendment before the mover of the motion or amendment has replied.
- (2) Subject to subclause (3), a member who asks one or more questions will not be taken to have spoken on the matter.
- (3) Where the Presiding Member considers that a question asked is not succinct and to the point, but is prefaced by comment or other information, the Presiding Member may rule that the member has spoken on the matter and, in that event, the member must not speak again on the matter.

7.13 Re-opening discussion on decisions

A member must not re-open discussion on any decision of the Council or Committee, except for the purpose of moving a revocation motion under clause 11.2.

PART 8 - PRESERVING ORDER

8.1 Presiding Member to preserve order

- (1) The Presiding Member is to preserve order and, whenever he or she considers it necessary, may call any member or other person to order.
- (2) When the Presiding Member, during the progress of a debate, is to raise or rule on a point of order, any member or person then speaking, or offering to speak, is to be silent so that the Presiding Member may be heard without interruption.

8.2 Points of order

Without limitation, the following acts are to be taken as being out of order -

- (a) discussion of a matter not before the meeting;
- (b) the use of offensive or objectionable language; or
- (c) the violation of any written law, including this local law, provided that the member making the point of order states the written law believed to be breached.

8.3 Procedures on a point of order

- (1) Upon a matter of order arising during the progress of a debate, any member may raise a point of order with the Presiding Member including interrupting the speaker.
- (2) Any member who is speaking when a point of order is raised in subclause (1) is to immediately stop speaking while the Presiding Member listens to the point of order.
- (3) A member raising a point of order is to specify one of the grounds of the breach of order before speaking further on the matter.
- (4) A member who is expressing a difference of opinion or contradicting a speaker is not to be taken as raising a point of order.

8.4 Continued breach of order

If a member –

- (a) persists in any conduct that the Presiding Member had ruled is out of order; or
- (b) fails or refuses to comply with a direction from the Presiding Member,

the Presiding Member may direct the member to refrain from taking any further part in that meeting, other than by voting, and the member must comply with that direction.

8.5 Presiding Member may adjourn meeting

- (1) For the purpose of preserving or regaining order, the Presiding Member may adjourn the meeting for a period of up to 15 minutes.
- (2) On resumption, the debate is to continue at the point at which the meeting was adjourned.
- (3) If, at any one meeting, the Presiding Member adjourns the meeting more than once for the purpose of preserving or regaining order, the second or subsequent adjournment may be to a later time on the same day or to another day.
- (4) If there is an adjournment under this clause, the names of the members who have spoken on the matter before the adjournment are to be recorded.

PART 9 - MOTIONS AND AMENDMENTS

9.1 Recommendations in reports

- (1) Where the Council or a Committee adopts a recommendation contained in a report, either with or without amendment, the recommendation so adopted is taken to be a decision of the Council or the Committee (as the case may be).
- (2) Where a motion, if carried, would be significantly different from the relevant written recommendation of an employee or Committee, the reason for the decision is to be recorded in the minutes of the meeting in accordance with the Regulations.
- (3) A Committee may make a recommendation to the Council which -
 - (a) is relevant to the purpose for which the Committee is established by the Council; and
 - (b) the Committee considers requires consideration by the Council.
- (4) Where a Committee makes a recommendation for consideration by the Council, the CEO must prepare or cause to be prepared a report to the Council with respect to the recommendation.

9.2 Adoption of recommendations en bloc

A member may move a motion to adopt by one resolution, all the recommendations or a group of recommendations from a Committee or several reports, without amendment or qualification after having first identified those recommendations, if any -

- (a) which require adoption by an absolute or special majority vote;
- (b) in which an interest has been disclosed;
- (c) that has been subject of a petition or deputation;
- (d) which any member has indicated the wish to debate; and
- (e) in which any member has indicated the wish to ask a question or to raise a point of clarification,

and, each of those recommendations referred to in paragraphs (a), (b), (c), (d) and (e) must be considered separately.

9.3 Motions

- (1) A member who wishes to move a primary motion, or an amendment to a primary motion -
 - (a) is to state the substance of the motion before speaking to it; and
 - (b) is to put the motion or amendment in writing if –
 - (i) in the opinion of the Presiding Member, the motion or amendment is significantly different to the relevant written recommendation of a Committee or an employee (including a person who, under a contract for services with the Shire, provides advice or a report on the matter); or
 - (ii) the member is otherwise required to do so by the Presiding Member.
- (2) The written terms of the motion or amendment are to be given to the CEO who is to ensure that they are recorded in the minutes.
- (3) The Presiding Member may require that a complex primary motion, or a complex amendment to a primary motion, is to be broken down and put in the form of more than one motion, each of which is to be put in sequence.

9.4 Motions to be seconded

- (1) A motion, or an amendment to a motion, is not open to debate until it has been seconded.
- (2) A motion to revoke or change a decision made at a Council or Committee meeting is not open to debate unless the motion has the support required under the Regulations.
- (3) A member seconding a motion has the right to speak on the motion later in the debate.
- (4) A motion is not to be amended by the mover without the consent of the seconder.

9.5 Unopposed motions

- (1) Immediately after a motion has been moved and seconded, the Presiding Member may ask the meeting if any member opposes it.
- (2) If no member opposes the motion, the Presiding Member may declare it carried without debate and without taking a vote.
- (3) A motion carried under subclause (2) is to be recorded in the minutes as a unanimous decision of the Council or Committee.
- (4) If a member opposes a motion, the motion is to be dealt with under this Part.

9.6 Withdrawing motions

- (1) A motion or amendment may be withdrawn by the mover, with the consent of the seconder, and no member is to speak on it after it has been withdrawn.
- (2) If an amendment has been proposed to a primary motion, the primary motion cannot be withdrawn, except by consent of the majority of members, until the amendment proposed has been withdrawn or lost.

9.7 One motion at a time

The Council or a Committee –

- (a) is not to accept a substantive motion while another substantive motion is being debated; and
- (b) is not to consider more than one substantive motion at any time.

9.8 Permissible motions on recommendation from Committee

A recommendation made by a Committee may be –

- (a) adopted by the Council without amendment;
- (b) rejected by the Council and replaced by an alternative decision;
- (c) subject to clause 9.9(2), amended, and adopted as amended by the Council; or
- (d) referred back to the Committee for further consideration.

9.9 Amendments

- (1) A member may move an amendment to a primary motion at any time during debate on the motion, except -
 - (a) if the mover has been called by the Presiding Member to exercise the right of reply; or
 - (b) if the member has already spoken to the primary motion;
 - (c) if another amendment is being debated, or has not been withdrawn, carried or lost; or
 - (d) during debate on a procedural motion.
- (2) An amendment must be relevant to the primary motion to which it is moved and must not have the effect of negating the primary motion.
- (3) An amendment to a primary motion is to take only one of the following forms -
 - (a) that certain words be omitted;
 - (b) that certain parts be omitted and others substituted or added; or
 - (c) that certain words be added.
- (4) Only one amendment is to be debated at a time, but as often as an amendment is withdrawn, carried or lost, another amendment may be moved before the primary motion is put to the vote.
- (5) Where an amendment is carried, the primary motion as amended is, for all purposes of subsequent debate, to be treated as a primary motion.
- (6) An amendment must be read by the mover before being seconded.

PART 10 - DEBATE OF MOTIONS

10.1 Order of call in debate

The Presiding Member is to call speakers to a motion or amendment in the following order -

- (a) the mover to state the motion;
- (b) a seconder to the motion;
- (c) the mover to speak to the motion;
- (d) the seconder to speak to the motion;

- (e) other speakers against and for the motion, alternating in view, if any; and
- (f) the mover takes right of reply which closes debate.

10.2 Limit of debate

The Presiding Member may offer the right of reply and put the motion to the vote if he or she believes sufficient discussion has taken place even though all members may not have spoken.

10.3 Member may require motion to be read

A member may require the motion under discussion to be read at any time during a debate, but not so as to interrupt any other member who is speaking.

10.4 Personal explanation

- (1) A member who wishes to make a personal explanation relating to a matter referred to by another member who is then speaking must indicate to the Presiding Member his or her intention to make a personal explanation.
- (2) The Presiding Member is to determine whether the personal explanation is to be heard immediately or at the conclusion of the speech by the other member.

10.5 Crossing council chambers or meeting room

- (1) When the Presiding Member is putting any motion to the vote, a member must not leave or cross the Council Chamber or meeting room.
- (2) A member must not, while any other member is speaking, pass between the speaker and the chair.

10.6 Voting

Voting at meetings is dealt with in the Act and Regulations.

10.7 Motion - when put

Immediately after the debate on any question is concluded and the right of reply has been exercised, the Presiding Member -

- (a) is to put the motion to the meeting; and
- (b) if requested by a member, is again to state the terms of the motion.

10.8 Method of taking vote

- (1) The Presiding Member, in taking the vote on any motion, is to -
 - (a) put the motion, first in the affirmative and then in the negative;

- (b) determine whether the affirmative or the negative has the majority of votes; and
 - (c) declare the result of the vote.
- (2) The motion put under subclause (1) may be put as often as is necessary to enable the Presiding Member to determine whether the affirmative or the negative has the majority of votes.
- (3) The result of voting is to be determined on the count of raised hands but it may be determined on the voices unless a member calls for a show of hands.

PART 11 - REVOCATION MOTIONS

11.1 Requirements to revoke or change decisions

The requirements to revoke or change a decision made at a meeting are dealt with in the Regulations.

11.2 Revocation motion at the same meeting - procedures

- (1) A member who moves a revocation motion at the same meeting where the decision is made must -
- (a) clearly identify the decision to be revoked or changed; and
 - (b) clearly state the reason for the decision to be revoked or changed.
- (2) If the CEO receives a notice of a revocation motion to revoke a decision made at a meeting before the close of that meeting, the CEO must immediately advise the Presiding Member of the substance of the revocation motion and raise it as an item of urgent business under clause 4.14.
- (3) Where the Presiding Member is advised of a revocation motion under subclause (2), he or she is to -
- (a) advise the meeting of the notice;
 - (b) state the substance of the revocation motion;
 - (c) determine whether there is sufficient support under clause 11.1; and
 - (d) if there is sufficient support, deal with the revocation motion.

11.3 Revocation motion after meeting - procedures

- (1) A member wishing to move a revocation motion at a future meeting of the Council or a Committee must give to the CEO notice of the revocation motion, which is to -

- (a) be in writing;
 - (b) specify the decision proposed to be revoked or changed;
 - (c) include a reason or reasons for the revocation motion;
 - (d) be supported by the number of members required under the Regulations;
 - (e) specify the date of the ordinary or special meeting of the Council or the Committee where it is to be presented, as the case may be; and
 - (f) be given to the CEO in accordance with the notice of motion provisions in clause 4.12.
- (2) Any notice of revocation motion given to the CEO must be dealt with in accordance with 4.12.

11.4 Implementation of a decision

No steps are to be taken to implement or give effect to a decision if -

- (a) there is a valid notice of revocation motion that has the support of members required by the Regulations; and
- (b) the notice of revocation motion was received before any action was taken to implement the decision.

PART 12 - PROCEDURAL MOTIONS

12.1 Permissible procedural motions

In addition to the right to move an amendment to a primary motion, a member may move any of the following procedural motions -

- (a) that the motion be deferred;
- (b) that the meeting now adjourn;
- (c) that the debate be adjourned;
- (d) that the motion be now put;
- (e) that the motion lie on the table;
- (f) that the meeting proceed to the next item of business;
- (g) that the meeting be closed to members of the public;
- (h) that the ruling of the Presiding Member be overruled;

- (i) that the member be no longer heard; or
- (j) that the item be referred back to the (appropriate) Committee.

12.2 No debate on procedural motions

- (1) The mover of a motion stated in each of paragraphs (a), (b), (c), (e), (f), (g), (i) and (j) of clause 12.1 may speak to the motion for not more than 5 minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.
- (2) The mover of a motion stated in each of paragraphs (d) and (h) of clause 12.1 may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

12.3 Who may move

With the exception of subclause 12.1(h), a member who has moved, seconded, or spoken for or against the primary motion, or any amendment to the primary motion, cannot move any procedural motion which, if carried, would close the debate on the primary motion or amendment.

12.4 Procedural motions - right of reply on primary motion

The carrying of a procedural motion which closes debate on the primary motion or amendment and forces a decision on the primary motion or amendment does not deny the right of reply to the mover of the primary motion.

PART 13 - EFFECT OF PROCEDURAL MOTIONS

13.1 The motion be deferred - effect of motion

- (1) If a motion "that the motion be deferred", is carried, then all debate on the primary motion and any amendment is to cease and the motion or amendment is to be resubmitted for consideration at a time and date specified in the motion.
- (2) A motion "that the motion be deferred" must not be moved in respect of the election of a Presiding Member or the Deputy Shire President.
- (3) A member must not, at the same meeting, move or second more than one motion "that the motion be deferred" in respect of the same item.

13.2 The meeting now adjourn - effect of motion

- (1) If a motion "that the meeting now adjourn", is carried then the meeting is to be adjourned to a time and date specified in the motion, or where no time and date is specified, to such time and date as the Presiding Member declares, or to the next ordinary meeting.

- (2) Where debate on a motion is interrupted by an adjournment under subclause (1) -
 - (a) the debate is to be resumed at the date and time specified as required in subclause (1) and at the point where it was so interrupted; and
 - (b) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and
 - (c) the provisions of clause 7.11 apply when the debate is resumed.
- (3) If a motion "that the meeting now adjourn" is lost, no similar motion is to be moved until -
 - (a) after the conclusion of the business under discussion at the time the motion was moved; or
 - (b) if the motion was moved on the conclusion of an item of business, after the conclusion of the next item of business; or
 - (c) after the conclusion of any other business allowed precedence by the meeting.
- (4) A member must not, at the same meeting, move or second more than one motion for the adjournment of the meeting.

13.3 The debate be adjourned - effect of motion

- (1) If a motion "that the debate be adjourned", is carried –
 - (a) all debate on the primary motion or amendment is to cease and is to continue at a time and date specified in the motion;
 - (b) the names of members who have spoken on the matter are to be recorded in the minutes; and
 - (c) the provisions of clause 7.11 apply when the debate is resumed.
- (2) A motion "that the debate be adjourned" must not be moved in respect of the election of a Presiding Member or the Deputy Shire President.
- (3) A member must not, at the same meeting, move or second more than one motion "that the debate be adjourned" in respect of the same item.

13.4 The motion be now put - effect of motion

- (1) If a motion "that the motion be now put", is carried during discussion of a primary motion, the Presiding Member is to offer the right of reply and then immediately put the motion to the vote without further debate.

- (2) If the motion "that the motion be now put" is carried during debate of an amendment, the Presiding Member is to put the amendment to the vote without further debate.
- (3) If the motion "that the motion be now put" is lost, debate is to continue.

13.5 The motion lie on the table - effect of motion

- (1) If a motion "that the motion lie on the table", is carried, debate on the primary motion and any amendment must cease and the meeting is to proceed to the next item of business.
- (2) Debate on the motion laid on the table is to be adjourned until such time (if any) as the meeting resolves to take the motion from the table.
- (3) Where debate on a motion is interrupted by laying a motion on the table under subclause (1) -
 - (a) the names of members who have spoken on the matter are to be recorded in the minutes; and
 - (b) the provisions of clause 7.11 apply when the debate is resumed.
- (4) A motion "that the motion lie on the table" must not be moved in respect of the election of a Presiding Member or the Deputy Shire President.
- (5) A member moving the taking of the motion from the table is entitled to speak first on the resumption of the debate.

13.6 Meeting to proceed to the next business - effect of motion

- (1) The motion "that the meeting proceed to the next item of business", if carried has the effect that –
 - (a) the debate on the substantive motion or amendment ceases immediately;
 - (b) no decision is made on the substantive motion;
 - (c) the meeting moves to the next item of business; and
 - (d) there is no requirement for the matter to be raised again for consideration.
- (2) A motion that "the meeting proceed to the next item of business" must not be moved in respect of the election of a Presiding Member or the Deputy Shire President.

13.7 Meeting be closed to members of the public - effect of motion

If a motion "that the meeting be closed to members of the public" is carried then the Presiding Member is to close the meeting in accordance with clause 5.2.

13.8 Ruling by the Presiding Member be overruled - effect of motion

If a motion "that the ruling of the Presiding Member be overruled" is carried, that ruling is to have no effect and the meeting is to proceed accordingly.

13.9 Member be no longer heard - effect of motion

If a motion "that the member be no longer heard" is carried, the speaker against whom the motion has been moved must not speak further on the current primary motion, or any amendment relating to it, except to exercise the right of reply if he or she is the mover of the primary motion.

13.10 Item be referred back to Committee - effect of motion

- (1) If a motion "that the item be referred back to Committee" is carried, debate on the primary motion and any amendment is to cease and the primary motion, excluding any amendment, is to be referred back to the appropriate Committee for further consideration.
- (2) If the motion in subclause (1) is lost, debate on the primary motion or amendment is to continue.

PART 14 - COMMITTEES OF THE COUNCIL**14.1 Establishment, types and membership of Committees**

The establishment, types and membership of Committees is dealt with in the Act.

14.2 Tenure of Committee membership

The tenure of Committee membership is dealt with in the Act.

14.3 Delegation of power to Committees

Delegation of powers and duties to Committees is dealt with in the Act.

14.4 Appointment of deputy members

The appointment of a deputy to a member of a Committee is dealt with in the Act.

14.5 Standing Orders apply to Committees

Unless otherwise specifically provided, the Standing Orders apply generally to the proceedings of Committees, except for -

- (a) clause 7.2 (relating to seating);
- (b) clause 7.11(1) (relating to the limit on the number of speeches).

14.6 Communications by Committees

A Committee must not communicate with any person or authority except through the CEO.

PART 15 - PROCEDURAL MATTERS

15.1 Presiding Member to ensure compliance

The Presiding Member of a meeting is to ensure compliance with the Standing Orders.

15.2 Suspension of Standing Orders

- (1) A member may, at any time, move that the operation of one or more of the standing orders or clauses be suspended.
- (2) A member moving a motion under subclause (1) is to identify the clause or clauses containing the standing orders to be suspended, and state the reasons for the motion, but no other discussion is to take place.
- (3) A motion under subclause (1) which is seconded and carried is to suspend the operation of the clause or clauses to which the motion relates for the duration of the meeting, unless the meeting earlier resolves otherwise.

15.3 Cases not provided for in Standing Orders

- (1) In situations where –
 - (a) Standing Orders have been suspended; or
 - (b) a matter is not regulated by the Act, the Regulations or this local law,,the Presiding Member is to decide questions relating to the conduct of the meeting.
- (2) The decision of the Presiding Member under subclause (1) is final, except where a motion of dissent is moved and carried under clause 12.1(h).

15.4 Electors' meetings

The requirements for meeting of the electors are dealt with in the Act and Regulations.

15.5 Electors' meetings - Standing Orders apply

The Standing Orders apply, so far as is practicable, to any meeting of electors, but where there is any inconsistency between the provisions of this local law and the provisions of the Act, the latter prevail.

15.6 Restriction on voting and speaking at electors' meetings

The restriction on voting and speaking at electors' meetings is dealt with in the Regulations.

15.7 Penalty for contravention of the Standing Orders

A person who breaches a provision of this local law commits an offence.

Penalty: \$5,000, and a daily penalty of \$500

15.8 Who can prosecute

Who can prosecute is dealt with in the Act.

PART 16 - COMMON SEAL

16.1 Custody of the Common Seal

The CEO is to have charge of the Common Seal of the Shire, and is responsible for the safe custody and proper use of it.

16.2 Use of Common Seal

The use of the Common Seal is dealt with in the Act.

SCHEDULE – PETITION TO THE SHIRE OF NANNUP

To the Shire President and Councillors of the Shire of Nannup

We, the undersigned, do respectfully request that the Council-

(Here set out a concise statement of facts and the action sought)

Correspondence in respect of this petition should be addressed to -

(Here set out the name and address of the person)

The names and addresses of your petitioners are as follows

DATE	FULL NAME	ADDRESS AGREE/DISAGREE/NO OPINION	SIGNATURE
------	-----------	--------------------------------------	-----------

Note: Petitioners may contact the CEO of the Shire of Dardanup if they wish to withdraw from this petition or change their comment.

Dated this day of 20 .

The Common Seal of the)
 Shire of Nannup was)
 affixed by authority of a)
 a resolution of the Council)
 in the presence of)

 MRS BARBARA DUNNET
 Shire President.

 MR SHANE COLLIE
 Chief Executive Officer.

AGENDA NUMBER: 10.8
SUBJECT: Local Emergency Management Advisory Committee (LEMC)
LOCATION/ADDRESS:
NAME OF APPLICANT:
FILE REFERENCE: FRC 10
AUTHOR: Shane Collie – Chief Executive Officer
DISCLOSURE OF INTEREST:
DATE OF REPORT: 12 May 2009

Attachment: LEMC Minutes 8 February 2010.

BACKGROUND:

The Local Emergency Management Advisory Committee (LEMC) met on 8 February 2010. There is one recommendation put forward by the committee as follows:

“That the Local Government establishes a mobile phone number for contact 24 hours a day for any emergency situation. The CEO is to be responsible in making sure that a competent person has possession of the phone at all times. The dissemination of the mobile phone number is to be included in the Local Government Emergency Arrangements.”

COMMENT:

The recommendation is not supported for the following reason:

- A 24 hour after hours service is already in place which adequately deals with any emergency calls, directing to the appropriate contact person.

Other lesser priority reasons for non support are:

- It is considered that the adding of another contact, and a changeable contact, could dilute or confuse the various contacts already in place.
- Taking of responsibility for the phone (whether that is CEO or another person) could become diluted and confused also. Additionally the judgement of who is a competent person (when not a direct employee) is not something that responsibility can be taken for as there is subjectivity involved and any decision is open to challenge.

The concept and principle is supported however the practicality is that it is not needed and has the potential to lead to negative outcomes in an emergency situation.

STATUTORY ENVIRONMENT: Emergency Management Act 2005.

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS:

There would be some cost involved if implemented, though this would be considered minor. Again there seems no point in introducing a further system (even if the cost is minimal) when an adequate system is already in place.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

That a separate stand alone purchase of a mobile phone for as an emergency service contact not be pursued.

VOTING REQUIREMENTS:



**SHANE COLLIE
CHIEF EXECUTIVE OFFICER**

SHIRE OF NANNUP
Local Emergency Management Advisory Committee
Special Meeting
Monday February 8 2010
4.00pm Shire Offices

<h1>MINUTES</h1>

1 .OPENING

Cr J Lorkiewicz chaired the meeting and declared the meeting open at 4.05pm

2. ATTENDANCE & APOLOGIES

Cr J Lorkiewicz – Shire of Nannup
Cr C Pinkerton – Shire of Nannup
Ms T Levick-Godwin - Chief Bushfire Control Officer/CESM
Mr J Taylor – Nannup Police
Mrs G Millward – Nannup Country Womens Association
Mr C Buckland- Nannup District High School
Mr M McNamara – FESA
Mr V Cheema – FESA CEMO
Mr N Hamilton – Deputy Chief Bush Fire Control Officer
Ms A Huxtable - Department for Child Protection (DCP)
Ms P Adams - Department for Child Protection (DCP)
Ms J Welby - Department for Child Protection (DCP)
Ms M Jones – Nannup Hospital
Mrs C Brown – Nannup Telecentre
Mr B Commins – Department of the Environment

Apologies were received from:

Mr T Box – State Emergency Service
Mr C Wade – St Johns Ambulance
Mr Martin Glynn – Nannup Police

3. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

G MILLWARD/C PINKERTON

That the meeting minutes of Local Emergency Management Advisory Committee meeting held 30 November 2009 be confirmed as true and correct.

CARRIED

4. BUSINESS ARISING FROM THE MINUTES

No business arising.

4.1 Discussion on Points A, B, C, D, E item 4.1 refers

A; Communications Link

Discussion regarding acronyms used in the Emergency Arrangements ensued; a guide at the beginning of the document will clearly outline all of the acronyms.

A formal link will be shown within the arrangements for any Hazard Management Agency (HMA).

B COMMINS/JEFF TAYLOR

That the Local Government establishes a mobile phone number for contact 24 hours a day for any emergency situation. The CEO is to be responsible in making sure that a competent person has possession of the phone at all times. The dissemination of the mobile phone number is to be included in the Local Government Emergency Arrangements.

CARRIED

B; Standard Operating Procedures Flow Chart;

This will establish the chain of command and procedures and include detailed Standard Operating Procedures. The template for this flow chart will be provided by Mr V Cheema who will change it to make it appropriate for Nannup.

The working party who will collaborate on this project are; Carol Pinkerton, Joan Lorkiewicz, Jeff Taylor, Terese Levick-Godwin, Vik Cheema.

Chris Wade, the representative from St Johns Ambulance and the CEO, Shane Collie will be asked to join the working party. The working party will meet for the first time on Tuesday February 16 at 9am.

C; Public Information Release Procedures

It was agreed that there was a need to have clear procedures within the Shire in the event of an incident. It was clear to the committee that the Incident Controller would release information and that the CEO and the Shire President would, in conjunction with the Incident Controller (IC), release information to the community. The flow chart should show alternative persons to make the information releases in the event of the CEO and Shire President not being available.

The Recovery Coordinator Mrs G Millward and her 2IC Mrs C Pinkerton produced a draft Immediate and Long Term template Public Information and Warnings checklist; this was presented to the meeting and will be consolidated by Mr V Cheema.

D; Roles and Responsibilities of HMA

Mr V Cheema of FESA provided a template for the Roles and Responsibilities, which is attached.

The CESM is to write to all of the agencies with description of each of the roles; approval given by Department of Child Protection for their role.

E; Evacuation Checklist

Discussion held regarding the Evacuation Checklist; Ms A Huxtable DCP stated that DCP Busselton must be informed of any requirement for them very early in any incident. Ms Huxtable will give feedback on the Evacuation checklist. The template will be the same as used by a number of Local Governments.

An evacuation exercise at the Nannup Hospital is possible in the near future, LEMC members would participate in the exercise and Mr V Cheema agreed to facilitate the exercise if need be.

General Business

5.1 Emergency Management Survey

Discussion was held regarding the survey and the results. The next step is to have a workshop on Emergency Risk Management; those to be invited include stakeholders and volunteers. Suggested participants included; Shire personnel, The Big N, Tourism representatives, Nannup Mill, Houghton's Winery, Bush Fires Volunteers, LEMC members; the number of participants should not exceed 15 persons. The workshop will be facilitated by FESA representatives.

The proposed date for the workshop is Tuesday April 20, this will be confirmed in the near future; the workshop should run for between 2-3 hours.

5.2 Marine Search and Rescue

Mr J Taylor – Nannup Police suggested that a member of the Marine Search and Rescue from Augusta be invited to a Nannup LEMC meeting, Nannup has coast line contained within its boundaries and does not have a Marine Search and Rescue Unit; it would be appropriate make contact with the nearest unit. An invitation is to be extended for the June 2010 LEMC meeting.

5.3 Volunteer Training

Mr V Cheema alerted the LEMC members to the fact that Emergency Management Australia is still paying flights and accommodation for volunteers to attend training at Mt Macedon. Mrs G Millwood and Mrs C Pinkerton expressed interest in attending courses relevant to Recovery Management.

6. NEXT MEETING

The next meeting will be held on Monday 15 March 2010 at the Shire Office.

7. CLOSURE OF MEETING

There being no further business the meeting was closed at 5.30pm.

AGENDA NUMBER: 10.9
SUBJECT: Bush Fire Advisory Committee Meeting
LOCATION/ADDRESS:
NAME OF APPLICANT:
FILE REFERENCE: FRC 1
AUTHOR: Shane Collie – Chief Executive Officer
DISCLOSURE OF INTEREST:
DATE OF REPORT: 16 February 2010

Attachment: Minutes of Bush Fire Advisory Committee Meeting 8 February 2010.

BACKGROUND:

The minutes of the Bush Fire Advisory Committee meeting held on Monday 8 February 2010 are attached.

There are three recommendations contained in the minutes for Council's consideration as follows:

1. *That Terese Levick-Godwin and Merv McNamara FESA organise an IMT meeting that includes Volunteer Brigade members and encourage the Shire staff to volunteer their services.*
2. *That the firebreak inspections should be finished within one week of the closing date and that infringements should be issued one week after that.*
3. *That the Bushfire Advisory Committee recommends to the Council that signs were installed at the major entries to the Shire.*

COMMENT:

Incident Management Team Meeting Recommendation

The first recommendation is an operational issue and does not need Council endorsement. It will occur as a matter of course.

Firebreak Inspections Recommendation

The second recommendation is supported as a matter of principle and it could be expanded to more broadly encompass the intent of the Bushfire Advisory Committee which is to see firebreaks inspected and managed in the best manner possible.

What is suggested in this instance is that expressions of interest be called for the undertaking of firebreak inspections (well before the inspections need to occur) based on a document that contains all of the requirements of the role. This

would specify when the inspections have to be done, the extent of, the deadline for them to be completed, the hourly rate of pay and the reporting requirements.

In this manner the whole process is tightened up and a better result should be achieved. Mapping detail has also been an issue over recent years and this can be addressed as part of the process. It is hence recommended that documentation be drawn up which succinctly sets out all aspects of the firebreak inspection process, and that this be submitted to the May 2010 Bushfire Advisory Committee for scrutiny in view of calling for expressions of interest in August/September 2010 to conduct the inspections for the next fire season.

Signage Recommendation

The recommendation is unclear however has been clarified. The signs referred to are those that depict the Prohibited Burning Time by stating the dates when there is no burning permitted. They would be red lettering on a white background and use words such as "Burning is not permitted between 21 December and 28 February in the Nannup Shire".

The location of the signs would be on major roads entering the Shire district (likely in priority order) from Busselton, Bridgetown, Balingup, Manjimup, Pemberton, Augusta and Cundinup/Kirup. Main Roads WA approval would need to be sought before installing signage on Main Roads.

The Shire of Busselton have similar signage as you enter that district on the Vasse Highway from Nannup.

In terms of a recommendation there is not strong support for the initiative though it is well understood why the signs are desired. The main reasons being:

- Sign Proliferation.
- Are they really needed – that is to say is illegal burning an issue to the extent that large signs are warranted. The publicity on bushfires over recent years has been significant and would signage such as this make any difference to people's knowledge and understanding? This is impossible to answer definitively.
- Cost.

If Council was to consider this matter a budget allocation would need to be considered and the recommendation reflects this.

STATUTORY ENVIRONMENT: Bush Fires Act 1954.

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS:

Signage cost is estimated at \$1,000 each including installation. ESL funds do not cover costs such as this.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATIONS:

1. That documentation be drawn up which succinctly sets out all aspects of the firebreak inspection process, and that this be submitted to the May 2010 Bushfire Advisory Committee for scrutiny in view of calling for expressions of interest in August/September 2010 to conduct the inspections for the next fire season.
2. That Council consider as part of the 2010/11 budget funding for Bushfire advice signs to be located at the various major road entry points into the Nannup district.

VOTING REQUIREMENTS:



**SHANE COLLIE
CHIEF EXECUTIVE OFFICER**

**Bush Fire Advisory Committee
Monday 8 February, 2010
7.30pm Nannup Shire Function Room**

MINUTES

1. OPENING

Mrs J Lorkiewicz opened the meeting at 7.35pm

2. ATTENDANCE & APOLOGIES

Attendance:

Mr M McNamara – FESA
Mr M Cole – Carlotta Bush Fire Brigade
Mr G Crothers – Nannup Brook Bush Fire Brigade/Deputy Chief Fire Control Officer
Mr C Scott – Balingup Bush Fire Brigade
Mr N Hamilton – Deputy Chief Bush Fire Control Officer
Ms T Levick-Godwin – Chief Bush Fire Control Officer/CESM
Mr V Lorkiewicz – East Nannup Bush Fire Brigade
Mr S Boak – Darradup Bush Fire Brigade
Mrs J Lorkiewicz – Council Representative
Mr R Mellema - Council Representative
Mr D Boothey – Department of Environment and Conservation (DEC)
Mrs L Raynel – North Nannup Bush Fire Brigade
Mr G Brown – Cundinup Bush Fire Brigade

Apologies:

Mr G Dickson – Bidellia Bush Fire Brigade
Mr K Oldfield – Darradup Bush Fire Brigade
Mr D Vines – Scott River/Lake Jasper Bush Fire Brigade
Mr S Pickering – Great Southern Plantations

3. CONFIRMATION OF PREVIOUS MINUTES

N HAMILTON/G BROWN

That the minutes of the meeting of the Bush Fire Advisory Committee held on 14 September 2009 be confirmed as a true and correct record.

CARRIED

4. ELECTION OF CHAIRPERSON

Mr R Mellema stated that he did not wish to be involved in an election and Mrs J Lorkiewicz accepted the Chair position.

5. BUSINESS ARISING FROM THE MINUTES

5.1 Incident Management Team (IMT)

Mr M Cole, Carlotta Brigade, stated that Mr Geoff Nugent had been approached and is interested in joining the IMT in the communication area. Mr Nugent has a lot of experience with computers and is competent with radio communications.

Discussion ensued regarding the need for local knowledge on the IMT and Mr Boothey from DEC stated that in an incident DEC could not cope without one, Mr Boothey also discussed how DEC are stepping back and allowing the Local Governments run their own fires this fire season, even if the fire is close to the DEC boundaries but will take over the fire if asked. This has implications for the Local Governments in the Blackwood District.

A power point presentation on the IMT structure will be held in June for the Bush Fire Advisory Committee and any other interested persons. DEC is to be invited along with Andy Thompson Fire Management Officer in Busselton and Cindy Pearce, Chief Fire Control Officer Augusta Margaret River. This presentation should clear up any misconceptions about the IMT and the number of people at the presentation should not exceed 20. The date in June is to be confirmed in the near future.

C SCOTT/ V LORKIEWICZ

That Terese Levick-Godwin and Merv McNamara FESA organise an IMT meeting that includes Volunteer Brigade members and encourage the Shire staff to volunteer their services.

CARRIED

5.2 Firebreak Inspections

A brief discussion regarding the firebreaks and the inspections took place with the following motion.

C SCOTT/N HAMILTON

That the firebreak inspections should be finished within one week of the closing date and that infringements should be issued one week after that.

CARRIED

5. REPORTS

5.1 Chief Bush Fire Control Officer

Stated the season was quiet but Brigades were still training and active.

5.2 FESA Mr M McNamara

Mr M McNamara stated that there had been few fires and that none had been serious. Mr McNamara spoke briefly on the FESA restructure of the South West region, this is to be split in two with Nannup, Bridgetown, Manjimup, Busselton, Donnybrook and Boyup Brook in the new region. At this stage it is not known where the regional offices will be. Mr McNamara stated that the restructure would not affect the Brigades.

5.3 DEC – Mr D Boothey

Mr Boothey stated that it had been a very quiet season so far with very few fires and none in the Nannup Shire.

5.4 Great Southern Timber

Mr S Pickering was an apology for the meeting but his email outlining the position of Great Southern is attached.

6. GENERAL BUSINESS

6.1 Fire Signage

The Committee discussed the need for road signage for the fire season; it was considered that signs could be put at the various entries into Nannup stating the total fire ban and the dates that the season began and ended. Signs that folded in half were the considered options.

N HAMILTON/S BOAK

That the Bushfire Advisory Committee recommends to the Council that signs were installed at the major entries to the Shire.

CARRIED

7. NEXT MEETING

The next meeting of the Bush Fire Advisory Committee will be held on Monday May 10 2010 at 7.30pm.

8. CLOSURE

The Chairperson declared the meeting closed at 9.15pm.

AGENDA NUMBER: 10.10
SUBJECT: Monthly Financial Statements for 31 January 2010
LOCATION/ADDRESS: Nannup
NAME OF APPLICANT:
FILE REFERENCE: FNC 15
AUTHOR: Craig Waddell – Manager Corporate Services
DISCLOSURE OF INTEREST:
DATE OF REPORT: 9 February 2010

Attachment: Monthly Financial Statements for the period ending 31 January 2010.

COMMENT:

The monthly Financial Statements for the period ending 31 January 2010 are attached.

STATUTORY ENVIRONMENT:

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

POLICY IMPLICATIONS: Nil.

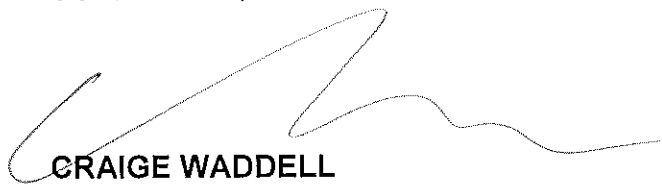
FINANCIAL IMPLICATIONS: Nil.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

That the Monthly Financial Statements for the period ending 31 January 2010 be received.

VOTING REQUIREMENTS:



**CRAIGE WADDELL
MANAGER CORPORATE SERVICES**

SHIRE OF NANNUP

STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD 1 JULY 2009 TO 31 JANUARY 2010

REPORT ON MATERIAL VARIANCES BETWEEN YEAR TO DATE
BUDGET ESTIMATE AND YEAR TO DATE ACTUAL.

All except eleven of the variances shown in the above named statement of financial activity are outside of the adopted variance of 10%.

The main reason for the variances is that expenditure and income is not occurring as predicted by Officers during the budget development stage. This is due to a number of reasons, the main one being not accurately projecting cashflows throughout the year, i.e. predicting when the budgeted income or expenditure will occur as opposed to when it actually occurs. Other reasons are not receiving a grant for grant dependant expenditure, projects controlled by Advisory Committees, suppliers/contractors not having the capacity to undertake the works within Council's timeframes, altered Council priorities, etc.

The following provides the major reasons for the programs that have variances outside of the adopted variance:

REVENUE:

Recreation and Culture: An accrual for a grant for the refurbishment of the Town Hall chairs (\$10,000) has not been received when anticipated. Three grants for outdoor gym equipment (-\$10,400), Royalties for Regions (-\$50,000) and bicycle racks (-\$7,710) were not budgeted for. Grant income of \$275,342 associated with the ablution blocks and Marinko Tomas playground upgrade have not been received as budgeted. Income relating to the Co-location Building (Grants, Reserve & Loan Funds totalling \$2,131,000) will not be received as the project has been discontinued.

Transport: Income from various Main Roads WA grants not received as predicted in budgeting process (-\$3,762,500). Income from Sale of Assets not received as budgeted (-\$87,500). Income from loan for plant not received as budgeted (-\$102,081).

Economic Services: Received more fees for building licenses and sale of material than predicted in budgeting process (\$8,000).

Other Property and Services: Received more Private Works income than budgeted for (\$18,000).

EXPENDITURE

Governance: Councillor Allowances (-\$21,000), Subscriptions (\$6,200), Donations (\$6,000) and Conference Expenses (-\$5,500) not expended as predicted in budgeting process.

Law, Order and Public Safety: Assistance to brigades (\$36,000), SES donation (\$9,000), Emergency response (-\$9,000), and brigade expenditure (\$5,000) more than predicted in budgeting process. Insurance of \$10,000 not budgeted correctly.

Community Amenities: Expenditure not occurring as predicted in budgeting process in the areas of Contractors Collection Fees (-\$4,000), Parking Strategy (-\$8,000), Town Planning Scheme (\$5,000), Town Planning Services (-\$67,000), Administration Expenses (-\$15,500), Annual Leave Expenses (-\$4,200), Rubbish Site Maintenance (-\$14,500), community infrastructure plan (-\$6,000), Local Planning Scheme amendments (-\$12,500), cemetery operations (-\$11,500) and Community Infrastructure Plan (-\$8,600).

Recreation and Culture: Recreation Centre Expenses (-\$40,000), Streetscape (-\$4,300), Garden Village Theme (-4,000), Library Salaries (\$3,800), Foreshore Park (\$44,000) and Bicycle Racks (-\$23,600) expenses not occurring as anticipated.

Transport: Expenditure not occurring as predicted in budgeting process in the areas of Bridge Maintenance (-\$3,500), Depot Maintenance (-\$3,000), Local Road Maintenance (\$79,000), Contract Street Sweeping and Gravel Pit rehabilitation (-\$10,000).

Economic Services: Expenditure not occurring as predicted in budgeting process in the areas of Functions and Events (-\$9,400), Caravan Parks (-\$13,000), Warren Blackwood Economic Alliance (\$3,900) and salaries (-\$19,000).

Other Property and services: Recovery of expenses via Public Works Overheads and Plant Operating Costs not occurring as budgeted.

OTHER ITEMS

Purchase Land and Buildings: Expenditure not occurring as predicted in budgeting process in the areas of Co location Building (-\$1,966,000), Foreshore Park and Balingup Rd Caravan Park Ablution Blocks (\$125,000), Bush Fire Brigade and Depot Construction (\$9,700).

Purchase Infrastructure Assets Roads: Expenditure not occurring as predicted in budgeting process in the areas of Council Road Program (\$238,500), Mowen Road (-\$69,000), MRWA bridge program (-\$103,000), Balingup Rd Blackspot (-\$80,000) Jalbarragup Bridge (-\$2,799,600) and TIRES projects (\$-51,400).

Purchase Plant and Equipment: Purchase not undertaken as budgeted (-\$199,000).

Proceeds from Disposal of Assets: Sale of plant not occurring as budgeted (-\$70,000).

SHIRE OF NANNUP

STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2009 TO 31 JANUARY 2010

<u>Operating</u>	Y-T-D Actual \$	Y-T-D Budget \$	2009/10 Budget \$	Variances Y-T-D Budget to Actual %
Revenues/Sources				
Governance	0	0	0	0%
General Purpose Funding	1,345,647	1,377,062	807,500	(2%)
Law, Order, Public Safety	40,303	45,018	89,690	(10%)
Health	1,090	1,162	2,000	(6%)
Education and Welfare	5,565	0	0	0%
Housing	18,243	18,039	30,940	1%
Community Amenities	98,337	90,935	82,400	8%
Recreation and Culture	78,503	2,463,904	1,691,742	(97%)
Transport	709,474	4,661,550	5,367,683	(85%)
Economic Services	17,997	9,912	17,000	82%
Other Property and Services	32,489	14,581	25,000	123%
	<u>2,347,648</u>	<u>8,682,163</u>	<u>8,113,955</u>	<u>(73%)</u>
(Expenses)/(Applications)				
Governance	(110,053)	(136,227)	(240,234)	(19%)
General Purpose Funding	(75,240)	(83,112)	(146,284)	(9%)
Law, Order, Public Safety	(131,972)	(74,843)	(212,889)	76%
Health	(18,027)	(18,764)	(32,970)	(4%)
Education and Welfare	(59,754)	(66,082)	(110,196)	(10%)
Housing	(19,160)	(19,872)	(46,556)	(4%)
Community Amenities	(173,706)	(313,307)	(510,493)	(45%)
Recreation & Culture	(340,629)	(369,431)	(626,026)	(8%)
Transport	(439,220)	(398,509)	(2,107,877)	10%
Economic Services	(87,188)	(130,712)	(230,376)	(33%)
Other Property and Services	154,492	70,148	(21,017)	120%
	<u>(1,300,457)</u>	<u>(1,540,709)</u>	<u>(4,284,918)</u>	<u>(16%)</u>
Adjustments for Non-Cash (Revenue) and Expenditure				
(Profit)/Loss on Asset Disposals	0	0	2,861	0%
Depreciation on Assets	939,761	864,808	1,782,936	9%
Capital Revenue and (Expenditure)				
Purchase Land and Buildings	(299,985)	(2,136,824)	(2,286,404)	(86%)
Purchase Infrastructure Assets - Roads	(653,540)	(3,517,591)	(4,906,000)	(81%)
Purchase Plant and Equipment	(57,381)	(256,662)	(495,400)	(78%)
Purchase Furniture and Equipment	(1,217)	0	(12,500)	0%
Proceeds from Disposal of Assets	32,954	102,081	211,000	(68%)
Repayment of Debentures	(9,232)	(11,291)	(19,375)	(18%)
Proceeds from New Debentures	0	0	449,209	0%
Leave Provisions	136,165	136,165	136,165	0%
Depreciation - Plant Reversal	0	0	(56,542)	0%
Accruals	23,728	23,728	23,728	0%
Transfers to Reserves (Restricted Assets)	0	0	(265,000)	0%
Transfers from Reserves (Restricted Assets)	0	0	620,500	0%
ADD Net Current Assets July 1 B/Fwd	87,271	87,271	87,271	
LESS Net Current Assets Year to Date	1,797,198	0	0	
Amount Raised from Rates	<u>(551,483)</u>	<u>2,433,139</u>	<u>(898,514)</u>	

SHIRE OF NANNUP

STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2009 TO 31 JANUARY 2010

	2009/10 Actual \$	Brought Forward 01-July-2009 \$
NET CURRENT ASSETS		
Composition of Estimated Net Current Asset Position		
CURRENT ASSETS		
Cash - Unrestricted	1,963,157	327,890
Cash - Restricted	96,941	1,662,903
Cash - Reserves	909,794	900,232
Receivables	180,816	325,478
Inventories	0	0
	<u>3,150,708</u>	<u>3,216,503</u>
LESS: CURRENT LIABILITIES		
Payables and Provisions	<u>(346,775)</u>	<u>(566,097)</u>
	2,803,933	2,650,406
Less: Cash - Reserves - Restricted	(1,006,735)	(2,563,135)
NET CURRENT ASSET POSITION	<u><u>1,797,198</u></u>	<u><u>87,271</u></u>

AGENDA NUMBER: 10.11
SUBJECT: Rates Advisory Committee
LOCATION/ADDRESS: Nannup
NAME OF APPLICANT:
FILE REFERENCE: RAT 9
AUTHOR: Craige Waddell – Manager Corporate Services
DISCLOSURE OF INTEREST:
DATE OF REPORT: 10 February 2010

Attachment: Rates Advisory Committee Meeting Minutes 25 January 2010.

BACKGROUND:

Attached are the minutes from Council's Rates Advisory Committee meeting which met 25 January 2010.

COMMENT:

Contained within the minutes is one recommendation requiring Council's attention as follows:

"That Council adopt the attached amended Terms of Reference – Rates Advisory Committee."

The Terms of Reference are as per the attachment to the advisory committee minutes. This recommendation is concurred with as it incorporates the additional objectives as resolved by Council at its meeting of December 2009.

STATUTORY ENVIRONMENT: Local Government Act 1995.

POLICY IMPLICATIONS: Nil.


FINANCIAL IMPLICATIONS: Nil.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

That Council adopt the amended Terms of Reference – Rates Advisory Committee.

VOTING REQUIREMENTS:



CRAIGE WADDELL
MANAGER CORPORATE SERVICES

MINUTES

Rates Advisory Committee

Minutes for a meeting of the
Shire of Nannup Rates Advisory Committee Meeting
held at 2.00pm, Monday 25 January 2010
in Council Chambers

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 2.00 pm.

2. ELECTION OF PRESIDING MEMBER

AGENDA NUMBER: 2.1 SUBJECT: Election of Presiding Member LOCATION/ADDRESS: NAME OF APPLICANT: FILE REFERENCE: ADM 18 AUTHOR: Craig Waddell – Manager Corporate Services DISCLOSURE OF INTEREST: DATE OF REPORT: 20 January 2010
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BACKGROUND:

Council is required to elect a Council member to the office of Presiding Member. This office is for the duration of this Committee, until re-established after the next Council elections. The filling of this office is required to be the first matter dealt with at the first meeting of the Committee.

COMMENT:

If there is no more than one nomination for the position of Presiding Member no election is held and that candidate is elected unopposed.

If there is two or more nominations for the position of Presiding Member an election shall be conducted by the Chief Executive Officer in the same manner as a normal election is conducted, that is first past the post voting.

Schedule 2.3 of the Local Government Act 1995 stipulates that nominations for the office are to be given to the Chief Executive Officer in writing before the meeting or during the meeting before the close of nominations. Councillors may nominate themselves or if a Councillor is nominated by another Councillor consent must be obtained.

If there are two nominations for the office of Presiding Member and after the vote is held there are an equal number of votes for each candidate the count is discontinued and the meeting adjourned for not more than 7 days per Section 5

of Schedule 2.3 of the Local Government Act 1995. Votes are then cast a second time.

If there are three or more nominations for the office of Presiding Member and after the vote is held an equal number of the most votes have been received by two or more candidates the count is discontinued and the meeting adjourned for not more than 7 days per Section 5 of Schedule 2.3 of the Local Government Act 1995. Votes are then cast a second time.

STATUTORY ENVIRONMENT: Local Government Act 1995.

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS: Nil.

STRATEGIC IMPLICATIONS: Nil.

VOTING REQUIREMENTS:

Councillors are to vote on the matter by secret ballot as if they were electors voting at an election in accordance with Schedule 2.3, Section 4 (5) of the Local Government Act 1995.

Cr Barbara Dunnet was the only nomination for the position of Presiding Member and was therefore elected unopposed to that position.

3. ELECTION OF DEPUTY PRESIDING MEMBER

AGENDA NUMBER: 3.1 SUBJECT: Election of Deputy Presiding Member LOCATION/ADDRESS: NAME OF APPLICANT: FILE REFERENCE: ADM 18 AUTHOR: Craig Waddell – Manager Corporate Services DISCLOSURE OF INTEREST: DATE OF REPORT: 20 January 2010

BACKGROUND:

Council may elect a Council member to the office of Deputy Presiding Member. This office is for the duration of this Committee, until re-established after the next Council elections. The filling of this office is required to be the next matter dealt with at the first meeting of the Committee if Councillors wish to elect a Deputy Presiding Member.

COMMENT:

If there is no more than one nomination for the position of Deputy Presiding Member no election is held and that candidate is elected unopposed.

If there is two or more nominations for the position of Deputy Presiding Member an election shall be conducted by the Chief Executive Officer in the same manner as a normal election is conducted, that is first past the post voting.

Schedule 2.3 of the Local Government Act 1995 stipulates that nominations for the office are to be given to the Chief Executive Officer in writing before the meeting or during the meeting before the close of nominations. Councillors may nominate themselves or if a Councillor is nominated by another Councillor consent must be obtained.

If there are two nominations for the office of Deputy Presiding Member and after the vote is held there are an equal number of votes for each candidate the count is discontinued and the meeting adjourned for not more than 7 days per Section 5 of Schedule 2.3 of the Local Government Act 1995. Votes are then cast a second time.

If there are three or more nominations for the office of Deputy Presiding Member and after the vote is held an equal number of the most votes have been received by two or more candidates the count is discontinued and the meeting adjourned for not more than 7 days per Section 5 of Schedule 2.3 of the Local Government Act 1995. Votes are then cast a second time.

STATUTORY ENVIRONMENT: Local Government Act 1995.

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS: Nil.

STRATEGIC IMPLICATIONS: Nil.

VOTING REQUIREMENTS:

Councillors are to vote on the matter by secret ballot as if they were electors voting at an election in accordance with Schedule 2.3, Section 4 (5) of the Local Government Act 1995.

Cr Stephanie Camarri was the only nomination for the position of Deputy Presiding Member and was therefore elected unopposed to that position.

4. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (previously approved)

Councillors Dunnet, Boulter, Camarri, Dean, Gilbert, Lorkiewicz (from 2.22 pm onwards), Mellema and Pinkerton.

Shane Collie – Chief Executive Officer.
Ewen Ross – Manager Development Services.
Craig Waddell – Manager Corporate Services.

VISITORS

APOLOGIES

Nil.

LEAVE OF ABSENCE (previously approved)

Nil.

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

6. PUBLIC QUESTION TIME

Nil.

7. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

8. PETITIONS/DEPUTATIONS/PRESENTATIONS

Mr Duncan Rutherford, Manager Country South West from Landgate gave a presentation to Council concerning the valuation of land for rating purposes.

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

No previous minutes to confirm.

10. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil.

11. REPORTS BY MEMBERS ATTENDING COMMITTEES

Nil.

12. REPORTS OF OFFICERS

AGENDA NUMBER: 12.1 SUBJECT: Amendment to Terms of Reference LOCATION/ADDRESS: NAME OF APPLICANT: FILE REFERENCE: RAT9 AUTHOR: Craige Waddell – Manager Corporate Services DISCLOSURE OF INTEREST: DATE OF REPORT: 20 January 2010

ATTACHMENT: Amended Terms of Reference – Rates Advisory Committee

BACKGROUND:

Council adopted the Terms of Reference for the Rates Advisory Committee at its ordinary October 2009 meeting. A report was presented to Council at its ordinary December 2009 meeting recommending that Council disband the Rates Advisory Committee as the objectives of the committee can be met via the normal rating determination process. Council resolved:

"That Council's Rates Advisory Committee convene to look at the 3 objectives C1, C2 and C2a from Council's August 2009 meeting minute number 8243 and differential rates and alternative rate models."

COMMENT:

As the Terms of Reference have been suggested to change, the amended Terms of Reference need to be adopted by Council. The attached amended Terms of Reference – Rates Advisory Committee reflect the changes as requested by Council.

STATUTORY ENVIRONMENT: Local Government Act 1995.

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS: Nil.

STRATEGIC IMPLICATIONS: Nil.

VOTING REQUIREMENTS:

RECOMMENDATION:

That Council adopt the attached amended Terms of Reference – Rates Advisory Committee.

MELLEMA/PINKERTON

That Council adopt the attached amended Terms of Reference – Rates Advisory Committee.

CARRIED 6/2

Councillors voting for the motion: Dean, Dunnet, Gilbert, Lorkiewicz, Mellema and Pinkerton.

Councillor voting against: Boulter and Camarri.

AGENDA NUMBER: 12.2
SUBJECT: Rates
LOCATION/ADDRESS:
NAME OF APPLICANT:
FILE REFERENCE: RAT9
AUTHOR: Craige Waddell – Manager Corporate Services
DISCLOSURE OF INTEREST:
DATE OF REPORT: 20 January 2010

BACKGROUND:

Council resolved at its ordinary December 2009 meeting *That Council's Rates Advisory Committee convene to look at the 3 objectives C1, C2 and C2a from Council's August 2009 meeting minute number 8243 and differential rates and alternative rate models.*

COMMENT:

Discussion is required by Council on the following as per the above mentioned resolution:

1. The three objectives per resolutions C1, C2 and C2a of minute number 8243 of Council meeting of August 2009 reads as follows:

C1 That the Council adopt the principle the future rate increases should be at or above CPI and more closely linked to the LGCI given that the latter has more relevance to local governments' costs, and that Council actively seek to achieve the Grants Commission overall assessed rate capacity by reasonable incremental rate increases

C2 That the Council review the relativities in rate contributions from the GRV and UV sectors to bring these more in line with the Local Government Grants Commission's assessment of the shire's rating capacity and with rates levied by neighbouring and regional local governments.

C2a Council also analyse and assess the minimum rate against operating revenue to achieve the required benchmark for a local government of this size;

2. Differential rates

3. Alternative rate models.

Councillors will note a recommendation covering point 1 above which was presented to Council at the ordinary December 2009 meeting as this is still the view of Officers on this matter

STATUTORY ENVIRONMENT: Local Government Act 1995.

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS: Nil.

STRATEGIC IMPLICATIONS: Nil.

VOTING REQUIREMENTS:

RECOMMENDATION:

That Council disband the Rates Advisory Committee as the objectives of the committee can be met via the normal rating determination process.

DEAN/MELLEMA

That Council disband the Rates Advisory Committee as the objectives of the committee can be met via the normal rating determination process.

LOST1/7

Councillors voting for the motion: Gilbert.

Councillor voting against: Dean, Dunnet, Lorkiewicz, Mellema, Pinkerton Boulter and Camarri.

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

(a) OFFICERS

Nil.

(b) ELECTED MEMBERS

Nil.

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

Nil.

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

Nil.

16. CLOSURE OF MEETING

There being no further business to discuss the Presiding Member declared the meeting closed at 3.15pm.

**Shire of Nannup
Rates Advisory Committee**



Terms of Reference

1.0 Introduction

The Council of the Shire of Nannup (hereinafter called "the Council") hereby establishes a committee under the powers given in Section 5.8 of the Local Government Act 1995, such committee to be known as the Rates Advisory Committee (hereinafter called the "Committee").

The Council appoints to the Committee those persons whose names appear above.

Membership of the Committee shall, unless otherwise specified, be for a term ceasing on the third Saturday in October in the year the Council's local government elections are held, after which time the Council may appoint members for a further term.

The Committee shall act for and on behalf of Council in accordance with provisions of the Local Government Act 1995, local laws and policies adopted from time to time by the Shire of Nannup.

2.0 Name

The name of the Committee shall be the **Rates Advisory Committee**.

3.0 Objectives

Council resolved at its ordinary December 2009 meeting that Council's Rates Advisory Committee convene to look at the 3 objectives C1, C2 and C2a from Council's August 2009 meeting minute number 8243 and differential rates and alternative rate models.

Resolutions C1, C2 and C2a of minute number 8243 of Council meeting of 27 August 2009 reads:

That the Council adopt the principle the future rate increases should be at or above CPI and more closely linked to the LGCI given that the latter has more relevance to local governments' costs, and that Council actively seek to achieve the Grants Commission overall assessed rate capacity by reasonable incremental rate increases

That the Council review the relativities in rate contributions from the GRV and UV sectors to bring these more in line with the Local Government Grants Commission's assessment of the shire's rating capacity and with rates levied by neighbouring and regional local governments.

Council also analyse the assess the minimum rate against operating revenue to achieve the required benchmark for a local government of this size.

4.0 Duties and Responsibilities of the Committee

The duties and responsibilities of the Committee will be to advise Council on the objectives that the committee was set up for, see section 3.0 above.

5.0 Powers of the Rates Advisory Committee

The committee is a formally appointed committee of Council and is responsible to the Council. The committee does not have executive powers or authority to implement actions in areas over which the CEO has legislative responsibility.

The committee is to report to Council and provide appropriate advice and recommendations on matters relevant to its Objectives and Duties and Responsibilities. This is in order to facilitate informed decision making by Council in relation to the legislative functions and duties of the local government that have not been delegated to the CEO.

General Powers

The Committee has the power to co-opt persons to attend the Committee meetings from time to time to assist the Committee in its functions. Co-opted persons do not have voting rights.

6.0 Membership

In accordance with Section 5.10 of the Act, the Rates Advisory Committee shall consist of 8 members, comprised of the following persons:-

8 x Elected Members

The members shall be the only members to have full voting rights.

Supporting Officers (no voting rights);

Chief Executive Officer - Shire of Nannup.

Manager Corporate Services - Shire of Nannup.

7.0 Selection Criteria

In making their selection for the community/organisation members of this Committee, Council shall take into account the following:

7.1 Relevant past or present experience in the area of Local Government finances and in particular rating methodologies,

7.2 Role of the organisation being represented,

7.3 Evidence of a positive commitment or involvement with the relevant organisation,

7.4 Quality of networks within the Nannup community.

8.0 Meetings

The committee shall meet at least three times a year (more often if required). Additional meetings shall be convened at the discretion of the presiding person.

8.1 Notice of meetings including an agenda shall be given to members at least 5 days prior to each meeting. If an emergency situation or circumstances require the Chairman may exercise a lesser notice than 5 days.

8.2 If any member is absent from 3 consecutive meetings without leave of the Committee, they shall forfeit their position on such Committee. The Council shall be informed, and the Council may appoint a replacement for the balance of the term of appointment.

8.3 The Presiding Member shall ensure that detailed minutes of all meetings are kept and shall, not later than 5 business days after each meeting, provide the committee members and Council with a copy of such minutes.

8.4 All elected members of the Committee shall have one vote. If the votes of the members present are equally divided, the person presiding can cast a second vote.

9.0 Reporting

Recommendations of each committee meeting shall be presented to the next ordinary meeting of the Council by the support officer as an agenda item.

9.0 Presiding Member

The Committee shall be chaired by a Council elected member or his/her Deputy. The Elected Council Member shall ensure that minutes of the proceedings are kept and that business is conducted in accordance with the Local Government Act 1995 and any Council policies, procedures or standing orders which may be in force from time to time.

11.0 Quorum

Quorum for a meeting shall be at least 50% of the number of offices (simple majority), whether vacant or not. A decision of the Committee does not have effect unless it has been made by a simple majority.

12.0 Delegated Powers

That Council delegates to the Rates Advisory Committee, in accordance with sections 5.16 & 5.17 of the *Local Government Act 1995* the following powers and duties:

- NIL

13.0 Disclosure of Interests

Committee members are required to disclose a direct or indirect financial interest or a proximity interest in any matter that is relevant to the member or relevant to a person with whom the member is closely associated.

Shire employees are to disclose interests relating to delegated functions of the Committee. A member has a financial interest in a matter if it is reasonable to expect that the matter will, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

A member has a proximity interest if the matter concerns a proposed change to a planning scheme, zoning or use of land, or a proposed development of land that adjoins the member's land.

The reference to an indirect financial interest of a member in a matter refers to a financial relationship between a member and another person who requires a local government decision in relation to the matter.

Division 6 – Disclosure of Financial Interests of the Local Government Act 1995 should be referred to in relation to disclosure of interests and their application and conversely, when some interests need not be disclosed.

The Shire Officer will provide guidance to Committee members at the time of disclosure. If in doubt, members are requested to err on the side of caution and submit a disclosure of interest form.

14.0 Termination of Committee and its Members

Termination of the Committee shall be:

- a) in accordance with the Local Government Act 1995; and
- b) at the direction of Council.

The term of the appointment of a Committee member continues until the member is removed from the Committee, the position becomes vacant (eg through member resignation), the Committee is disbanded, or the next ordinary election day – whichever happens first.

15.0 Amendment to the Terms of Reference

This document may be altered at any time by Council.

Adopted by Council: 17 October 2009

16.0 Committee Decisions

Committee decisions shall not be binding on Council.

17.0 Officer Responsible for Management of Committee

Specifically, the Shire Officer is responsible for the following matters:

- Preparation and distribution of Agendas to all members;
- Recording and preparation of minutes of meetings;
- Preparation of any reports required to be forwarded to Council or a Council Committee. Such reports shall contain the committee recommendation and any officer comment deemed necessary;
- Booking of all meetings including ensuring any catering arrangements required are in place; and
- Any other administrative tasks required to ensure the proper and smooth operation of the committee.

18.0 Governing Legislation, Policies, Procedures and Standing Orders

This Committee is governed by:

- Section 5.3 of the *Local Government Act 1995*, Subdivision 2 – *Committees and their meetings* (parts 5.8 to 5.18)
- Schedule 2.3 of the *Local Government Act 1995*, *When and how mayors, presidents, deputy mayors and deputy presidents are elected by council*
- Shire of Nannup's *Code of Conduct*
- Shire of Nannup's *Guidelines on the Debate of Motions Before Council*
- Shire of Nannup's *Committees Guidelines*

AGENDA NUMBER: 10.12
SUBJECT: Nannup Tigers Football Club Agreement
LOCATION/ADDRESS: Nannup Community Centre
NAME OF APPLICANT: Nannup Tigers Football Club
FILE REFERENCE: REC 2
AUTHOR: Craige Waddell – Manager Corporate Services
DISCLOSURE OF INTEREST:
DATE OF REPORT: 10 February 2010

BACKGROUND:

The current agreement between the Nannup Shire Council and the Nannup Tigers Football Club for the use of the Nannup Community Centre expires on 24 February 2010.

COMMENT:

The agreement commenced on 24 February 2000 and was for two years with three one year extensions.

Council last year extended the current agreement as it was recognised that it works relatively well and should remain in place until planning and development issues for the Recreation/Community Centre were finalised, and or the Nannup Sports and Recreation Association formally take over the operation of the Community Centre. These issues have been recently discussed by Council and will come to a conclusion in some form in the near future.

Contact has been made with the secretary of the Nannup Tigers Football Club who has stated that they wish to continue with this agreement until the newly formed Nannup Sports and Recreation Association is in a position to take over this agreement.

Contact has been made with the Chairperson of the newly formed Nannup Sport and Recreation Association who has stated that it is the desire of this club to take over this agreement when they are in a position to do so. This will be dependent upon a number of matters being finalised, however it should be in about four months time.

The recommendation to this item is to extend the current arrangements with the Nannup Tigers Football Club for a further 12 month period. This will allow the Nannup Sport and Recreation Association time to be in a position to take over this agreement. When they are ready, Council will be able to negotiate with them to formalise an agreement over the use of the Community Centre and cease the agreement with the Nannup Tigers Football Club.

STATUTORY ENVIRONMENT: Local Government Act 1995.

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS: Nil.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

That Council consent to an extension of the agreement between the Nannup Shire Council and the Nannup Tigers Football Club over the use of the Community Centre for a further 12 month period commencing 25 February 2010 and concluding on 24 February 2011.

VOTING REQUIREMENTS:



**CRAIGE WADDELL
MANAGER CORPORATE SERVICES**

AGENDA NUMBER: 10.13
SUBJECT: Community Arboretum
LOCATION/ADDRESS: Nannup
NAME OF APPLICANT:
FILE REFERENCE: ASS 2
AUTHOR: Louise Stokes – Community Development Officer
DISCLOSURE OF INTEREST:
DATE OF REPORT: 9 February 2010

Attachment: Concept Plan for Community Arboretum (To be Tabled).

BACKGROUND:

Council has previously via resolution agreed to a Community Arboretum where planting of trees shall occur to celebrate notable community groups and individuals, past and present.

At a Community Arboretum working party meeting in February 2010 discussions occurred culminating with the consensus that automatic inclusion of the awardees of the Premier's Active Citizenship Awards, being an Individual under 25 years, an Individual over 25 years and a community group be recognised via this initiative as well.

A survey plan of the Foreshore Park has been updated to include the totem entry statements, ablution block and the new service road. The concept plan of the community arboretum will be tabled at today's meeting.

As infrastructure planning and construction was still underway at the Foreshore Park the project was delayed until final locations of facilities were confirmed.

COMMENT

With the completion of the Foreshore Park infrastructure and survey, planning has re-commenced on this project. The aim of the Community Arboretum is to create a connection between the Blackwood River, the forest and the cultural precinct in Nannup, linking with the current arboretum.

The Community Arboretum working party has prepared the tree selections under direction of Council's Gardener and community members. A selection of 6 native and 6 deciduous trees offers residents the opportunity to choose a tree of their liking.

A promotional flyer with application form has been designed and it is proposed that this is distributed to local residents through a mail drop. The proposed cost of a tree and plaque is \$150 + GST, which includes the ordering, planting, tree guard, personalized plaque and ongoing care.

The plaque and plinth are based on the same design as used by the Golden Valley Tree Park in Balingup, who advise that they have found jarrah to be the most cost effective plinths and they have had little vandalism or termite damage occur.

A signage bay will be constructed near the existing Munda Bididi signs, with a pull up box so that visitors can take a flyer with information about how to purchase a tree.

STATUTORY ENVIRONMENT: Nil.

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS:

Budgeted expenditure for initial costs will be incurred from the excess funds held in trust from the Volunteers Ball (2001).

\$500 allocated per year in draft Forward Plan 2010/11 to 2014/15 for purchase of Council's remembrance tree recipients, being the Shire of Nannup's Premier's Active Citizenship Awardees.

Ongoing maintenance of the trees will be allowed for in future operational parks and gardens budgets.

STRATEGIC IMPLICATIONS:

Council's draft Forward Plan 2010/11 to 2014/15 Program 11.3A, Recreation and Culture: Implement tree planting (Community Arboretum) citizen recognition initiative.

RECOMMENDATIONS:

1. That Council endorse the concept plan for the Community Arboretum as tabled.
2. That Council endorse the following selection of trees for the Community Arboretum:

Deciduous:

Acer platanoides c.n. Norway Maple
Acer rubrum c.n. Red Maple
Betula szechuanica c.n. Chinese White Birch
Fraxinus angustifolia c.n. Claret Ash
Populus simonii c.n. Simons Poplar
Pyrus ussuriensis c.n. Mongolian/Manchurian Pear

Evergreen/Natives:

Magnolia grandiflora c.n. Bull Bay
Michelia champaca c.n. Michelia
Syzigium sp. c.n. Lilly Pilly
Hymenosporum flavum c.n. Native Frangipani
Pleogynium timorense c.n. Burdekin Plum
Arbutus unedo c.n. Irish Strawberry Tree

3. That Council recognise the Shire of Nannup's Premier's Active Citizenship Awardees with the planting of one remembrance tree and plaque.

VOTING REQUIREMENTS:



for

**LOUISE STOKES
COMMUNITY DEVELOPMENT OFFICER**

<p>AGENDA NUMBER: 10.14 SUBJECT: Accounts for Payment LOCATION/ADDRESS: Nannup Shire FILE REFERENCE: FNC 8 AUTHOR: Tracie Bishop – Administration Officer DISCLOSURE OF INTEREST: DATE OF REPORT: 15 February 2010</p>
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Attachment: Schedule of Accounts for Payment.

COMMENT:

The Accounts for Payment for the Nannup Shire Municipal Account fund and Trust Account fund are detailed hereunder and noted on the attached schedule are submitted to Council.

Municipal Account

Accounts Paid By EFT EFT 1148 - 1203	\$167,550.43
Accounts Paid By Cheque Vouchers 17969 – 18011	\$18,510.16
Direct Debits Vouchers 99160 – 99165	\$ 14,975.71

Trust Account

Accounts Paid By Cheque Voucher - Nil	\$ 0.00
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STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulation 13

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS:

As indicated in the Schedule of Accounts for Payment.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

That the List of Accounts for Payment for the Nannup Shire Municipal Account fund totalling \$201,036.30 in the attached schedule be accepted.

VOTING REQUIREMENTS:

A handwritten signature in black ink, appearing to read 'Tracie Bishop', written in a cursive style.

**TRACIE BISHOP
ADMINISTRATION OFFICER**

**SCHEDULE OF ACCOUNTS PAYABLE
SHIRE OF NANNUP
SUBMITTED TO COUNCIL'S FEBRUARY 2010 MEETING**

MUNICIPAL PAYMENTS

Chq/EFT	Date	Name	Description	Amount
EFT1148	25/01/2010	AUSTRALIA POST	WASTE MANAGEMENT SURVEY REPLY PAID	\$29.61
EFT1149	25/01/2010	PHOENIX BUILDING COMPANY	MARINKO TOILETS UPGRADE PAYMENT 5	\$4,500.00
EFT1150	25/01/2010	EWEN ROSS	REIMBURSEMENT OF EXPENSES	\$1,750.00
EFT1151	25/01/2010	ROBERT REEKIE	HIRE OF DUNKING MACHINE - FAMILY FUN DAY	\$250.00
EFT1152	25/01/2010	WA TEMPORARY FENCING SUPPLIES	FENCING	\$23,379.95
EFT1153	25/01/2010	AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY	LICENSE RENEWAL	\$92.00
EFT1154	25/01/2010	CORPORATE EXPRESS	STATIONERY SUPPLIES	\$692.04
EFT1155	25/01/2010	INSIGHT CCS PTY LTD	DECEMBER 2009 FEE	\$123.42
EFT1156	25/01/2010	METAL ARTWORK CREATIONS	STAFF BADGES	\$13.20
EFT1157	25/01/2010	MUIRS MANJIMUP	SUNDRY SUPPLIES	\$176.41
EFT1158	25/01/2010	PRESTIGE PRODUCTS	SUNDRY SUPPLIES	\$737.00
EFT1159	25/01/2010	PIONEER ROAD SERVICES PTY LTD	EZ STREET 15KG BAG	\$3,960.00
EFT1160	25/01/2010	WADIFARM CONSULTANCY SERVICES	CONSULTANCY FEES 11/1 - 19/1	\$2,585.00
EFT1161	02/02/2010	WA LOCAL GOVERNMENT SUPERANNUATION PLAN	SUPERANNUATION CONTRIBUTIONS	\$10,383.56
EFT1162	03/02/2010	LAUREN CARLEDGE	FITNESS CLASSES	\$293.75
EFT1163	03/02/2010	NATURALISTE HYGIENE SERVICES	SANITARY DISPOSAL UNITS	\$181.40
EFT1164	03/02/2010	PICTON TYRE CENTRE PTY LTD	TYRE SUPPLIES	\$1,409.00
EFT1165	03/02/2010	PHOENIX BUILDING COMPANY	RIVERSBEND CARAVAN PARK	\$7,000.00
EFT1166	03/02/2010	C J KAY	CINEMA HIRE - AUST DAY	\$750.00
EFT1167	03/02/2010	METRO COUNT	6V WELDED BATTERY PACK	\$59.40
EFT1168	03/02/2010	SOILS AIN'T SOILS BUSSELTON	SUNDRY GARDENING SUPPLIES	\$918.00
EFT1169	03/02/2010	D & J COMMUNICATIONS	RADIO REPAIRS	\$152.35
EFT1170	03/02/2010	D & J MILLER (DO YOUR BLOCK CONTRACTING)	LOADS OF SAND	\$638.00
EFT1171	03/02/2010	NANNUP LIQUOR STORE	REFRESHMENTS	\$273.89
EFT1172	03/02/2010	PRESTIGE PRODUCTS	CLEANING PRODUCTS	\$114.40
EFT1173	03/02/2010	SUGAR MOUNTAIN ELECTRICAL SERVICES	TOWN OVAL RETICULATION PUMP	\$289.15
EFT1174	03/02/2010	WESTRAC EQUIPMENT	PLANT REPAIR	\$1,748.96
EFT1175	03/02/2010	WORTHY CONTRACTING	GRAVEL CARTAGE	\$37,403.33
EFT1176	05/02/2010	WILTON'S BISTRO	COUNCIL DINNER 28 JANUARY 2010	\$318.00
EFT1177	05/02/2010	PHOENIX BUILDING COMPANY	RIVERBEND CARAVAN PARK / FORESHORE PARK	\$9,381.00
EFT1178	05/02/2010	GEOGRAPHE CIVIL	PROGRESS CLAIM - RIVERBEND PUMP STATION	\$39,632.29
EFT1179	05/02/2010	PRONTO SAFETY PRODUCTS AND SUPPLIES	FIRST AID KIT	\$459.60
EFT1180	05/02/2010	AQUA SHED	PARTS FOR WATER TANK - DARRADUP BF8	\$464.85
EFT1181	05/02/2010	BDA TREETOPPING SERVICE	TREE PRUNING	\$7,150.00
EFT1182	05/02/2010	COURIER AUSTRALIA	FREIGHT CHARGES	\$27.39
EFT1183	05/02/2010	LANDGATE	RURAL UV VALUATIONS	\$254.63
EFT1184	05/02/2010	GL HAPP PTY LTD	DIESEL SUPPLIES	\$224.90
EFT1185	05/02/2010	NANNUP HANDY FOODS	FUELS AND REFRESHMENTS	\$8.00
EFT1186	05/02/2010	RICOH BUSINESS CENTRE	PHOTOCOPIER METER PLAN	\$213.17
EFT1187	05/02/2010	SUGAR MOUNTAIN ELECTRICAL SERVICES	TOWN HALL MAINTENANCE	\$89.65
EFT1188	05/02/2010	LOUISE STOKES	REIMBURSEMENT OF EXPENSES	\$33.50
EFT1189	05/02/2010	TRADE HIRE	EQUIPMENT HIRE	\$79.30
EFT1190	05/02/2010	WARREN BLACKWOOD WASTE	BIN PICKUPS - JANUARY 2010	\$4,950.60
EFT1191	08/02/2010	LOOSE GOOSE CHALETs	MARQUEE HIRE - FAMILY FUN DAY 14/01/10	\$200.00
EFT1192	08/02/2010	NUTURE WORKS	CLIMBING WALL - FAMILY FUN DAY 14/01/10	\$740.00
EFT1193	08/02/2010	LEEUVIN TRANSPORT	DELIVERY OF MARQUEE - FAMILY FUN DAY 14/01/2010	\$103.95
EFT1194	08/02/2010	NANNUP EZIWAY SELF SERVICE STORE	REFRESHMENTS - FAMILY FUN DAY 14/01/10	\$150.00
EFT1195	08/02/2010	NANNUP HOTEL MOTEL	ACCOMODATION - FAMILY FUN DAY	\$130.00
EFT1196	08/02/2010	NANNUP TELECENTRE	LAMINATING POSTERS - FAMILY FUN DAY 14/01/10	\$63.50
EFT1197	10/02/2010	BLACKWOOD VALLEY BUS SERVICE	CHARTER TO BARRABUP POOL	\$150.00
EFT1198	10/02/2010	BOC LIMITED	GAS SUPPLIES	\$164.47
EFT1199	10/02/2010	COURIER AUSTRALIA	FREIGHT CHARGES	\$156.61
EFT1200	10/02/2010	MUIRS MANJIMUP	SUNDRY SUPPLIES	\$118.62
EFT1201	10/02/2010	NANNUP TELECENTRE	FAMILY FUN DAY ADVERTISING	\$121.00
EFT1202	10/02/2010	WESTRAC EQUIPMENT	PLANT REPAIR	\$89.08
EFT1203	10/02/2010	WADIFARM CONSULTANCY SERVICES	CONSULTANCY FEES	\$2,172.50
TOTAL EFT PAYMENTS				\$167,550.43
17969-73	CANCELLED CHEQUES			
17974	25/01/2010	REPCO PTY LTD	FILTER, POLISH	\$22.77
17975	25/01/2010	NANNUP LIQUOR STORE	REFRESHMENTS	\$32.99
17976	25/01/2010	PERLEX HOLDINGS	BUCKING MAD COW,SUPER SLIDE - FAMILY FUN DAY	\$2,150.00
17977	25/01/2010	SYNERGY	ELECTRICITY EXPENSES	\$388.90
17978	25/01/2010	TIMCARE DISTRIBUTORS	SUNDRY SUPPLIES	\$3,883.00
17979	02/02/2010	AMP LIFE LTD	SUPERANNUATION CONTRIBUTIONS	\$592.00
17980	02/02/2010	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	\$277.46
17981	02/02/2010	WESTSCHEME	SUPERANNUATION CONTRIBUTIONS	\$192.76
17982	02/02/2010	NORWICH UNION SUPERANNUATION TRUST	SUPERANNUATION CONTRIBUTIONS	\$277.46
17983	02/02/2010	COMMONWEALTH SUPER SELECT	SUPERANNUATION CONTRIBUTIONS	\$83.50
17984	02/02/2010	IIML ACF IPS APPLICATION TRUST	SUPERANNUATION CONTRIBUTIONS	\$302.40
17985	02/02/2010	HSTPLUS EXECUTIVE	SUPERANNUATION CONTRIBUTIONS	\$105.82
17986	03/02/2010	CHIP'N'GALES	YAC MOVIE NIGHT REFRESHMENTS	\$145.00
17987	03/02/2010	ROBERT LONGMORE	REIMBURSEMENT OF FOOD - AUST DAY	\$11.78
17988	03/02/2010	CHRIS RUTTER	RECOUP OF EXPENSES - FAMILY FUN DAY	\$165.96

**SCHEDULE OF ACCOUNTS PAYABLE
SHIRE OF NANNUP
SUBMITTED TO COUNCIL'S FEBRUARY 2010 MEETING**

MUNICIPAL PAYMENTS

Chq/EFT	Date	Name	Description	Amount
17989	03/02/2010	BUSSELTON MEDICAL PRACTICE	EMPLOYMENT MEDICAL	\$129.80
17990	03/02/2010	GUMNUTS GALORE	GARDENING SUPPLIES	\$16.95
17991	03/02/2010	THE MOWER SHOP	1 X MOWER	\$3,599.00
17992	03/02/2010	TRISTAN THOMAS	EQUIPMENT HIRE - AUST DAY	\$50.00
17993	03/02/2010	MANJIMUP BOUNCY CASTLE	BOUNCY CASTLE - AUST DAY CELEBRATIONS	\$240.00
17994	03/02/2010	TREVOR HAY	WORKING WITH CHILDREN REIMBURSEMENT	\$10.00
17995	03/02/2010	TAHLIA NEWNHAM	FACE PAINTING MATERIALS	\$15.00
17996	03/02/2010	NANNUP BOWLING CLUB	JUNIOR BOWLING PROGRAM - JAN HOLIDAYS	\$250.00
17997	03/02/2010	DEPARTMENT FOR PLANNING AND INFRASTRUCTURE	VEHICLE REGISTRATION	\$506.40
17998	03/02/2010	SHIRE OF NANNUP	PETTY CASH	\$129.25
17999	03/02/2010	SYNERGY	ELECTRICITY EXPENSES	\$108.45
18000	04/02/2010	ST JOHN AMBULANCE, ANGELA WINTER	FIRST AID COURSE JUNIORS	\$65.00
18001	05/02/2010	WIRTGEN AUSTRALIA PTY LTD	WINDSCREEN RENEWAL	\$990.99
18002	05/02/2010	MEDICAL SALES & SERVICE	OVERHAUL OF RESUSCITATION KIT	\$121.81
18003	05/02/2010	SYNERGY	ELECTRICITY EXPENSES	\$1,160.92
18004	08/02/2010	NATIONAL HEART FOUNDATION	STICKERS & WRIST BANDS - FAMILY FUN DAY 14/01/10	\$157.60
18005	08/02/2010	LIONS CLUB OF NANNUP	FAMILY FUN DAY 14/01/10	\$250.00
18006	08/02/2010	DEPARTMENT FOR PLANNING AND INFRASTRUCTURE	PLATE CHANGE	\$35.80
18007	08/02/2010	TOTALLY SOUND	HIRE OF PA SYSTEM - FAMILY FUN DAY 14/01/10	\$960.30
18008	08/02/2010	CHRIS WILLIAMSON	SUPPLIES AND MATERIALS USED FAMILY FUN DAY	\$40.00
18009	10/02/2010	H POLESY & CO P/L	SHADE CLOTH	\$594.00
18010	10/02/2010	DEPARTMENT FOR PLANNING AND INFRASTRUCTURE	VEHICLE REGISTRATION	\$65.10
18011	15/02/2010	PIONEER CREDIT MANAGEMENT SERVICES	LEGAL FEES	\$381.99
TOTAL CHEQUE PAYMENTS:				<u>\$18,510.16</u>
99160	31/01/2010	SG FLEET AUSTRALIA P/L	VEHICLE EXPENSES	\$637.29
99161	31/01/2010	BP AUSTRALIA	FUEL EXPENSES	\$12,179.16
99162	31/01/2010	CALTEX AUSTRALIA	FUEL EXPENSES	\$995.85
99164	31/01/2010	TELSTRA	TELEPHONE EXPENSES	\$1,043.52
99165	31/01/2010	WESTNET	INTERNET EXPENSES	\$119.89
TOTAL DIRECT CREDITS:				<u>\$14,975.71</u>

TOTAL MUNICIPAL PAYMENTS: \$201,036.30

TOTAL TRUST PAYMENTS: \$0.00

TOTAL PAYMENTS FOR THE MONTH OF FEBRUARY: \$201,036.30