



Shire of
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Minutes

Public Copy

Council Meeting held Thursday 26 November 2015

Unconfirmed

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Minutes

Prior to the opening of the Meeting the Shire President performed a Citizenship Ceremony for Irene Schmultz in the presence of her immediate family, Councillors and staff.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 16:16 hours

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

ATTENDANCE:

Shire President: Cr A Dean

Deputy Shire President: Cr R Mellema

Councillors: C Gilbert, R Longmore, N Steer, C Stevenson and P Fraser

Peter Clarke – Chief Executive Officer

Chris Wade – Manager Infrastructure

APOLOGIES:

Cr A Slater

LEAVE OF ABSENCE: Nil

VISITORS: Mr L Gilchrist, Mrs C Browne

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.

Nil

4. PUBLIC QUESTION TIME:

Public question time commenced at 16:20 hours.

Mr Len Gilchrist:

Q1: What is the criteria that Council's Australia Day Advisory Committee utilises for the Citizen of the Year Award?

The CEO and Deputy Shire President responded:

A1. The Australia Day Advisory Committee is provided with a standard criteria to assess the nominees however, other local considerations can be determined by the Committee. The Deputy Shire President advised that the Committee did utilise the criteria and indicated that the criteria would be made available to Mr Gilchrist.

Public question time finished at 16:23 hours

Mr Gilchrist left the meeting at 16.23pm.

5. APPLICATIONS FOR LEAVE OF ABSENCE.

Nil

6. PETITIONS/DEPUTATIONS/PRESENTATIONS.

Nil

Cr Mellema left the meeting at 16.23 hours

7. DECLARATIONS OF INTEREST.

The Shire President advised that the following Declarations of Interest had been presented:-

Cr B Longmore: – Item 9.3. Shire of Nannup Australia Day Advisory Committee – Impartiality Interest as Cr Longmore’s wife Maggie was one of the four nominees for the Premier’s Australia Day Active Citizenship Award.

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

9303 STEER/FRASER

That the Minutes of the Ordinary Council Meeting of the Shire of Nannup held in Council Chambers on 22 October 2015 be confirmed as a true and correct record.

CARRIED 7/0

9. MINUTES OF COUNCIL COMMITTEES

Cr Mellema entered the Chambers at 16.24 hours.

BUSH FIRES ADVISORY COMMITTEE

9304 STEVENSON/STEER

That Council receives and adopts the Minutes of the Shire of Nannup Bushfire Advisory Committee Meeting held 2 November 2015.

CARRIED 7/0

LOCAL EMERGENCY MANAGEMENT ADVISORY COMMITTEE

9305 LONGMORE/STEVENSON

That Council receives the Minutes of the Shire of Nannup LEMC Advisory Committee Meeting held 4 November 015

CARRIED 7/0

AUSTRALIA DAY ADVISORY COMMITTEE

Cr B Longmore: – Item 9.3. Shire of Nannup Australia Day Advisory Committee – Impartiality Interest as Cr Longmore's wife was one of the four nominees for the Premier's Australia Day Active Citizenship Award

The Shire President advised that as the declaration by Cr Longmore was an Impartiality Interest, Cr Longmore was entitled to remain in the Chamber and participate in discussions and vote on the matter.

Cr Gilbert did advise that the Minutes had reflected that both he and Cr Fraser had indicated their interest in the Nannup Historical Society.

“INTO COMMITTEE”

9306 GILBERT/STEER

That Council goes “Into Committee” to allow discussion to take place on the Australia Day Citizen of the Year Awards.

CARRIED 7/0

Mrs Browne vacated the Chamber.

“OUT OF COMMITTEE”

9307 STEER/MELLEMA

That Council goes “Out of Committee” and resumes Standing Orders.

CARRIED 7/0

Mrs Browne returned to the Chamber.

9308 STEVENSON/MELLEMA

That Council receives and adopts the Minutes of the Shire of Nannup Australia Day Advisory Committee Meeting held 16 November 2015 with the inclusion of Cr Gilbert being an attendee.

CARRIED 6/1

Voting for the motion:

Cr's Dean, Mellema, Steer, Stevenson, Gilbert and Fraser.

Voting against the motion:

Cr Longmore.

10. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION
Nil

11. REPORTS BY MEMBERS ATTENDING COMMITTEES

Cr Mellema advised that he had attended the following meeting:-

- The Bushfire Advisory Committee

Cr Fraser advised that she had attended the following meetings:

- The Bushfire Advisory Committee
- Australia Day Advisory Committee

Cr Stevenson advised that she had attended the following meetings:

- The Bushfire Advisory Committee and had taken the position of Chairperson and provided Council of the issues raised.
- Had attended with other Volunteer Bush Fire Brigades the Rural Urban Interface Training held at Jalbaragup and the success of the training run by DFES.

Cr Longmore advised that he had attended the following meetings:

- Local Emergency Management Advisory Committee
- Southern Forests Food Council Information Evening.
- Lower Blackwood Catchment Land Conservation District Committee
- SWGLEMA Meeting in Collie
- Wood in Focus Forum in Bunbury.

12. REPORTS OF OFFICERS

AGENDA NUMBER:	12.1
SUBJECT:	Bushfire Risk Management Planning
LOCATION/ADDRESS:	
NAME OF APPLICANT:	Department of Fire and Emergency Services
FILE REFERENCE:	FRC 2
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	
DATE OF REPORT:	3 November 2015
ATTACHMENTS:	12.1.1 – Overview of Current Status of Project 12.1.2 – Proposed Grant Agreement

BACKGROUND:

Chief Superintendent Rob Cox advised Council in writing that he was pleased that the preparatory activities relating to the Bush Fire Risk Management Planning (BRMP) program have been completed and that DFES is now in a position to progress the recruitment of a local government Bushfire Risk Planning Coordinator (BRPC) and associated grant agreement.

COMMENT:

On Wednesday, 28 October 2015 the CEO met with the Chief Superintendent, and other representatives from DFES to further discuss the next phase of the BRMP, which is primarily associated with the employment of a BRPC shared between the Shires of Nannup and Augusta/Margaret River. Funding, via the attached Agreement, will be provided up to 30 June 2016 by which time DFES believes that the required Bushfire Risk Plans should have been prepared.

Once the Funding Agreement has been signed, the Shires of Nannup and Augusta/Margaret River will go through an appointment process with the successful applicant being based in the Shire of Augusta/Margaret River's offices due to its ability to better resource the position.

The future of the BRPC position will be dependent upon future State Government being made available to DFES beyond 30 June 2016.

STATUTORY ENVIRONMENT:

Requirement to sign a Grant Funding Agreement between DFES and the Shires of Nannup and Augusta/Margaret River.

POLICY IMPLICATIONS:

Policy FNC 6 – Acceptance of Grant Funding

Acceptance of grant funding by Council is to be in accordance with the following:

1. Any matching funding required of Council is to be included in the annual budget or by Council resolution.
2. The Chief Executive Officer is delegated authority to accept grants on behalf of Council up to a maximum amount of \$5,000 or for higher sums where budgetary provision for the grant or associated match funding already exists. In all remaining cases the Chief Executive Officer is delegated authority to accept the grant from the funding body but the grant may not be committed to projects until such time as a formal report has been presented to Council seeking endorsement of its application.
3. Where a grant is accepted on behalf of Council up to the delegated amount, an Information Report is to be provided to Council at the next available opportunity giving details of the grant accepted.
4. Where a grant is accepted on behalf of Council up to the delegated amount, the grant purpose is to be consistent with existing planning documents or direction of Council such as Council's adopted Forward Plan, budget or existing resolution of Council.

FINANCIAL IMPLICATIONS:

There are no financial implications for Council associated with the BRPC position.

STRATEGIC IMPLICATIONS:

Shire of Nannup Community Strategic Plan – Strategy 1.1 Promote a connected, safe and healthy Shire – Educate and enforce health, emergency management and planning regulations, whilst continuing community development work.

RECOMMENDATION:

That Council endorses the actions of the CEO in signing the "Bushfire Risk Management Planning Project Grant Agreement" to secure DFES funding and to progress the appointment of a Bushfire Risk Planning Coordinator for the Shires of Nannup and Augusta/Margaret River in accordance with the Funding Agreement.

VOTING REQUIREMENTS: Simple Majority

9309 LONGMORE/FRASER

That Council endorses the actions of the CEO in signing the "Bushfire Risk Management Planning Project Grant Agreement" to secure DFES funding and to progress the appointment of a Bushfire Risk Planning Coordinator for the Shires of Nannup and Augusta/Margaret River in accordance with the Funding Agreement.

CARRIED 7/0

AGENDA NUMBER:	12.2
SUBJECT:	Rural Numbering System
LOCATION/ADDRESS:	
NAME OF APPLICANT:	Balingup Road Volunteer Bushfire Brigade
FILE REFERENCE:	FRC 11
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	
DATE OF REPORT:	6 November 2015

BACKGROUND:

Mr Greg Sharp, Treasurer/Secretary of the Balingup Road Volunteer Bushfire Brigade has written to advise that at the Brigade's AGM held on Monday, 12 October 2015 members unanimously resolved that the Shire of Nannup makes it a priority for funding in the 2016/2017 Budget to implement the Rural Numbering system throughout the Shire.

Mr Sharp advises that members are aware that Council has considered the implementation of the system in at least 2 previous Budgets but it has been withdrawn and it is understood that Nannup is one of the last Shires in the State to activate the system.

Mr Sharp indicates that the system is vitally important in emergency situations, whether it is fire, ambulance or Police locating properties and the system if implemented could save lives in such situations.

COMMENT:

Councillors will recall that the CEO advised that he was in receipt of the above correspondence at the October 2015 Council Information Session and would be presenting it to Council at this meeting with a formal recommendation.

The Balingup Road Volunteer Bushfire Brigade has been advised in writing that the above correspondence was presented to Council and that consideration of funding for the Rural Numbering System would be referred to the 2016/2017 Budget deliberations. Further support for the implementation of the System was raised at the Bushfires Advisory Committee meeting held on Monday, 2 November 2015.

STATUTORY ENVIRONMENT: Nil

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS:

To be listed in the 2016/2017 Budget deliberations.

STRATEGIC IMPLICATIONS:

Shire of Nannup Community Strategic Plan – Strategy 1.1 Promote a connected, safe and healthy Shire – Educate and enforce health, emergency management and planning regulations, whilst continuing community development work.

RECOMMENDATION:

That Council receives the correspondence from the Balingup Road Volunteer Bush Fire Brigade regarding implementation of the Rural Road Numbering System and that Council refers the allocation of funds for its implementation to the 2016/2017 Budget deliberations.

VOTING REQUIREMENTS: Simple Majority

9310 MELLEMA/STEVENSON

That Council receives the correspondence from the Balingup Road Volunteer Bush Fire Brigade regarding implementation of the Rural Road Numbering System and that Council refers the allocation of funds for its consideration in the 2016/2017 Budget deliberations.

CARRIED 7/0

REASON FOR ALTERATION TO THE RECOMMENDATION

Council considered that the wording “consideration” was more appropriate than “implementation” as the Budget deliberations would dictate whether funding could be made available for the Rural Numbering System in the 2016/2017 Budget process.

AGENDA NUMBER:	12.3
SUBJECT:	Chief Executive Officer – Probation Period Associated with Contract of Employment
LOCATION/ADDRESS:	
NAME OF APPLICANT:	Peter Clarke – Chief Executive Officer
FILE REFERENCE:	
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	
DATE OF REPORT:	6 November 2015

BACKGROUND:

Clause 2.1 of the Chief Executive Officer's Contract of Employment states the following:-

“Subject to the terms and conditions of this Agreement the Council shall employ the officer as the Chief Executive Officer, for the term of three (3) years, commencing on 3 March 2015 and expiring on 2 March 2018, provided that the first 6 months of the Term shall be a probationary period during which either party may terminate this Contract for any reason by giving the other party one month's notice or by payment by the party giving notice of one month's cash salary in lieu of notice”.

COMMENT:

The 6 month probationary period has now expired and in consideration that both parties have not invoked the 6 month termination period, the Contract and associated provisions will now go to the formal 3 year Contract period. Obviously there are still provisions for either party to terminate the Contract but other considerations contained within the Contract apply.

Requirements to meet set Performance Criteria which are to be reviewed annually by Council will now apply as per Clause 4.2 of the Contract which states:-

“The Officer's performance pursuant to this Agreement will be reviewed by the Council annually during the term and more frequently if the Council or the Officer perceives that there is a need to do so. The Council must give the Officer at least 14 days notice in writing that a performance review is to be conducted”.

STATUTORY ENVIRONMENT:

Chief Executive Officer Contract of Employment.

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS: Nil

RECOMMENDATION:

That Council notes that the 6 month probationary termination period contained within the Chief Executive Officer's Contract of Employment has now expired and in consideration that both parties have not invoked the termination Clause within this period, full provisions of the Contract now apply.

VOTING REQUIREMENTS: Simple Majority

9311 GILBERT/MELLEMA

That Council notes that the 6 month probationary termination period contained within the Chief Executive Officer's Contract of Employment has now expired and in consideration that both parties have not invoked the termination Clause within this period, full provisions of the Contract now apply.

CARRIED 7/0

AGENDA NUMBER:	12.4
SUBJECT:	2016 Nannup Visitor Centre Service Agreement
LOCATION/ADDRESS:	
NAME OF APPLICANT:	"A Taste of Nannup" and the Shire of Nannup
FILE REFERENCE:	
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	
DATE OF REPORT:	6 November 2015
ATTACHMENT:	12.4.1 – Nannup Visitor Centre Services – 2016 Agreement

BACKGROUND:

At the 23 July 2015 Ordinary meeting of Council the following was resolved in respect to the ongoing Visitor Centre services in Nannup:-

9231 LONGMORE/DEAN

That Council advises the proprietors of "A Taste of Nannup" that it is willing to negotiate a new Contract with "A Taste of Nannup" for the provision of Visitor Centre Services for the 2016 calendar year based along similar lines as the 2015 Contract.

CARRIED 8/0

COMMENT:

A Service Agreement for Visitor Centre services for 2016 was prepared and presented to "A Taste of Nannup" and has been endorsed by the proprietors.

A quarterly reporting regime for statistical data on visitor contacts has now been incorporated into the Agreement as requested by Council. Other minor alterations to the previous Agreement have been made to satisfy both parties.

STATUTORY ENVIRONMENT: Nil

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS:

Provision has been made in the 2015/2016 Budget for the Visitor Centre Services.

STRATEGIC IMPLICATIONS:

Shire of Nannup Community Strategic Plan – Strategy 2.2 Tourism/Recreation – Support the provision of a Visitor Centre service.

RECOMMENDATION:

That Council endorses the Visitor Centre Services Agreement with “A Taste of Nannup” for the 2016 calendar year and authorises the CEO to sign the document of behalf of Council and pay the 1st instalment of funding as budgeted in accordance with the Agreement.

VOTING REQUIREMENTS: Simple Majority

9312 LONGMORE/STEVENSON

That Council endorses the Visitor Centre Services Agreement with “A Taste of Nannup” for the 2016 calendar year and authorises the CEO to sign the document of behalf of Council and pay the 1st instalment of funding as budgeted in accordance with the Agreement.

CARRIED 7/0

AGENDA NUMBER:	12.5
SUBJECT:	Nannup Kindergarten Building
LOCATION/ADDRESS:	
NAME OF APPLICANT:	Chief Executive Officer
FILE REFERENCE:	
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	
DATE OF REPORT:	6 November 2015

BACKGROUND:

With the imminent relocation of the Kindergarten operations to the Nannup District High School, there has been some interest in the utilisation of the current building by community groups/organisations in Nannup.

COMMENT:

The building is currently shared by the Kindergarten and the Nannup Playgroup, who utilise the building one day per week. It would not be ideal for this resource to be left under-utilised however, Council should be cognisant of the fact that at this stage there are no other facilities within the town site that would be suitable for the Playgroup and that considerable infrastructure is in place at this site for their operations.

The CEO did meet with Playgroup representatives and discussed possible scenarios regarding their future operations. The Playgroup did appreciate the situation and indicated that if an alternative site was found, certain requirements would need to be addressed e.g., storage of equipment, playground equipment etc. A possible sharing arrangement with a new tenant was discussed.

To gauge interest in the utilisation of the building it is considered that Council should advertise calling Expressions of Interest from interested groups with the view to a possible sharing arrangement with the Nannup Playgroup. This process will at least provide Council with some options for consideration.

STATUTORY ENVIRONMENT: Nil

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS:

Shire of Nannup Community Strategic Plan – Strategy 5.2 Our Community Leadership – To have united community groups working together.

RECOMMENDATION:

That Council calls for Expressions of Interest from community groups/organisations regarding future tenancy of the Old Pre-School Building with the view to possible sharing arrangements with the Nannup Playgroup.

VOTING REQUIREMENTS: Simple Majority

9313 STEER/LONGMORE

That Council calls for Expressions of Interest from community groups/organisations regarding future tenancy of the Old Pre-School Building with the view to possible sharing arrangements with the Nannup Playgroup.

CARRIED 7/0

AGENDA NUMBER:	12.6
SUBJECT:	Memorandum of Understanding
LOCATION/ADDRESS:	
NAME OF APPLICANT:	Lower Blackwood Catchment Land Conservation District Committee
FILE REFERENCE:	ADM16
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	
DATE OF REPORT:	16 November 2015
ATTACHMENT:	12.6.1 – Draft Memorandum of Understanding

BACKGROUND:

The Lower Blackwood LCDC encourages member Local Governments to sign an MOU which formally agrees to set undertakings and recognises the working relationship between the Shire of Nannup and the LCDC.

COMMENT:

The objectives contained within the MOU for both the Shire of Nannup and the Lower Blackwood LCDC primarily promote good working relationships and do not commit either organisation financially.

Cr Longmore is Council's representative on the Lower Blackwood LCDC and was officially appointed to the position at the 26 March 2015 Ordinary meeting of Council. The position is a statutory one through appointment by the Minister for Agriculture and is Gazetted accordingly.

To enable Cr Longmore to present the MOU to the LCDC meeting held on Monday, 16 November 2015, the Shire President signed the document on behalf of the Shire of Nannup.

STATUTORY ENVIRONMENT: Nil

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS:

Shire of Nannup Community Strategic Plan – Strategy 4.1 Our Natural Environment – Protect our range of natural assets.

RECOMMENDATION:

That Council endorses the actions of the Shire President in signing the Memorandum of Understanding between the Shire of Nannup and the Lower Blackwood Land Conservation District Committee.

VOTING REQUIREMENTS: Simple Majority

9314 LONGMORE/MELLEMA

That Council endorses the actions of the Shire President in signing the Memorandum of Understanding between the Shire of Nannup and the Lower Blackwood Land Conservation District Committee.

CARRIED 7/0

AGENDA NUMBER:	12.7
SUBJECT:	Review of Freedom of Information Statement
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	N/A
FILE REFERENCE:	ADM 7
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	None
DATE OF REPORT:	16 November 2015
ATTACHMENT:	12.7.1 – Freedom of Information Statement 2015/16

BACKGROUND:

The Freedom of Information Act 1992 requires agencies covered by the Act to produce and annually review a Freedom of Information Statement. A Statement is currently available on the council's website and was last reviewed at the Ordinary Meeting of Council on 27 November 2014.

COMMENT:

The proposed amendments to the Statement are shown at Attachment 12.7.1.

Amendments are needed as follows:

1. The Council's structure has been updated to reflect the result of the recent election.
2. Addition of Representative Working Groups.

STATUTORY ENVIRONMENT:

Sections 96 and 97 of the Freedom of Information Act 1992.

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS: Nil

RECOMMENDATION:

That Council approves of the amendments to the Shire of Nannup's Freedom of Information Statement as presented.

VOTING REQUIREMENTS: Simple Majority.

9315 STEVENSON/MELLEMA

That Council approves of the amendments to the Shire of Nannup's Freedom of Information Statement as presented.

CARRIED 7/0

AGENDA NUMBER:	12.8
SUBJECT:	Proposed Closure of an Unnamed Road Reserve on Lot 3 Halley Road, Cundinup – Submitted for Endorsement
LOCATION/ADDRESS:	Lot 3 Halley Road, Cundinup
NAME OF APPLICANT:	Nathan & Helen Helms
FILE REFERENCE:	A190
AUTHOR:	Jane Buckland – Development Services Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	
DATE OF REPORT:	11 November 2015
PREVIOUS MEETING REFERENCE:	24 September 2015
ATTACHMENTS:	12.8.1 – Correspondence and plan from applicant 12.8.2 – Location map 12.8.2 - Submissions

BACKGROUND:

An application has been made to permanently close an unnamed road reserve which bisects Lot 3 Halley Road, Cundinup and once closed, for it to be amalgamated into the surrounding freehold land. The applicants' request is outlined in Attachment 12.8.1.

The location of the road reserve is shown in Attachment 12.8.2. The area is approximately 20 kilometres north-northeast of the Nannup townsite.

At its ordinary meeting on 24 September 2015, the Council passed the following motion at minute No. 9270:

“That Council agree to initiate a request for permanent road reserve closure action, under section 58 of the Land Administration Act 1997 subject to the closed road reserve being amalgamated into surrounding Lot 3 on Plan 28934.”

In accordance with the Council resolution, the *Land Administration Act* and the *Land Administration Regulations*, the Shire administration consulted extensively for a six week period through the Shire administration:

- writing to and inviting comments from adjoining/nearby landowners;
- writing to and inviting comments from relevant State Government and servicing authorities;
- placing a public notice in the Busselton-Dunsborough Times;
- placing details on the Shire website; and

- having information available at the Shire office.

The Shire received 4 submissions on the proposed closure which are set out in Attachment 12.8.3. All submissions raise no objections.

The Shire is still awaiting comments from Department of Parks and Wildlife and these will be presented to Council verbally.

COMMENT:

As no objections were received, it is suggested that Council can now finalise its position on the closure. It is recommended that Council agree to a permanent closure of the road reserve shown in Attachment 12.8.1 given the road reserve is not connected to any other road reserve and, as such, a road is never likely to be constructed.

Subject to the Council's decision, the Minister for Lands will determine whether to permanently close the road reserve. Should the Minister agree and should associated valuation and other matters be acceptable to the applicants/landowners, the unnamed road reserve on Lot 3 Halley Road, Cundinup will be amalgamated into adjoining properties.

STATUTORY ENVIRONMENT:

The *Land Administration Act* and *Land Administration Regulations* require the Shire to seek comment for at least 35 days. The Shire administration has met this requirement through writing to adjoining/nearby landowners, relevant servicing authorities and State Government agencies and inviting comments from the wider community through the public notice in a local paper.

The Council now needs to formally resolve to finalise the closure and indemnify the Department of Lands against any costs that may arise (survey documentation, stamp duty etc.). It is recommended that these costs should be borne by the applicant/landowner.

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS: Nil

RECOMMENDATION:

That Council:

1. Agree to permanently close the unnamed road reserve on Lot 3 Halley Road, Cundinup as shown in Attachment 12.8.1.
2. Request the Minister for Regional Development and Lands to permanently close the unnamed road reserve shown in Attachment 12.8.1 with the road reserve being amalgamated into Lot 3 Halley Road.
3. Indemnifies the Department of Lands against any costs in the process, with these costs being borne by the applicant/landowner.
4. Delegate authority to the Shire's Chief Executive Officer to progress matters with the Department of Lands, other agencies and the applicant/landowner regarding the closure of the road reserves, including the signing and sealing of all documentation required.

VOTING REQUIREMENTS: Simple Majority

9316 MELLEMA/STEER

That in light of the comments received by the Department of Parks and Wildlife in respect to access to Lot 4, north of Lot 3, Council defers a decision on the road closure until negotiations regarding access have taken place between the applicant/landowner and owner of Lot 4.

CARRIED 7/0

REASON FOR ALTERATION TO THE RECOMMENDATION

Council considered that the comments provided by the Department of Parks and Wildlife required further investigation as the Lot north of Lot 3 Halley Road did not have any formal/dedicated access and this process could allow discussions to be had with both owners.

AGENDA NUMBER:	12.9
SUBJECT:	South West Settlement Land Base Consultation
LOCATION/ADDRESS:	Various
NAME OF APPLICANT:	Department of Lands
FILE REFERENCE:	TPL 12
AUTHOR:	Jane Buckland – Development Services Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	
DATE OF REPORT:	29 September 2015
PREVIOUS MEETING REFERENCE:	
ATTACHMENTS:	12.9.1 - Correspondence and spreadsheet 12.9.2 - Location maps (townsite) 12.9.3 - Location map (Poison Swamp)

BACKGROUND:

A letter has recently been received from Department of Lands requesting the Shire's comments on 94 parcels of Crown Land within the Shire which have been identified for consideration as part of the benefits package to be offered to the six native title claimant groups via the South West Aboriginal Land and Sea Council (SWALSC). A copy of the correspondence is shown in Attachment 12.9.1.

The identified land parcels are spread throughout the Shire and a majority have been identified as having low or no impact on residents and users of the Shire. Four parcels are located in the Nannup townsite as shown in Attachment 12.9.2. One parcel is located at Poison Swamp, Darradup as shown in Attachment 12.9.3 adjacent to private land parcels.

COMMENT:

The Development Services Officer has provided initial comments to Department of Lands and has flagged the parcels shown in Attachments 12.9.2 & 12.9.3 as requiring further comment from Council.

The parcel of Unallocated Crown Land (UCL) at the western end of Forrest St extends into the Foreshore Park reserve and includes a section of the one way vehicle access. The Shire administration has concerns that the inclusion of this parcel of land could impact on the public use of the Foreshore Park reserve.

Lots 88 on DP130080 (UCL), 175 on DP140805 (Reserved Land) and 178 on DP140805 (Reserved Land), all in Wilson Street, are located in a residential area and in the 1 in 25 year flood zone. The Shire administration has concerns that the

inclusion of these parcels as freehold land may result in residential development which is unsuitable for a flood-risk area.

Lot 3946 on DP137864 (UCL) is located near Poison Swamp and is adjacent to privately-owned land, the owners of which are expected to initiate a Scheme amendment within the next 6-12 months to address historical ownership issues. These owners are also currently working with the Shire to have Poison Swamp Road dedicated. The Shire administration has concerns that the inclusion of this parcel of land may negatively impact on the progress of both the historical ownership issues and the road dedication.

Based on the above, it is suggested that Council advises the Department of Lands that it objects to the parcels of land noted above being included as part of the benefits package to be offered to the six native title claimant groups via the SWALSC.

STATUTORY ENVIRONMENT: Nil

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS: Nil

RECOMMENDATION:

That Council advises the Department of Lands that it objects to the parcels of land described as:

- Unallocated Crown Land located at the western end of Forrest Street, Nannup;
- Lot 88 on DP130080 in Wilson Street, Nannup;
- Lots 175 and 178 on DP140805 in Wilson Street, Nannup; and
- Lot 3946 on DP137864 in Darradup,

being included as part of the benefits package to be offered to the six native title claimant groups via the South West Aboriginal Land and Sea Council.

VOTING REQUIREMENTS: Simple Majority

9317 GILBERT/DEAN

That Council advises the Department of Lands that it objects to the parcels of land described as:

- Unallocated Crown Land located at the western end of Forrest Street, Nannup;***
- Lot 88 on DP130080 in Wilson Street, Nannup;***
- Lots 175 and 178 on DP140805 in Wilson Street, Nannup; and***
- Lot 3946 on DP137864 in Darradup,***

being included as part of the benefits package to be offered to the six native title claimant groups via the South West Aboriginal Land and Sea Council.

CARRIED 7/0

AGENDA NUMBER:	12.10
SUBJECT:	Application for an Exploration Licence
LOCATION/ADDRESS:	Nannup Balingup Road
NAME OF APPLICANT:	Millward Surveys Pty Ltd on behalf of Lithium Australia NL
FILE REFERENCE:	TPL 15
AUTHOR:	Jane Buckland – Development Services Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	
DATE OF REPORT:	18 November 2015
PREVIOUS MEETING REFERENCE:	
ATTACHMENT:	12.10.1 - Correspondence and application details 12.10.2 – Location map

BACKGROUND:

Millward Surveys Pty Ltd have submitted an application for an exploration licence 70/4789 of which a portion is located on the southern side of Nannup Balingup Road between Nelson Location 2896 (Hillbillé Vineyard) and the boundary between Shire of Nannup and Shire of Donnybrook-Balingup.

COMMENT:

Under the Mining Act any works within a gazetted townsite or within 2 kilometres of the boundary of a gazetted townsite requires comment from the Local Government. In these instances, the proposed drilling operations will be well outside any designated townsite, and there may be proposed drilling operations along the road reserves within the exploration licence areas. The abovementioned roads are all controlled by the Shire.

It is suggested that Council should grant approval to the applicant to carry out roadside drilling based on the following general conditions:

1. That dust suppression is carried out so that others are not adversely affected;
2. That any saline ground water found is contained by pumping it into a water trailer and disposed of through normal mining practices under the terms of the company's mining conditions;
3. Any ground water that escapes onto the ground around the drill site is to be banded so that it does not spread;

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

The Manager Infrastructure is aware of this application and has raised no issues in regards to the possibility of any drilling along Nannup Balingup Road.

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

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS: Nil

RECOMMENDATION:

That Council grants approval to Millward Surveys Pty Ltd on behalf of Lithium Australia NL to carry out drilling along the Shire of Nannup controlled section of the Nannup Balingup Road reserve as shown on the attached map on the following conditions:

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

VOTING REQUIREMENTS: Simple Majority

9318 FRASER/GILBERT

That Council grants approval to Millward Surveys Pty Ltd on behalf of Lithium Australia NL to carry out drilling along the Shire of Nannup controlled section of the Nannup Balingup Road reserve as shown on the attached map on the following conditions:

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

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

CARRIED 7/0

AGENDA NUMBER:	12.11
SUBJECT:	Acceptance of Grant – Automatic Doors Shire Offices
LOCATION/ADDRESS:	Shire of Nannup Offices, Adam St
NAME OF APPLICANT:	Western Australian Local Government Grant
FILE REFERENCE:	FNC 6
AUTHOR:	Louise Stokes – Community & Economic Development Officer
REPORTING OFFICER:	Peter Clarke –Chief Executive Officer
DISCLOSURE OF INTEREST:	
DATE OF REPORT:	10 November 2015

BACKGROUND:

Funding acknowledgement has been received of \$43,750 from the West Australian Local Government Authority (WALGA) through their Community Infrastructure Grant program. As this funding is over \$5,000, Council is required to accept the funding as per Council policy FNC 6.

COMMENT:

This project is to install electronic doors at the Shire of Nannup offices, which will assist residents to easily access facilities and services located within the building.

The installation of electronic doors is a practical solution to ensuring that all members of the community, particularly people with disability are shown mutual respect and are treated as welcome members of the community.

This is an action in Council's Disability Access & Inclusion Plan 2013-2018.

As the grant agreement was required to be signed and returned to the WA Local Government Authority by the 6th November Council were notified of the grant at the October Council meeting. The grant agreement has been signed and returned and this agenda item completes the governance requirements for accepting the grant.

STATUTORY ENVIRONMENT: Nil.

POLICY IMPLICATIONS: FNC 6 Acceptance of Grant funds.

FINANCIAL IMPLICATIONS:

\$5,000 from Asset Management Account

STRATEGIC IMPLICATIONS:

The Shire of Nannup Community Strategic Plan 2013- 2023

Our Built Environment: 3.1.1: Well-maintained quality infrastructure for our community and visitors and promote activity.

Shire of Nannup Disability Access & Inclusion Plan: Outcome 2: *People with disability have the same opportunities as other people to access the buildings and facilities of a public authority.*

RECOMMENDATIONS:

1. That Council endorse the actions of the Chief Executive Officer in accepting the Community Infrastructure Program grant of \$43,750.00 from the Western Australian Local Government Authority.
2. That Council contributes \$5,000.00 towards this project from the Asset Management Reserve

VOTING REQUIREMENTS: Absolute Majority.

9319 STEER/MELLEMA

1. ***That Council endorse the actions of the Chief Executive Officer in accepting the Community Infrastructure Program grant of \$43,750.00 from the Western Australian Local Government Authority.***
2. ***That Council contributes \$5,000.00 towards this project from the Asset Management Reserve.***

CARRIED BY ABSOLUTE MAJORITY 7/0

AGENDA NUMBER:	12.12
SUBJECT:	Main Street Paving Brick Tender
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	WRK 33
AUTHOR:	Chris Wade – Manager Infrastructure
REPORTING OFFICER:	Chris Wade – Manager Infrastructure
DISCLOSURE OF INTEREST:	
DATE OF REPORT:	12 November 2015

BACKGROUND:

Council has almost completed the Main Street Stage 1 upgrade which included drainage, kerbing, paving and tree replacement.

As a result of the upgrade Council now has a stockpile of used paving bricks at its works depot. A small quantity has been supplied to East Nannup, Scott River and Nannup Brook fire sheds.

COMMENT:

It is the officer's recommendation to put the paving bricks out for public tender over the coming months. Council is required to give delegated authority to the Chief Executive Officer to award the tender without the requirement for an item to come back for Council to make a decision.

It is proposed to place a pallet limit per tenderer to allow for a more even distribution as there has been considerable interest shown in them and to also only advertise locally.

Council staff will evenly palletise all the useable used paving bricks and number them to allow easy disposal. As these pallets will be stored at the depot it is also not planned to have an inspection for security and Risk Management reasons. The paving bricks will be based on a first in first served basis once the tenders have been awarded as it will have some logistical and cost implications for Council's outside staff.

STATUTORY ENVIRONMENT: Nil.

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS:

An income will be credited into Main Street Reserve budget. This is an unknown figure.

STRATEGIC IMPLICATIONS:

RECOMMENDATION:

Council give delegated authority to the Chief Executive Officer to dispose of the Main Street used paving bricks.

VOTING REQUIREMENTS: Simple Majority

9320 MELLEMA/LONGMORE

Council give delegated authority to the Chief Executive Officer to dispose of the Main Street used paving bricks.

CARRIED 7/0

AGENDA NUMBER:	12.13
SUBJECT:	Budget Monitoring – October 2015
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 8
AUTHOR:	Tracie Bishop – Manager Corporate Services
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
DATE OF REPORT:	17 November 2015
ATTACHMENTS:	12.13.1 - Financial Statements for the period ending 31 October 2015 12.13.2 - Table Showing Detailed Variances for 2015/16

BACKGROUND:

Local Government (Financial Management) Regulation 34(1) requires that Council report monthly on the financial activity from all the various operating and capital divisions. Council has adopted a variance threshold of 10% or \$5,000, whichever is the greater on which to report. The statutory statements are appended at Attachment 12.13.1

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

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

COMMENT:

At this stage in the financial year it is difficult to estimate what the fluctuations between budgeted and actual amounts will be within most schedules. Monitoring of all accounts is completed on a monthly basis. It is noted that there are trends developing that would indicate movement from anticipated budgeted amounts to expected expenditure and income received. These trends will continue to be monitored and will be reported on within the annual review of the Budget planned for February 2016.

At this point in time the following variances are noted however actual dollar figures are yet to be determined:

Expenses

- Computer maintenance may exceed budgetary spend. This year we have had an inordinate level of support required as a result of negative internet related activity. This has required additional IT support to be given and will also require additional software to be purchased once the issues are resolved to ensure that the same issues do not keep reoccurring.
- Ranger Services – Although ranger services has been a service offered by the Shire of Nannup previously, this year is the first year of Council having a qualified officer within this area. As a result there have been spends required that may exceed the budgeted amount.
- There are expected to be savings realised within the salaries and wages budgets as a result of changes to the staffing structure within the organisation.
- Seniors spending is expected to exceed budget as a result of spending incurred despite no grant funding being realised. This will be offset via savings made as a result of Youth Officer position no longer being included within corporate structure.
- Savings within the Planning budget are expected as a result of less reliance on an external consultant. This is as a direct response to staff receiving the training required within this capacity.
- Street Lighting expenses are expected to be less than anticipated. Original estimations were for a 17% increase however actual increases are considerably lower.
- Local Road Maintenance is expected to exceed budgeted amounts. This is as a result of the labour content originally estimated to be required within the Main Street and Recreation Centre upgrades being considerably lower than actual labour content required.
- Fuel and Oil expenses however are expected to be considerably lower than anticipated and this will be used to offset the overspend mentioned above.

Income:

- General License Fees within health are higher than anticipated. A new annual license fee was introduced this year and this has resulted in increased revenue within this area.
- Mobile bin charges are slightly higher than expected. This fluctuates with the number of bins in use.
- Caravan Park lease fees are higher than original estimate. Patronage at the caravan park has exceeded estimation which results in added income for Council
- Senior Grant income budgeted within 2015/16 budget is not expected to be received as no grant funding has been identified within this area.

Attachment 12.13.2 provides a detailed breakdown of income and expenditure incurred to 31 October 2015 and the associated annual budgets. This is broken down into four columns. The annual budget within the schedule, the budgeted

year to date figures, actual spend to date and variance between budgeted year to date and actual.

STATUTORY ENVIRONMENT:

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

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS: Nil.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

It is recommended that the Monthly Financial Statements for the period ending 31 October 2015 be received.

VOTING REQUIREMENTS: Simple Majority

9321 STEVENSON/STEER

It is recommended that the Monthly Financial Statements for the period ending 31 October 2015 be received.

CARRIED 7/0

AGENDA NUMBER:	12.14
SUBJECT:	Monthly Accounts for Payment - October 2015
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 8
AUTHOR:	Tracie Bishop – Manager Corporate Services
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
PREVIOUS MEETING REFERENCE:	None
DATE OF REPORT:	18 October 2015
ATTACHMENTS:	12.14.1: Schedule of Accounts for Payment – October 2015 12.14.2: Credit Card Payments – October 2015

BACKGROUND:

The Accounts for Payment for the Nannup Shire Municipal Account fund and Trust Account fund to 31 October 2015 as detailed hereunder and noted on the attached schedule, are submitted to Council.

COMMENT:

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

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

Municipal Account

Accounts paid by EFT	7602 - 7741	\$676,338.31
Accounts paid by cheque	19895 –19917	\$52,643.05

Accounts paid by Direct Debit	DB9417-1 to DB9417-8	16,769.15
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Sub Total Municipal Account		\$745,750.51
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Trust Account

Accounts paid by EFT 7685		\$200.00
Accounts Paid by cheque		\$0.00

SubTotal Trust Account	<u>\$200.00</u>
Total Payments	<u>\$745,950.51</u>

STATUTORY ENVIRONMENT:

LG (Financial Management) Regulation 13

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS:

As indicated in Schedule of Accounts for Payment.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

That the List of Accounts for Payment for the Nannup Shire Municipal Account fund totalling \$745,950.51 in the attached schedule be endorsed.

VOTING REQUIREMENTS: Simple Majority

9322 MELLEMA/FRASER

That the List of Accounts for Payment for the Nannup Shire Municipal Account fund totalling \$745,950.51 in the attached schedule be endorsed

CARRIED 7/0

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

13.1 OFFICERS - Nil

13.2 ELECTED MEMBERS - Nil

**14. MEETING CLOSED TO THE PUBLIC
(Confidential Items)**

14.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

14.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

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

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

17. CLOSURE OF MEETING

There being no further business to discuss the Shire President declared the meeting closed at 17:50 hours.