



Shire of
Nannup
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Minutes

Public Copy

Council Meeting held Thursday 31 March 2016

Unconfirmed

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Minutes

NBN Co. PRESENTATION

Prior to the commencement of the meeting the Shire President advised that Ms Rachael McIntyre, Community Affairs Manager with NBN Co., was in attendance to provide Councillors with an update for the implementation of Broadband services to the Nannup town site and also the district at large.

Ms McIntyre advised that residents in the Nannup town site would be provided Broadband services via fixed wireless with the remainder of the Shire resident's being serviced by satellite. The fixed wireless construction commencement date was expected to be in the 3rd quarter of 2016 and approximately 180 residents would receive this service. Ms McIntyre advised that it was the intention of NBN Co., to utilise an existing structure in the Nannup town site to transmit these services.

In respect to satellite services for those residents outside of the fixed wireless coverage, Ms McIntyre advised that this would be available from late April 2016 and residents could commence discussions with their service providers regarding connection.

Ms McIntyre advised that residents could monitor the implementation of the above services via NBN Co's., webpage.

At the conclusion of Ms McIntyre's presentation, the Shire President called for questions from Councillors and also invited questions from the gallery. The Shire President thanked Ms McIntyre for her presentation and indicated that Council would welcome further updates during the implementation of Broadband to the Nannup Shire.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 4:45pm

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, A Slater, C Stevenson and P Fraser

Peter Clarke – Chief Executive Officer

Chris Wade – Manager Infrastructure

Tracie Bishop – Manager Corporate Services

APOLOGIES:

Nil

LEAVE OF ABSENCE:

Nil

VISITORS:

Cheryl Brown, Neale Pike, Robin Prime, Julie Kay, Mario Camarri

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.

Nil

4. PUBLIC QUESTION TIME:

The Shire President invited questions from the Public at: 4:46pm.

No questions were submitted.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. PETITIONS/DEPUTATIONS/PRESENTATIONS

The Shire President advised that Mrs Cheryle Brown had requested the opportunity to address Council on Agenda Item 12.9 which related to a Development Application for industry extractive (shale at Lot 12 Cundinup-Dudinyillup Road, Cundinup.

Mrs Brown advised that she was happy with the majority of the conditions imposed within the recommendation before Council but objected to Condition 8 which imposed a payment of a \$5,000.00 Bond for extraordinary expenses incurred by the local government for the immediate

repair and maintenance of Cundinup-Dudinyillup Road damaged by vehicles associated with the development.

Mrs Brown considered that the above imposition was inequitable when similar applications had been submitted to Council and no Bond was imposed and this would be setting an unwanted precedent and would deter future applications being submitted. Mrs Brown advised that they were not seeking any special privileges but for the application to be treated equitably.

Mr Neale Pike from Prime Earthmoving also objected to the \$5,000 Bond being imposed based on the size of the operation.

The Shire President thanked Mrs Brown and Mr Pike for their presentation and advised that Council would be considering the application during the course of the meeting and welcomed them to stay in the Chambers.

7. DECLARATIONS OF INTEREST

Nil

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

16029 STEER/SLATER

That the Minutes of the Ordinary Council Meeting of the Shire of Nannup held in Council Chambers on 25 February 2016 be confirmed as a true and correct record.

AMENDMENT

16030 GILBERT/STEVENSON

That the Minutes of the Ordinary Council Meeting of the Shire of Nannup held in Council Chambers on 25 February 2016 be confirmed as a true and correct record subject to Minute No. 16023 having the words "rehabilitation areas excepted" added to the resolution.

***THE AMENDMENT BECAME THE MOTION
THE MOTION WAS PUT AND DULY CARRIED***

CARRIED (8/0)

9. MINUTES OF COUNCIL & OTHER COMMITTEES

16031 FRASER/MELLEMA

That the following Minutes be received and noted:-

- 9.1 Warren Blackwood Alliance of Councils**
That the Minutes of the Warren Blackwood Alliance of Councils Board meeting held on Tuesday 16 February 2016 be received.
- 9.2 Warren Blackwood Alliance of Councils**
That the Minutes of the Warren Blackwood Alliance of Councils Board meeting held on Tuesday 23 February 2016 be received.
- 9.3 WALGA South West Zone**
That the Minutes of the WALGA South West Zone meeting held on Friday 26 February 2016 be received.
- 9.4 Business Initiative Group Nannup**
That the Minutes of the BIGN meeting held on Thursday 25 February 2016 be received.
- 9.5 Local Emergency Management Advisory Committee (LEMAC)**
That the Minutes of the LEMAC meeting held on Wednesday 3 February 2016 be received.

CARRIED (8/0)

10. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION
Nil

11. REPORTS BY MEMBERS ATTENDING COMMITTEES

Date	Meeting	Councillor
23/03/2016	Road Inspection	C Longmore
30/03/2016	How To Be A Good Councillor Workshop	Cr Longmore
	Blackwood River Valley Marketing Assn	Cr Stevenson
23/03/2016	Road Inspection	Cr Stevenson
30/03/2016	How To Be A Good Councillor Workshop	Cr Stevenson
09/03/2016	Lower Blackwood Vertebrate Pest Management Group	Cr Fraser
23/03/2016	Road Inspection	Cr Fraser
23/03/2016	Road Inspection	Cr Gilbert
23/03/2016	Road Inspection	Cr Steer
23/03/2016	Road Inspection	Cr Slater
30/03/2016	How To Be A Good Councillor Workshop	Cr Slater
23/03/2016	Road Inspection	Cr Dean

12. REPORTS OF OFFICERS

AGENDA NUMBER:	12.1
SUBJECT:	Former Quannup Pastoral Lease – Grant of Licence
LOCATION/ADDRESS:	Part of Lot 13335
NAME OF APPLICANT:	Department of Lands
FILE REFERENCE:	ADM 38A
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	8 March 2016

BACKGROUND:

At the January 2016 Ordinary meeting of Council a draft copy of the Grant of Licence prepared by the Department of Lands for the former Quannup Pastoral Lease land was presented to Council for consideration.

At the above meeting Council resolved the following with regards to the proposed Grant of Licence:-

16005 STEER/GILBERT

That prior to Council committing to the Department of Land Licence Agreement for the Quannup land, a workshop be held in early February 2016 to discuss the full ramifications and commitments that Council would be required to undertake to promote/advance potential development of the land.

CARRIED (8/0)

A Councillor/staff workshop was conducted on Friday, 12 February at which Mr Ron Pumphrey, Manager Case Management for the South West and Great Southern Regions with the Department of Lands, attended to provide Council with information pertaining to the draft Grant of Licence and other matters regarding the Quannup land.

COMMENT:

At the above Workshop Council indicated to Mr Pumphrey that the proposed 3 year Licence with a further 3 year option was not considered appropriate and that a 5 year Licence with an additional 5 year option was preferred by Council as it would allow adequate time in which to plan for the future development of the site. Obviously Council would be required to show some progress towards potential development within the first 5 years of the Grant of Licence or otherwise the 5 year option may not be exercised by the Department of Lands.

Should Council accept the Grant of Licence on the 5 plus 5 year tenure, it is suggested that Council develops a Working Group of Councillors and staff to investigate options for the future development of the land, with the Working Group reporting periodically to Council on its progress. Options for feasibility studies on future development options could include potential partnerships with developers however, further consideration would need to be given in this regard.

Whilst the Quannup land has significant opportunities for tourism development and would be beneficial to the growth of tourism in the Shire of Nannup, consideration needs to be given to potential costs that could be incurred by Council over the planning period. Acknowledging that such costs are not known at this stage, it is something that must be taken into consideration.

STATUTORY ENVIRONMENT: Nil

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS:

Nil – The Grant of Licence is provided on a Peppercorn rental

STRATEGIC IMPLICATIONS:

Shire of Nannup Community Strategic Plan 2013-2023 – Strategy 3.2 Planning and Building – Develop the South Coast Access and Recreation Opportunities.

RECOMMENDATION:

That Council advises the Department of Lands that it is prepared to accept the Grant of Licence for the Quannup land subject to the following:-

1. That the Grant of Licence be granted for 5 years with the option of renewal for a further 5 year period.
2. Subject to the Department of Lands being agreeable to the requested tenure period and the Grant of Licence being issued, Council establishes a Working Party consisting of Councillors and staff, including the ability to co-opt other members from time to time that Council deems appropriate, to progress future planning of the Quannup land.

VOTING REQUIREMENTS: Simple Majority

16032 FRASER/DEAN

That Council advises the Department of Lands that it is prepared to accept the Grant of Licence for the Quannup land subject to the following:-

- 1. That the Grant of Licence be granted for 5 years with the option of renewal for a further 5 year period.***

- 2. Subject to the Department of Lands being agreeable to the requested tenure period and the Grant of Licence being issued, Council establishes a Working Party consisting of Councillors and staff, including the ability to co-opt other members from time to time that Council deems appropriate, to progress future planning of the Quannup land.***

CARRIED (8/0)

AGENDA NUMBER:	12.2
SUBJECT:	Public Hearing
LOCATION/ADDRESS:	
NAME OF APPLICANT:	Western Australian Local Government Grants Commission (WA LGGC)
FILE REFERENCE:	FNC 6
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	14 March 2016

BACKGROUND:

Dr Chris Berry, A/Manager Executive Support of the WA LGGC has written to advise Council that the Commission is planning to visit the Shire of Nannup for the purpose of a public hearing in accordance with section 11(2)(c) of the *Local Government (Financial Assistance) Act 1995*.

Dr Berry has advised that the hearing has been scheduled to commence at 2.00pm on Wednesday, 20 April 2016 and will take approximately 2 hours.

Commission Members attending the hearing will be:-

- Mr Linton Reynolds (Chairman)
- Mr Ian Carpenter (Commissioner)
- Mayor Carol Adams (Commissioner)
- Mr Paul Omodei (Commissioner)
- Dr Chris Berry (A/Manager Executive Support)

Dr Berry advises that the Commission looks forward to its visit as well as responding to any submission should Council choose to make one.

COMMENT:

The *Local Government (Financial Assistance) Act 1995* is a Commonwealth Act of Parliament and relates to the requirement of State Local Government Grants Commission's conducting public hearings.

Section 11(2)(c) of the above Act states the following:-

11 Allocation among local governing bodies—section 9 payments

- (2) A State is not entitled to payment of an amount under section 9 in respect of a year unless
- (a) there is a Local Government Grants Commission of the State; and
 - (b) the Commission has made recommendations with respect to the allocation of the amount among local governing bodies in the State; and
 - (c) the Commission:
 - (i) held public hearings (whether or not it also held private hearings) in connection with the recommendations; and
 - (ii) permitted or required local governing bodies in the State or associations of those bodies to make submissions to it in connection with the recommendations.

Council can prepare and present a formal submission to the WA LGGC however, Council is limited in its application for changes to disability factors associated with the allocation of annual Financial Assistance Grants and therefore on this occasion it is not considered warranted to present a formal submission to the Commission.

STATUTORY ENVIRONMENT:

Section 11(2)(c) of the *Local Government (Financial Assistance) Act 1995*.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Annual allocation of Financial Assistance Grants by the WA LGGC.

STRATEGIC IMPLICATIONS:

Nil

RECOMMENDATION:

That Council notes the advice from the Western Australian Local Government Grants Commission that it will be conducting a Grants Commission Public Hearing on Wednesday, 20 April 2016 at the Shire of Nannup and that the Hearing be advertised through the local media.

VOTING REQUIREMENTS: Simple Majority

16033 LONGMORE/SLATER

That Council notes the advice from the Western Australian Local Government Grants Commission that it will be conducting a Grants Commission Public Hearing on Wednesday, 20 April 2016 at the Shire of Nannup and that the Hearing be advertised through the local media.

CARRIED (8/0)

AGENDA NUMBER:	12.3
SUBJECT:	New Requirements for Disclosure of Gifts and Contributions to Travel
LOCATION/ADDRESS:	
NAME OF APPLICANT:	Department of Local Government and Communities
FILE REFERENCE:	ADM 5
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	14 March 2016
ATTACHMENT:	12.3.1 – Special Governance Bulletin – March 2016 Edition

BACKGROUND:

Ms Jennifer Matthews, Director General of the Department of Local Government and Communities, has written to Council to advise that the *City of Perth Act 2016* received Royal Assent on 3 March 2016 and amends the gift and contributions to travel provisions within the *Local Government Act 1995*. Associated amendments have also been made to the following:-

- The *Local Government (Administration) Regulations 1996*, and
- The *Local Government (Rules of Conduct) Regulations 2007*.

COMMENT:

As of 4 March 2016, the Act requires relevant persons (Councillors and designated employees) who accept a gift worth more than \$200 to disclose this gift, in writing to the CEO within 10 days of receipt. This replaces the previous process of disclosing these in the annual return. All contributions to travel over \$200 must also be disclosed as do multiple gifts or contributions from the same donor where the total value is over \$200.

The threshold for disclosures remains the same as do other disclosures required under the Act for the annual return.

A new section of the Act, 5.89A, now requires the CEO to keep a register of gifts and contributions to travel in the form prescribed and the CEO is to make the

register available for public inspection and to publish it on the local government's official website.

The Department has advised that there are transitional provisions relating to the above Regulations and these have been provided as an attachment to the Agenda document for Councillors information.

STATUTORY ENVIRONMENT:

City of Perth Act 2016, Local Government (Administration) Regulations 1996 and Local Government (Rules of Conduct) Regulations 2007.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

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

RECOMMENDATION:

That Council notes the new requirements for Disclosure of Gifts and Contributions to Travel as per the introduction of the *City of Perth Act 2016* and associated amendments to the *Local Government (Administration) Regulations 1996* and *Local Government (Rules of Conduct) Regulations 2007*.

VOTING REQUIREMENTS: Simple Majority

16034 MELLEMA/STEVENSON

That Council notes the new requirements for Disclosure of Gifts and Contributions to Travel as per the introduction of the City of Perth Act 2016 and associated amendments to the Local Government (Administration) Regulations 1996 and Local Government (Rules of Conduct) Regulations 2007.

CARRIED (8/0)

AGENDA NUMBER:	12.4
SUBJECT:	Annual Performance Appraisal – Chief Executive Officer
LOCATION/ADDRESS:	
NAME OF APPLICANT:	Peter Clarke
FILE REFERENCE:	Personal File
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	14 March 2016

BACKGROUND:

In accordance with Section 5.38 of the *Local Government Act 1995* and the Chief Executive Officer's Contract of Employment, it is a requirement for Council to undertake an annual Performance Appraisal.

The CEO completes the first year of his 3 year Contract of Employment on Thursday, 3 March 2016.

COMMENT:

At the February 2016 Ordinary Meeting Council resolved the following:-

16020 GILBERT/STEER

That Council conducts an annual review of the CEO's performance in accordance with Section 5.38 of the Local Government Act 1995 and Clause 4 of the CEO's Contract of Employment and for this to be undertaken prior to the March 2016 Ordinary Meeting to allow an appropriate Report to be presented to Council on the Review process.

CARRIED (8/0)

Council had scheduled the Review to be conducted at 1.00pm on 31 March 2016, just prior to the Council meeting.

The CEO had prepared a report to Council in accordance with Clause 4.1 of the Contract which addressed the Performance Criteria as outlined in the Contract of Employment and this was forwarded to Councillors on 17 March 2016 for their perusal.

As per the CEO's Report to the February 2016 Ordinary meeting,

4.4 Procedure

A performance review conducted under this Clause 4 shall take the format of the following procedure:

- (a) as soon as practicable after receipt of notice pursuant to Clause 4.2, the Officer will prepare a report assessing the Officer's own performance of the Officer's obligations under this document measured against the Performance Criteria;
- (b) the Officer will present his report to the Council, and be available for interview;
- (c) ***within one month of the conclusion of the performance review the Council shall prepare a report, in consultation with the Officer, to be signed by both the Council and the Officer, with such a report to include:***
 - (i) ***any conclusions about the Officer's performance during the period the subject of the performance review;***
 - (ii) ***any proposal by either party to vary the Performance Criteria as a consequence of the performance review and any comments by the Officer on any such proposal;***
 - (iii) ***any directions or recommendation made to the Officer in relation to future performance by the Officer or the Officer's obligations under this document; and***
 - (iv) ***details of the extent, if any, to which the Officer disagrees with any statement in the report.***

STATUTORY ENVIRONMENT:

Section 5.38 of the *Local Government Act 1995* relating to annual reviews of certain employees' performances states the following:-

The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS: Nil

RECOMMENDATION:

That Council authorises the Shire President to prepare a report for signing by both the Shire President and CEO based on the outcomes of the Review process undertaken by Council on 31 March 2016 and being in accordance with Clause 4.4 of the CEO's Contract of Employment.

VOTING REQUIREMENTS: Simple Majority

16035 DEAN/MELLEMA

That Council authorises the Shire President to prepare a report for signing by both the Shire President and CEO based on the outcomes of the Review process undertaken by Council on 31 March 2016 and being in accordance with Clause 4.4 of the CEO's Contract of Employment.

CARRIED (8/0)

AGENDA NUMBER:	12.5
SUBJECT:	Call for Motions – 2016 National General Assembly of Local Government
LOCATION/ADDRESS:	
NAME OF APPLICANT:	Australian Local Government Association
FILE REFERENCE:	FNC 6
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	14 March 2016

BACKGROUND:

Mayor Troy Pickard, President of the Australian Local Government Association (ALGA), writes to advise that the National General Assembly (NGA) of Local Government to be held at the National Convention Centre in Canberra between 19 and 22 June is an opportunity for councils to identify and discuss national issues of priority for the sector and to agree on possible steps which could be taken to address these issues.

Mayor Pickard advises that every council has the opportunity to raise relevant issues for debate at the NGA and he invited Council to participate in the 2016 NGA by submitting a motion for consideration.

COMMENT:

To be eligible for inclusion in the NGA Business Papers, motions must follow the principles set out by the ALGA Board, namely

1. Be relevant to the work of local government nationally;
2. Be consistent with the theme of the NGA;
3. Complement or build on the policy objectives of the state and territory local government associations;
4. Propose a clear action and outcome; and
5. Not be advanced on behalf of external third parties which may seek to use the NGA to apply pressure to Board members, to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, the local government sector.

Motions are required to be submitted no later than 22 April 2016.

STATUTORY ENVIRONMENT: Nil

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS: Nil

RECOMMENDATION:

That Council notes ALGA's call for Motions for consideration at the 2016 National General Assembly of Local Government in June 2016 and that should Council wish to submit same, it notes the deadline for motions to be submitted by 22 April 2016.

VOTING REQUIREMENTS: Simple Majority.

16036 SLATER/LONGMORE

That Council notes ALGA's call for Motions for consideration at the 2016 National General Assembly of Local Government in June 2016 and that should Council wish to submit same, it notes the deadline for motions to be submitted by 22 April 2016.

CARRIED (8/0)

AGENDA NUMBER:	12.6
SUBJECT:	Dog Exercise Area – Nannup Town Site
LOCATION/ADDRESS:	Public Transport Authority Leased Land
NAME OF APPLICANT:	Mrs Valerie Tanner on behalf of “Friends of Nannup Foreshore Group”
FILE REFERENCE:	ADM 16
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	21 March 2016

BACKGROUND:

Mrs Tanner writes on behalf of the “Friends of Nannup Foreshore Group” who for the past 6 years have been heavily involved in weeding, cleaning up and re-vegetating the area that the Public Transport Authority (PTA) has leased to the Shire of Nannup.

Mrs Tanner advises that the Group is not overly enthusiastic about having to share this area with dogs off leads however, they are willing to trial it for 12 months to see if it is amicable to all parties. Following this period, the Group respectfully requests Council to re-visit its ruling on the Designated Dog Exercise area.

COMMENT:

Representatives of the “Friends of Nannup Foreshore Group” met with the CEO following Council’s decision to allocate the PTA land as a designated dog exercise area to express their concerns that dogs will and have knocked over stakes on newly planted seedlings which has made it difficult to identify the new seedlings when clearing works are being undertaken.

The “Group” enquired as to whether the decision of Council in allocating the dog exercise areas was final and whilst the CEO indicated that it was, Council could re-visit this at any stage on the proviso that it engaged in public consultation as per the *Dog Act 1976* relating to designated exercise areas.

The CEO had suggested that a letter to the above effect would then enable Council to review the current area and possibly consider other options at that time.

STATUTORY ENVIRONMENT:
Dog Act 1976

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS: Nil

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

RECOMMENDATION:

That Council advises the “Friends of Nannup Foreshore Group” that it is prepared to review Dog Exercise areas in the Nannup town site following the expiration period of 12 months of operation of the allocated Public Transport Authority land.

VOTING REQUIREMENTS: Simple Majority.

16037 FRASER/LONGMORE

That Council advises the “Friends of Nannup Foreshore Group” that it is prepared to review Dog Exercise areas in the Nannup town site following the expiration period of 12 months of operation of the allocated Public Transport Authority land.

CARRIED (8/0)

AGENDA NUMBER:	12.7
SUBJECT:	Request to Waive Hire Fees
LOCATION/ADDRESS:	Nannup Oval and Recreation Centre
NAME OF APPLICANT:	Ms Felicity Machar – Nannup Auskick Coordinator
FILE REFERENCE:	ADM 6
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	22 March 2016

BACKGROUND:

Ms Machar writes to Council as Coordinator of the proposed Nannup Auskick that she is endeavouring to start for the local children in Nannup. Ms Machar advises that she, together with other parents, have been trying to encourage young children to play football in Nannup to cut back families having to travel to Busselton or Manjimup for their children's sport.

Ms Machar advises that the Nannup Auskick will be run on the basis of not-for-profit and relying heavily on volunteers and support from the local community. The proposed times for conducting the Auskick program would be 9.30am to 10.30am on Sunday mornings starting from Sunday, 8 May until Sunday, 18 September 2016.

Ms Machar advises that to establish the Auskick program in Nannup she is formally requesting that Council waives hire fees for the sports oval and occasional use of the Recreation Centre Hall (extreme wet weather use only) for the above time slots. In keeping playing fees and insurance costs to a minimum for local families, the only way they can run the program is for Council to waive the fees.

COMMENT:

It is commendable that Ms Machar and others are endeavouring to get the Auskick program running in Nannup for local children to participate in. Auskick is a very successful program and caters for both boys and girls in learning Australian Rules Football, but more importantly, learning a team sport and remaining physically active. Retaining young children in Nannup to participate in sport is also a positive initiative which in turn reduces travelling for sporting activities.

The requested use of the Nannup Oval is 1 hour per week and Council does not have an hourly usage on its Fees and Charges Schedule. Fees for the Oval Usage are as follows:-

- \$65.00/day
- \$500.00 seasonal fee.

The Recreation Centre Hall hire fees are:-

- \$24.00/hour

Other sporting groups using the Recreation Centre Hall are required to pay the appropriate fees and charges and it would be setting an unwanted precedent to waive these fees. The Auskick participants would only use the Hall on extreme weather days and therefore a \$24/hour fee should not be a huge imposition on the organisers and users costs.

In respect to the Nannup Oval, the use of the playing fields for only 1 hour does not warrant a \$65/day fee and therefore, Council could allow use of the Oval for this period without a fee being imposed. This free usage for what is only a minimal period would show Councils support for the implementation of the Auskick program in Nannup.

STATUTORY ENVIRONMENT: Nil

POLICY IMPLICATIONS:

Policy BLD 1 – Relating to Use/Hire of Community Facilities:

“Council will charge all hirers of its facilities as per its list of fees and charges which is reviewed annually in line with the budget.

Should a “not for profit” community group/organisation seek the waiving of any fees and charges imposed for use/hire of a community facility, an application in writing is to be submitted and presented to Council for consideration”.

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS:

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

RECOMMENDATION:

That Council advises Ms Felicity Machar, Nannup Auskick Coordinator, that Council is prepared to allow the use of the Nannup Oval free of charge to assist in the development of the Auskick program in Nannup however, fees for the use of the Nannup Recreation Centre Hall will be required to be paid at the rate of \$24.00/hour based on Council's Fees and Charges Schedule.

VOTING REQUIREMENTS: Simple Majority.

16038 MELLEMA/STEER

That Council advises Ms Felicity Machar, Nannup Auskick Coordinator, that Council is prepared to allow the use of the Nannup Oval free of charge to assist in the development of the Auskick program in Nannup however, fees for the use of the Nannup Recreation Centre Hall will be required to be paid at the rate of \$24.00/hour based on Council's Fees and Charges Schedule.

CARRIED (8/0)

AGENDA NUMBER:	12.8
SUBJECT:	Advice of Lodgement of Exploration Licences
LOCATION/ADDRESS:	Carlotta Area
NAME OF APPLICANT:	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:	10 March 2016
ATTACHMENT:	12.8.1 - Correspondence and application details 12.8.2 – Location map

BACKGROUND:

Lithium Australia NL have lodged applications for two adjoining exploration licences, E70/4823 and E70/4824, to the Department of Mines and Petroleum, a large portion of which are located in the Carlotta area of the Shire of Nannup.

COMMENT:

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

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

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

1. That dust suppression is carried out so that others are not adversely affected;
2. That any saline ground water found is contained by pumping it into a water trailer and disposed of through normal mining practices under the terms of the company's mining conditions;
3. Any ground water that escapes onto the ground around the drill site is to be 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 Coronation Road, Gold Gully Road, Graphite Road, Mt Leewin Loop Road, Sears Road and Stallard 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 advises Lithium Australia NL that it has no objection to the application for Exploration Licences E70/4823 and E70/4824 in the Carlotta area of the Shire of Nannup subject to the following conditions being adhered to:

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

VOTING REQUIREMENTS: Simple Majority

16039 STEER/LONGMORE

That Council advises Lithium Australia NL that it has no objection to the application for Exploration Licences E70/4823 and E70/4824 in the Carlotta area of the Shire of Nannup subject to the following conditions being adhered to:

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

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

CARRIED (7/1)

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

Voting against the motion Cr Stevenson

AGENDA NUMBER:	12.9
SUBJECT:	Development Application for industry-extractive (shale)
LOCATION/ADDRESS:	Lot 12 on Plan 23245 Cundinup-Dudinyillup Road, Cundinup
NAME OF APPLICANT:	Prime Earthmoving Busselton for Gerald & Cheryle Brown
FILE REFERENCE:	A1378
AUTHOR:	Steve Thompson - Consultant Planner
REPORTING OFFICER:	Peter Clarke - Chief Executive Officer
DISCLOSURE OF INTEREST:	Edge Planning & Property receive payment for planning advice to the Shire and declare a Financial Interest (section 5.70 of the Local Government Act 1995)
PREVIOUS MEETING REFERENCE:	Nil
DATE OF REPORT:	23 March 2016
ATTACHMENTS:	12.9.1 Information from applicant 12.9.2 Location plan 12.9.3 Submissions 12.9.4 Applicant response to key submission issues

BACKGROUND:

The applicant has lodged a Development Application for an extractive industry of shale (generally boulder sized quartz with a coarse sand matrix). Information submitted by the applicant is provided in Attachment 12.9.1 which include a Development and Operations Plan by Greg Harewood (Environmental Management Consultant). This contains management plans for noise, dust, dieback, drainage and rehabilitation.

The application seeks approval to extract shale for an area of approximately 5.8 hectares with an estimated resource of 87,000m³. The average thickness of the shale resource is estimated to be 1.5 metres and the maximum thickness is estimated to be 3 metres.

The location of the application site is shown in Attachment 12.9.2 which is approximately 13 kilometres north-east of Nannup.

The site is 170.68 hectares in area, the extraction area is cleared, the site is in part designated as a bushfire prone area, and the property is zoned 'Agriculture Priority 2' in the *Shire of Nannup Local Planning Scheme No. 3* (LPS3). As set out in the LPS3 Zoning Table, 'Industry - Extractive' is an 'A' use in the Agriculture Priority 2 Zone. This means a Development Application can legally be applied for and the local government is able to determine the application following advertising.

The Shire administration invited public comment on the Development Application for a 6 week period by writing to 7 adjoining/nearby landowners and 15 other stakeholders, placing a public notice in the Busselton-Dunsborough Times, placing a sign on site, placing details on the Shire website and having details at the Shire office. The Shire received 13 submissions on the Development Application which are outlined in Attachment 12.9.3. The main issues raised in the submissions relate to road maintenance, safety of road users, managing surface water runoff and environmental management.

In accordance with standard practice, the Shire administration provided the applicant with copies of the submissions in order to address concerns and issues where possible. Attachment 12.9.4 outlines the applicant's response to key submission issues.

COMMENT:

A) Overview

It is recommended that Council approve the Development Application subject to conditions. This follows assessment against LPS3, the Local Planning Strategy, relevant State Government documents, considering the views of the submitters and information provided by the applicant. It is noted, for instance, that:

- no clearing of native vegetation is proposed;
- the extraction area is setback from watercourses;
- no blasting is proposed;
- there are suitable buffers to off-site dwellings; and
- shale resources are important to the district and region.

It is suggested that if the operation is suitably managed and planning conditions are met, that environmental considerations, site restoration and impact on the Shire road system can be appropriately addressed. While noting this, there are various issues associated with the industry-extractive use and associated vehicular access which should be considered by the Council in determining the Development Application. Some of these issues are outlined below and other issues are outlined in Attachment 12.9.3.

B) Traffic impacts and road maintenance

There were a number of submissions relating to traffic impacts and road maintenance. Some of the issues include a need to widen the creek crossing, installing safety rails at the creek crossing, the need for fencing adjoining the Cundinup-Dudinyillup Road, the appropriateness of the cattle grid, the need to prioritise right of way for cattle trucks and ensuring ratepayers are not out of pocket for damages to local roads. The applicant's response to key matters in

Attachment 12.9.4 is noted including that there are other users of Cundinup-Dudinyillup Road.

The applicant outlines the main haulage route is Cundinup-Dudinyillup Road, Cundinup South Road and Vasse Highway. A variety of trucks will transport the shale including 6 wheelers, semi tippers and road trains ('B' trains). The Development and Operations Plan outlines there will, on average, be 8 to 10 truck movements a day (4 to 5 trips going out and 4 to 5 return trips a day). Page 7 states 'the maximum number of truck movements expected would be around 30 per day (i.e. 15 truck loads) during periods of maximum demand.' The applicant's supplementary advice (Attachment 12.9.4) in part states 'There will be periods of weeks, even months when there will be absolutely no truck traffic into or from the shale pit.'

Cundinup-Dudinyillup Road is unsealed and narrow. The latest traffic vehicle count on Cundinup-Dudinyillup Road revealed an average of approximately 18 vehicles per day with approximately 14% of those vehicles being trucks. The proposed traffic generation from the shale pit, on occasions, is expected see a relatively large increase in heavy haulage traffic on Cundinup-Dudinyillup Road.

There will be on-going impacts on Cundinup-Dudinyillup Road over the life of the extractive – industry operation. If improvements are required for safety or other reasons, the Council should now consider how this will be funded and/or maintained. This could be from Council funds, an upfront financial contribution from the applicant, on-going maintenance from the applicant, a partnership between the Shire and the applicant, or a combination of the above.

Council's Local Planning Policy No. 20 - Developer and Subdivider Contributions provides for the Council to seek developer contributions for road upgrading (widening and reinstatement) or maintenance, if the Council determines that its current standard is insufficient to cater for the expected volume and type of vehicles. The Policy sets out contributions will typically be sought for industry-extractive applications where traffic volumes and impacts are expected as a result of the proposed use.

Given the above, the Shire administration recommends various conditions and advice be included with the approval relating to traffic impacts and road maintenance. For instance:

- requiring the applicant to install three passing bays on Cundinup-Dudinyillup Road;
- requiring the applicant to appropriately maintain and grade Cundinup-Dudinyillup Road, between the site's entry and Cundinup South Road during the approval period;

- requiring a road maintenance bond of \$5,000 for the repair and maintenance of Cundinup-Dudinyillup Road damaged by vehicles associated with the shale pit;
- upgrading the vehicular crossover;
- installing and maintaining road signs along transport routes warning other road users of trucks entering and using the public road system;
- a maximum speed of 40 kilometres per hour for heavy vehicles on Cundinup-Dudinyillup Road;
- the need to prioritise right of way for cattle trucks; and
- minimising the potential for conflict between heavy haulage vehicles and school buses.

It is suggested the above represents an equitable approach given the level of proposed development and its associated impacts compared to existing traffic levels. In comparison to haulage associated with tree harvesting a particular block, the expected heavy haulage traffic with carting shale will be over a considerably longer period.

C) Length of development approval

The applicant estimates the project life will be 5 years. It is recommended that the development approval be issued for a period of 5 years rather than an 'opened ended' approval period. It is suggested this provides certainty for the applicant, along with the opportunity for the Council and the Shire administration to review the effectiveness of the operation and associated impacts. The applicant can reapply to extend the industry-extractive use.

D) On-going management and safety

The applicant will need to address on-going management and safety. This includes restricting access to unauthorised persons through fencing, gates and signage.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005 and LPS3. The Shire has no guidelines or local laws on extractive industries. Extractive industry operators are bound to comply with various levels of State Government legislation. Additionally, self-auditing of operations and review of environmental monitoring is paramount.

POLICY IMPLICATIONS.

Various Local Planning Policies are relevant in assessing the Development Application including *Local Planning Policy No. 20 - Developer and Subdivider Contributions*. Local planning policies are non-statutory documents which are

designed to provide guidance to assist the Council in its decision making. Accordingly, the Council is not bound by the policies but is required to have regard to the policies in determining the Development Application.

There are also various State Planning Policies relevant to the application including *Environment and Natural Resources Policy*, *Basic Raw Materials*, and *State Industrial Buffer Policy*. Other publications include the *WAPC Basic Raw Materials Applicants' Manual* and the Environmental Protection Authority (EPA) *Guidance Statement No. 3 Separation Distances between Industrial and Sensitive Land Uses*. The EPA guidance recommends a generic buffer distance for sand/limestone extraction (where there are no grinding or milling works) of 300 – 500 metres from 'sensitive' uses (e.g. dwellings) depending on the operation size.

FINANCIAL IMPLICATIONS:

The key financial implication is the standard of roads used for haulage purposes and clarifying who pays for required upgrading and maintenance. A suggested approach to clarifying who is responsible for upgrading and maintenance is set out in this report.

STRATEGIC IMPLICATIONS:

Shale is an important resource within the district and region.

RECOMMENDATION:

That Council approve the Development Application for an industry-extractive use (shale pit) at Lot 12 on Plan 23245 Cundinup-Dudinyillup Road, Cundinup, subject to the following conditions:

General

1. The development hereby approved must be carried out in accordance with the plans and documentation submitted with the application, addressing all conditions, or otherwise amended by the local government and shown on the approved plan and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.
2. This development approval is valid until 30 June 2021 after which date the use shall cease unless prior to that date a new Development Application has been submitted to and approved by the local government for the continuation of the use for an extended period.

Pit operation

3. Operation of the pit shall be restricted to the hours of 7.00am-7.00pm Monday to Friday, 7.00am-1.00pm Saturday. No operation at all on Sundays or Public Holidays.
4. No excavation slope, with the exception of the working face, is to exceed a ratio of 1 measure vertical to 3 horizontal.
5. When not in use, the excavation face shall be graded to a maximum of 1 measure vertical to 3 horizontal.

Road upgrading and maintenance

6. The applicant is to install three passing bays on Cundinup-Dudinyillup Road, 6 metres wide in appropriate locations, to the satisfaction of the local government prior to the commencement of operations.
7. The applicant to appropriately maintain Cundinup-Dudinyillup Road, between the site's entry and Cundinup South Road during the course of the approval to the satisfaction of local government.
8. A road maintenance bond of \$5,000 is to be paid to local government prior to the commencement of operations to ensure Cundinup-Dudinyillup Road is maintained to a satisfactory standard. The bond amount is to be maintained at \$5000 for extraordinary expenses incurred by the local government for the immediate repair and maintenance of Cundinup-Dudinyillup Road damaged by vehicles associated with the development.
9. The vehicular crossover between the subject land and Cundinup-Dudinyillup Road is to be located, designed, constructed, and drained to the satisfaction of the local government prior to the commencement of operations.

Safety of road users

10. The applicant shall install and maintain road signs along transport routes warning other road users of trucks entering and using the public road system. Signs are to be to specification of the local government in locations approved in writing by the local government.

Safety on site

11. The site shall be fenced, gated and sign-posted against unauthorised entry, and such features shall thereafter be permanently maintained to the satisfaction of the local government.

Environmental management

12. The applicant shall implement the submitted Noise Management Plan to the satisfaction of the local government.
13. The applicant shall implement the submitted Dust Management Plan to the satisfaction of the local government.
14. The applicant shall implement the submitted Dieback Management Plan to the satisfaction of the local government.
15. No extraction activities are to occur within 10 metres of any native tree crown drip zone.
16. Any major environmental incident shall be immediately reported to the local government and will require remediation to the local government's acceptance prior to further shale extraction.

Stormwater management

17. The applicant shall implement the submitted Drainage Management Plan, including retaining all run-off within the extraction area, to the satisfaction of the local government.

Rehabilitation

18. The applicant shall implement the submitted Rehabilitation Management Plan to the satisfaction of the local government.
19. The excavation site is to be rehabilitated in accordance with the approved Rehabilitation Plan to the satisfaction of the local government prior to 30 June 2021.

Advice

- A) In relation to Condition 7, this will include a system of notification, inspection and post-development repair of the Cundinup-Dudinyillup Road to the satisfaction of the local government.
- B) In relation to Condition 9, any gates should be off-set to ensure trucks are not blocking the Cundinup-Dudinyillup Road when entering the site.
- C) The applicant should liaise with school bus operators to establish a traffic schedule to avoid potential conflict with school bus operations.
- D) The applicant should ensure that its heavy vehicle operators drive responsibly on

Cundinup-Dudinyillup Road, with a maximum speed of 40 kilometres per hour, and drive responsibility on other roads in the Shire of Nannup. There is a requirement to ensure that cattle trucks are given right of way.

- E) No native vegetation shall be removed as part of this extraction operation, unless permitted by a clearing licence or permit issued by the Department of Environment Regulation.
- F) Weeds should be appropriately controlled in accordance with Department of Agriculture and Food guidelines. This in part should address the management of declared weeds under the *Biosecurity and Agriculture Management Act 2007* and the *Biosecurity and Agriculture Management Regulations 2013*.
- G) The extraction should not intercept the groundwater table and dewatering of the extraction area is not permitted without approval of the local government. Measures should be taken to prevent spillage or disposal of machinery fuel, oil or grease products into the ground.
- H) The applicant is encouraged to prepare a Works Safety Plan prior to the commencement of operations which is then appropriately implemented.
- I) The applicant should retain appropriate Public Liability Insurance to cover the entire area the subject of this approval.
- J) The site is in part designated as a bushfire prone area. The applicant should take all practical steps to minimise the risk of bushfires and provide a fire fighting unit.
- K) There is a separate requirement to gain a Restricted Access Vehicles permit prior to operations commencing.
- L) The applicant is encouraged to approach the landowner to install fencing adjoining the Cundinup-Dudinyillup Road.
- M) If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

VOTING REQUIREMENTS: Simple Majority

16040 GILBERT/MELLEMA

That Council approve the Development Application for an industry-extractive use (shale pit) at Lot 12 on Plan 23245 Cundinup-Dudinyillup Road, Cundinup, subject to the following conditions:

General

- 1. The development hereby approved must be carried out in accordance with the plans and documentation submitted with the application, addressing all conditions, or otherwise amended by the local government and shown on the approved plan and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.***
- 2. This development approval is valid until 30 June 2021 after which date the use shall cease unless prior to that date a new Development Application has been submitted to and approved by the local government for the continuation of the use for an extended period.***

Pit operation

- 3. Operation of the pit shall be restricted to the hours of 7.00am-7.00pm Monday to Friday, 7.00am-1.00pm Saturday. No operation at all on Sundays or Public Holidays.***
- 4. No excavation slope, with the exception of the working face, is to exceed a ratio of 1 measure vertical to 3 horizontal.***
- 5. When not in use, the excavation face shall be graded to a maximum of 1 measure vertical to 3 horizontal.***

Road upgrading and maintenance

- 6. The applicant is to install three passing bays on Cundinup-Dudinyillup Road, 6 metres wide in appropriate locations, to the satisfaction of the local government prior to the commencement of operations, taking into consideration:-***
 - a. The extended bend at the exit of the extraction area with the associated lack of sight lines.***
 - b. The restriction of passage at the gate at the entrance of the property.***

Separate to the above;

 - c. Remedial action be undertaken to improve sight lines at the entry to Dudinyillup Road off Cundinup South Road.***

- d. Applicant demonstrates that egress from Dudinyillup Road can be safely undertaken by Road Transport that is proposed to be utilised.**
- 7. The applicant to appropriately maintain Cundinup-Dudinyillup Road, between the site's entry and Cundinup South Road during the course of the approval to the satisfaction of local government.**
- 8. A road maintenance bond of \$5,000 is to be paid to local government prior to the commencement of operations to ensure Cundinup-Dudinyillup Road is maintained to a satisfactory standard. The bond amount is to be maintained at \$5000 for extraordinary expenses incurred by the local government for the immediate repair and maintenance of Cundinup-Dudinyillup Road damaged by vehicles associated with the development.**
- 9. The vehicular crossover between the subject land and Cundinup-Dudinyillup Road is to be located, designed, constructed, and drained to the satisfaction of the local government prior to the commencement of operations.**

Safety of road users

- 10. The applicant shall install and maintain road signs along transport routes warning other road users of trucks entering and using the public road system. Signs are to be to specification of the local government in locations approved in writing by the local government.**

Safety on site

- 11. The site shall be fenced, gated and sign-posted against unauthorised entry, and such features shall thereafter be permanently maintained to the satisfaction of the local government.**

Environmental management

- 12. The applicant shall implement the submitted Noise Management Plan to the satisfaction of the local government.**
- 13. The applicant shall implement the submitted Dust Management Plan to the satisfaction of the local government.**
- 14. The applicant shall implement the submitted Dieback Management Plan to the satisfaction of the local government.**

- 15. No extraction activities are to occur within 10 metres of any native tree crown drip zone.**
- 16. Any major environmental incident shall be immediately reported to the local government and will require remediation to the local government's acceptance prior to further shale extraction.**

Stormwater management

- 17. The applicant shall implement the submitted Drainage Management Plan, including retaining all run-off within the extraction area, to the satisfaction of the local government.**

Rehabilitation

- 18. The applicant shall implement the submitted Rehabilitation Management Plan to the satisfaction of the local government.**
- 19. The excavation site is to be rehabilitated in accordance with the approved Rehabilitation Plan to the satisfaction of the local government prior to 30 June 2021.**

Advice

- A) In relation to Condition 7, this will include a system of notification, inspection and post-development repair of the Cundinup-Dudinyillup Road to the satisfaction of the local government.**
- B) In relation to Condition 9, any gates should be off-set to ensure trucks are not blocking the Cundinup-Dudinyillup Road when entering the site.**
- C) The applicant should liaise with school bus operators to establish a traffic schedule to avoid potential conflict with school bus operations.**
- D) The applicant should ensure that its heavy vehicle operators drive responsibly on Cundinup-Dudinyillup Road, with a maximum speed of 40 kilometres per hour, and drive responsibly on other roads in the Shire of Nannup. There is a requirement to ensure that cattle trucks are given right of way.**
- E) No native vegetation shall be removed as part of this extraction operation, unless permitted by a clearing licence or permit issued by the Department of Environment Regulation.**
- F) Weeds should be appropriately controlled in accordance with Department of Agriculture and Food guidelines. This in part should**

address the management of declared weeds under the Biosecurity and Agriculture Management Act 2007 and the Biosecurity and Agriculture Management Regulations 2013.

- G) The extraction should not intercept the groundwater table and dewatering of the extraction area is not permitted without approval of the local government. Measures should be taken to prevent spillage or disposal of machinery fuel, oil or grease products into the ground.***
- H) The applicant is encouraged to prepare a Works Safety Plan prior to the commencement of operations which is then appropriately implemented.***
- I) The applicant should retain appropriate Public Liability Insurance to cover the entire area the subject of this approval.***
- J) The site is in part designated as a bushfire prone area. The applicant should take all practical steps to minimise the risk of bushfires and provide a fire fighting unit.***
- K) There is a separate requirement to gain a Restricted Access Vehicles permit prior to operations commencing.***
- L) The applicant is encouraged to approach the landowner to install fencing adjoining the Cundinup-Dudinyillup Road.***
- M) If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.***

CARRIED (7/1)

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

Voting against the motion Cr Stevenson

REASON FOR ALTERATION TO THE RECOMMENDATION:

In respect to Condition 6, Council considered that additional safety provisions should be implemented by the applicant to ensure that line of sight both at the entrance/exit of the shale pit and also at the Cundinup and Dudinyillup Roads intersection.

AGENDA NUMBER:	12.10
SUBJECT:	Budget Monitoring – February 2016
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 8
AUTHOR:	Robin Prime – Corporate Services Officer
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
DATE OF REPORT:	31 March 2016
ATTACHMENTS:	12.10.1 – Financial Statements for the period ending 29 February 2016 12.10.2 – Table Showing Detailed Variances for February 2016

BACKGROUND:

Local Government (Financial Management) Regulation 34(1) requires that Council report monthly on the financial activity from all the various operating and capital divisions. Council has adopted a variance threshold of 10% or \$5,000, whichever is the greater on which to report. The statutory statements are appended at Attachment 12.10.1.

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

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

COMMENT:

As part of Council's statutory compliance an annual review of the financial budget has now been completed. Trends were identified and reported on and these will continue to be monitored throughout the year with only new variances reported each month. No new variances were identified within this period and it is still officers opinion that a nil surplus/deficit will be the closing position as at June 30 2016.

Attachment 12.10.2 provides detailed breakdowns of income and expenditure incurred within the period 1 July 2015 and 29 February 2016 and the associated annual budgets. These are broken down into four columns. The annual budget

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

STATUTORY ENVIRONMENT:

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

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS: Nil.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

It is recommended that the Monthly Financial Statements for the period ending 29 February 2016 be received.

VOTING REQUIREMENTS: Simple Majority

16041 GILBERT/STEER

It is recommended that the Monthly Financial Statements for the period ending 29 February 2016 be received.

CARRIED (8/0)

AGENDA NUMBER:	12.11
SUBJECT:	Budget Review 2015/16
LOCATION/ADDRESS:	Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	FNC 3
AUTHOR:	Tracie Bishop – Manager Corporate Services
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
DATE OF REPORT:	3 March 2016

SUMMARY:

As per the Financial Management Regulations 1996 Section 33A a review of a Local Governments annual budget must be completed between 1 January and 31 March each year. The bulk of this review was completed at the end of January 2016 with a review of current spending trends and estimated end of year positions brought to the February Council meeting. Left from this report however was the revised surplus brought forward for this financial year. The following item allows the Shire of Nannup to reach compliance within this area.

COMMENT:

The Financial Management Regulations 1996 require that the net current assets at the start of the financial year be shown within the annual budget. If this figure is unknown at the time of preparation then an estimation figure should be used and once the audit of the previous financial year finalised any variance between the budget estimation and the audited actual calculation must be addressed within the budget review. Below is a copy of the net current asset position as shown within the Annual Report. Differences between the budgeted inclusion and the final position are the result of various end-of-year processes not having been completed prior to the budget being raised.

CALCULATION OF DISTRIBUTABLE SURPLUS

SURPLUS for RATE SETTING STATEMENT		\$ 645,221
Current Assets & Liabilities Added Back for RSS		
Current Loan	\$ 14,560.00	
Current Proportion of Long Term Borrowing	-\$ 76,933.00	
		<u>-\$ 62,373.00</u>
GROSS SURPLUS		<u>\$ 582,848.00</u>
LESS		
Restricted Income as per Note 2(c)	-\$ 102,045.30	
YAC & YCN	-\$ 16,250.00	
Withholding tax	-\$ 19.00	
GST Payable	-\$ 14.00	
PAYG Tax Payable	\$ 40,469.00	
ADD		
Current Proportion of LSL	\$ 228,935.00	
		<u>\$ 733,923.70</u>
LESS INCOME/EXPENDITURE C/F:		
Committed expenditure in following year	\$ -	
Pre-payments included in unrestricted cash	-\$ 700,580.00	
		<u>-\$ 700,580.00</u>
		<u>\$ 33,343.70</u>

Notes:

Restricted Income - Note 2C refers to grants carried forward

Prepayments refers to Financial Assistance Grants & Road & VFBF/SES Operating Grants received as prepayments 30/6/15

At the end of the 2014/15 financial year once restricted cash, unspent grants, prepayments and committed expenditure have been excluded, the uncommitted surplus that is shown above of \$33,343. This amount was used as per Council Resolution 9139 to cover the deficit carried forward from the previous year. This resolution is shown below:

9139 LORKIEWICZ/SLATER

That Council amend the 2014/15 budget as follows:

2) Any surplus arising in 2014/15 will first be used to offset the deficit carried forward from the 2013/14 financial year.

CARRIED BY ABSOLUTE MAJORITY (8/0)

STATUTORY ENVIRONMENT:

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

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

POLICY IMPLICATIONS: None

FINANCIAL IMPLICATIONS:

That the budget raised for the 2015/16 financial year remains consistent with current spending and it is anticipated that the end of year position will be a balanced as per initial budget.

STRATEGIC IMPLICATIONS: None

RECOMMENDATION:

That Council endorses all variances shown within this report as part of the annual Budget Review for the 2015/16 financial year required to remain compliant with statutory obligations.

VOTING REQUIREMENTS: Absolute Majority.

16042 GILBERT/STEER

That Council endorses all variances shown within this report as part of the annual Budget Review for the 2015/16 financial year required to remain compliant with statutory obligations.

CARRIED BY ABSOLUTE MAJORITY (8/0)

AGENDA NUMBER:	12.12
SUBJECT:	Donnelly River Huts inclusion on Rate Base
LOCATION/ADDRESS:	Donnelly River
NAME OF APPLICANT:	Tracie Bishop
FILE REFERENCE:	RAT 9
AUTHOR:	Tracie Bishop – Manager Corporate Services
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	21 March 2016
ATTACHMENTS:	12.12.1 – Map of leases – LDR Huts Master Plan 12.12.2 – Letter from Civic Legal

BACKGROUND:

Land abutting the Donnelly River within the D'Entrecasteaux National Park has historically been used as a holiday destination by families who have built short stay accommodation on this Department of Parks and Wildlife (DPaW) Reserve. Up until 2013 this accommodation had no legal tenancy and basically was allowed purely with the tolerance of the State Government. Within the 2012/13 financial year the State Government agreed that if the properties were brought up to the applicable health and building codes currently in force then a 21 year lease would be granted with an option for an additional 21 years at the end of this period.

Fast forward to 2016 and these properties now have been brought up to the required building and health standards and leases have been issued or are in the process of being issued for the 43 properties. Of these properties 33 are within the Shire of Nannup boundaries and the remaining 10 are in the Shire of Manjimup.

COMMENT:

Now that formalised lease agreements have been signed between hut owners and the Department of Parks and Wildlife the land that previously was classed as non-rateable land becomes rateable land as per the Local Government Act 1995 (The Act). Section 6.26 of The Act provides that:

6.26. Rateable land

- (1) Except as provided in this section *all land within a district is rateable land.*
- (2) The following land is not rateable land —

- (a) land which is the property of the Crown and —
 - (i) is being used or held for a public purpose; or
 - (ii) is unoccupied, except —
 - (I) where any person is, under paragraph (e) of the definition of *owner* in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the *Mining Act 1978* in respect of land the area of which does not exceed 10 ha or a miscellaneous licence held under that Act; or
 - (II) where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of *owner* in section 1.4 occupies or makes use of the land;
- and
- (b) land in the district of a local government while it is owned by the local government and is used for the purposes of that local government other than for purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the local government; and
 - (c) land in a district while it is owned by a regional local government and is used for the purposes of that regional local government other than for the purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the regional local government; and
 - (d) land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood; and
 - (e) land used exclusively by a religious body as a school for the religious instruction of children; and
 - (f) land used exclusively as a non-government school within the meaning of the *School Education Act 1999*; and
 - (g) land used exclusively for charitable purposes; and
 - (h) land vested in trustees for agricultural or horticultural show purposes; and
 - (i) land owned by Co-operative Bulk Handling Limited or leased from the Crown or a statutory authority (within the meaning of that term in the *Financial Management Act 2006*) by that co-operative and used solely for the storage of grain where that co-operative has agreed in writing to make a contribution to the local government; and

- (j) land which is exempt from rates under any other written law; and
- (k) land which is declared by the Minister to be exempt from rates.

As these huts are primarily used for private residences with the option to either privately or commercially lease then all paragraphs other than (b), (j) and (k) are not applicable.

Of the sections of *The Act* that remain,

- Section (b) does not apply as the land is not owned by the local government;
- Section (j) will not apply as a search by Civic Legal found that there were no written laws that would exempt land from being rated; and
- Section (k) does not apply as no evidence can be found whereby the minister has excluded this portion of land from being 'rateable' land.

Further the lease agreement signed makes reference to the Lessee having an obligation to pay Rates & Taxes to the relevant Authority before those Rates & Taxes become overdue.

Overall there does not appear to be any legal reason for these properties to now be excluded from the rate base and it is officer recommendation that for the entirety of the lease agreements these properties be rated.

With this in mind, contact has been made with DPaW for details of the leases and the names and addresses of lessees supplied. This information has now been forwarded to The Valuer General for values to be raised on these properties with the assumption being that as at the 2016/17 financial year rates will be issued to these lessees.

As mentioned earlier within this item, contact has been made with Civic Legal to determine that raising rates on these properties would not contravene The Act and their response is included within the attachments. Contact was also made with the Department of Local Government and Communities to ensure that there were no objections from their department with these rates being raised and with the Valuer General. From all of these contacts no objections were raised.

It is therefore the intention of officers to include these 33 properties from 1 July 2016 until the expiry of these leases either in 2037 or if the full 42 year term granted in 2058 unless Council objects and wishes these properties to remain non-rateable. In preparation for this letters have been sent out to all lessees advising them of the actions the Shire of Nannup is intending to take and the reasoning behind.

Financially what this represents to this organisation is an increase in the rate base of \$34,254 per annum based around the current minimum rates for an

Unimproved Property. Based on current minimum rates the following projections can be made:

	Minimum rate 2015/16 - UV	Result
33 huts at minimum rate	\$1039	\$34,254

Actual revenue received by the Shire of Nannup will not increase from this inclusion rather the rate burden will now be shared with these properties and so the annual rate increases per property will be lower than if these properties were not included.

STATUTORY ENVIRONMENT: Section 6.28 of the Local Government Act 1995

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS:

The financial implication of the officers' recommendation is an increase in the rate base for the Shire of Nannup for up to 42 years which will equate to lower rates being raised per assessment.

STRATEGIC IMPLICATIONS:

Strategic Community Plan - 6.1

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

RECOMMENDATION:

That the 33 leased properties forming part of the D'Entrecasteaux National Park Reserve number 36996 identified as being within the Shire of Nannup boundaries be included within the rateable properties from 1 July 2016 up until notification from the Department of Parks and Wildlife that the leases have expired.

VOTING REQUIREMENTS: Simple Majority

16043 STEER/SLATER

That the 33 leased properties forming part of the D'Entrecasteaux National Park Reserve number 36996 identified as being within the Shire of Nannup boundaries be included within the rateable properties from 1 July 2016 up until notification from the Department of Parks and Wildlife that the leases have expired.

CARRIED (8/0)

AGENDA NUMBER:	12.13
SUBJECT:	Policy Changes – FNC 2
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Tracie Bishop
FILE REFERENCE:	FNC 15
AUTHOR:	Tracie Bishop – Manager Corporate Services
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	21 March 2016
ATTACHMENT:	12.13.1 – Draft Amended Policy FNC2 – Depreciation of Fixed Assets.

BACKGROUND:

Our current policy relating to the level of depreciation applicable to the various asset types does not reflect the information contained within our Annual Statement at Note 1 which is in line with the Australian Accounting Standards on Fair Values – AASB 13.

COMMENT:

While depreciation is a non cash item and as such does not impact too heavily on the annual expenses of the organisation, the implication of applying more depreciation than required can be that the ratios included within our Annual Report are shown in a more severe light than they need to be. One of the adverse ratios shown within the Annual Report would have been adjusted if depreciation rates applied reflected those shown within Note 1.

STATUTORY ENVIRONMENT: AASB 13 – Fair Value Measurement.

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS:

Deprecation rates applied to various classes reflect those within AASB 13 and the Annual Report.

STRATEGIC IMPLICATIONS: Nil

RECOMMENDATION:

That Councils policy FNC 2 be adjusted to correctly reflect the rates of depreciation in line with the Australian Accounting Standards at AASB13 currently reflected in our Annual Reports.

VOTING REQUIREMENTS: Simple Majority

16044 STEVENSON/SLATER

That Councils policy FNC 2 be adjusted to correctly reflect the rates of depreciation in line with the Australian Accounting Standards at AASB13 currently reflected in our Annual Reports.

CARRIED (8/0)

AGENDA NUMBER:	12.14
SUBJECT:	Monthly Accounts for Payment - February 2016
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 8
AUTHOR:	Tracie Bishop – Manager Corporate Services
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
DATE OF REPORT:	21 March 2016
ATTACHMENTS:	12.14.1 – Accounts for Payment – February 2016 12.14.2 – Credit Card Transactions – December 2015 – January 2016

BACKGROUND:

The Accounts for Payment for the Nannup Shire Municipal Account fund and Trust Account fund to 29 February 2016 as detailed hereunder and noted on the attached schedule are submitted to Council.

COMMENT:

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

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

Municipal Account

Accounts paid by EFT	8012 - 8129	\$363,6152.48
Accounts paid by cheque	19974 - 19996	\$513,272.91
Accounts paid by Direct Debit	DD9514.1 to DD9534.1	\$6,794.80
Sub Total Municipal Account		<u>\$278,982.45</u>

Trust Account

Accounts paid by EFT		\$0.00
Accounts Paid by cheque	22795	\$41,500.00
SubTotal Trust Account		<u>\$41,500.00</u>
Total Payments		<u><u>\$925,183.19</u></u>

STATUTORY ENVIRONMENT: LG (Financial Management) Regulation 13

POLICY IMPLICATIONS: None.

FINANCIAL IMPLICATIONS: As indicated in Schedule of Accounts for Payment.

STRATEGIC IMPLICATIONS: None.

RECOMMENDATION:

That the List of Accounts for Payment for the Nannup Shire Municipal Account fund totalling \$925,183.19 in the attached schedule be endorsed.

VOTING REQUIREMENTS: Simple majority

16045 MELLEMA/LONGMORE

That the List of Accounts for Payment for the Nannup Shire Municipal Account fund totalling \$925,183.19 in the attached schedule be endorsed.

CARRIED (8/0)

- 13. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**
 - 13.1 OFFICERS**
Nil
 - 13.2 ELECTED MEMBERS**
Nil
- 14. MEETING CLOSED TO THE PUBLIC**
(Confidential Items)
 - 14.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED**
Nil
 - 14.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC**
Nil
- 15. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
Nil
- 16. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**
Nil
- 17. CLOSURE OF MEETING**

There being no further business to discuss the Shire President declared the meeting closed at 5.30 pm.