



Shire of
Nannup
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Minutes

Council Meeting held
on Thursday 25 October 2012
Commencing at 4.15pm

CONFIRMATION OF MINUTES

These minutes comprising pages 1 – 46 were confirmed by
Council on 22 November 2012 as a true and accurate record.

.....
Cr Tony Dean
SHIRE PRESIDENT

Shire of Nannup
Ordinary Council Meeting Agenda:

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11 REPORTS OF OFFICERS

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12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

(a) OFFICERS - None

(b) ELECTED MEMBERS – None 46

13 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN 46

None

14 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

None

15 CLOSURE OF MEETING 46

18.00pm

Minutes

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The chairperson declared the meeting open at 16.16 hrs

ATTENDANCE:

Councillors: Dean, Camarri, Dunnet, Gilbert, Longmore, Lorkieicz, Mellema & Steer.

Robert Jennings – Chief Executive Officer
Vic Smith – Manager Corporate Services
Chris Wade – Manager Infrastructure

VISITORS: 9

APPOLOGIES:

None

2 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

None

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

None

4 PUBLIC QUESTION TIME

Jean Peterson

Q1 Will any unused money collected for strategic firebreaks be refunded?

A1 The Manager of Corporate Services explained that Council had chosen to apply a Specified Area Rate rather than to use the sundry debtor system to reduce the administration associated with implementing strategic fire breaks. Any unused funds from the Specified Area Rate would be returned to ratepayers as required by the Local Government Act.

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Rita Stallard

Q1 What is the position on demolishing the toilets at rear of Shire offices?

QA The CEO advised that they are not being demolished ~~for new~~ and will form part of the consultation on the Asset Management Plan.

Q2 Will the sign to the toilets be restored?

A2 The CEO advised that it would probably not but will be considered.

Q3 Has an allowance been made for safety in the new Rec Centre?

A3 The Shire President advised that it had because the new road layout will be a cul-de-sac, reducing the movement of traffic. The drinking of alcohol will be controlled through the provisions in the liquor license.

Q4 Is Council aware that there is no room at the side of the court?

A4 The Shire President advised that this will be addressed in the development of Stage 2 of the project.

Q5 Is Council aware that the floor is dangerous through water leakage?

A5 The Shire President advised that money has been made available in stage 1 of the project to address this.

Q6 Is Council aware that the shade cloth protects players from the morning sunlight?

A6 The Shire President advised that he was.

Q7 Will the design for the new centre address the issues with the girl's toilets?

A7 The Shire President advised that it would be.

Q8 Can a crèche be provided?

A8 The Shire President advised that it could form part of Stage 2.

Q9 Why did we need new cemetery gates?

A9 The Shire President advised they needed to be replaced and much of the work had been provided free of charge.

Q10 What was the cost of the cemetery gates?

A10 The Manager of Infrastructure advised they cost \$2,500.

Q11 Will anything be done about the fence?

A11 The Shire President advised that it will be in the future.

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Paul Flint

- Q1 Why are we moving from a strategic fire break to an individual basis?
Who is responsible for surveying the blocks now that a number of the marker pegs had been removed through previous works to the firebreaks?
- A1 The Manager of Infrastructure advised that up to last year, breaks were managed by local fire services. There was a struggle to collect the funds and management of the breaks was difficult. It was unsure whether strategic breaks had been effective.

The construction of breaks was supervised by Darradup Fire Brigade.

Patricia Fraser

- Q1 How do I pay rates on a block I don't own?
- A1 The CEO advised to provide details to the Manager Corporate Services who would investigate the issue.
- Q2 What did we get from the Yaragadee?
- A2 The Shire President advised that construction of the pipeline starts in two weeks but as the Shire does not own the Yaragadee then no funds had been received in respect of this work. However, the Council is trying to get a gas pipeline implemented in the return trench.
- Q3 Why is Council allowing water to run down Warren Road?
- A3 The Manager Infrastructure advised that it was not scheme water and is a leach drain overflowing.

Steve Boak

Referred to the questions in his letter sent to Council.

The CEO explained that a summary of the main responses would be provided at this meeting and a full written response would follow.

- Q1 Questions related to Jalbarragup Strategic Access Track Levy.
- A1 The Manager of Corporate Services explained that the payments made by residents in Cockatoo Valley could not be compared to those for Jalbarragup because the rate base for the two areas was different.
- Q2 When are the approach roads going to be sealed?
- A2 Approach roads are to be completed before Christmas. Pot holes are inevitable with the settlement process and locals have the option

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of a sealed alternative route if they are concerned about their vehicles.

Q3 When will the contaminating clay and silt be removed?

A3 The contractor appears to have returned the area to the best possible state machinery could achieve. They are reliant on a good rainfall to top the beach with water flow to clean it up. This hasn't happened this year. Secondly, the point should be addressed by Main Roads WA as they are the project managers. It was suggested that a letter from the residents highlighting their concerns could be directed to Main Roads WA.

Q4 Will the contractor be recalled to remove the clay dam?

A4 The clay dam query should be addressed by Main Roads WA as they are the project managers and suggested that a letter from the residents highlighting their concerns could be directed to Main Roads WA. The bridge and its construction do not involve Council and Council cannot, for financial reasons, accept any responsibility for the works.

Q5 Series of questions relating to recycling of timber, further interpretation and design of Jalbarragup memorial statement.

A5 The contractor was asked to use as much salvageable timber as possible, but we have been informed that most of the timber was in poor condition and not suitable for use. The years of treatment of the timber resulted in considerable drill holes, insecticides and fungicides being spread throughout the timber.

The existing timber is now being housed in the contractor's yard. The community has been encouraged to talk to the contractor should they want to salvage any timber.

Infrastructure such as seating is not the preferred outcome by Council as there are maintenance and inspection costs that we prefer to minimise. There does however appear to be a gap between the heritage community consultation and the final outcome, something that will need further consideration by Council.

An interpretation panel and cultural interpretation is still to be installed.

Q6 Why was there not a public opening for the bridge?

A6 The bridge was opened before a large portion of the earthworks were completed, therefore, it was felt that a public opening of a "construction site" so to speak, was not appropriate. A more public opening has not been discussed at this point. The earlier opening of the bridge was insisted upon by Council so that residents could utilise it rather than it remain closed for another season.

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Q7 Questions relating to amount of clearing, responsibility and enforcement of clearing on Brookwood Estate subdivision.

A7 Should any clearing have occurred beyond that set out in the fire hazard reduction notice, which is found to be inconsistent with clause 4.13.10.4 of the Local Planning Scheme 3, the Shire will investigate the matter and determine what action needs to be taken.

Assuming Scheme Amendment No.12 is gazetted and the Council has designated Bush Fire Prone Areas, this does not provide a right to clear 100 metres in every direction around an approved new dwelling in the Brookwood Estate or in other parts of the Shire where it involves the clearing of native (remnant) vegetation.

Subject to the Minister for Planning's decision on Scheme Amendment No. 12, the Shire administration proposes to draft a Local Planning Policy on bush fire management to assist clarifying the Council's position on a range of matters including the tenure and management responsibility of strategic firebreaks. Another important issue is the Council's approach to the clearing of native vegetation to assist in lowering bush fire risk. Should the Council agree to adopt the draft policy, it will be subject to community and stakeholder comment before the Council determines whether or not to grant final adoption to the policy.

The protection of people and houses are important in Special Rural areas including in the Brookwood Estate. Bushland retention is also important and accordingly a balanced approach is sought. Clearing beyond the 20 metres Building Protection Zone, while legally possible in the Brookwood Estate, may be unacceptable to the vast majority of Brookwood Estate residents both now and into the foreseeable future. While noting this, legislation, best practice and community values change and this matter is expected to be revisited as required.

The Shire is the primary agency for enforcing appropriate bushfire management and assessing clearing in the Brookwood Estate (unless the proposal was to clear above 1 hectare). Should any clearing be excessive, it may be referred to DEC to investigate.

Michael Loveland

Q1 Can I have the details of the information referred to in the job application for Fire Break Inspector?

A1 Question taken on notice. CEO responded that if we have a map of the plantations referred to it will be provided.
Mr Loveland's Comments on burning were noted.

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Leonard Gilchrist

A1 Why did the Councillor rip up my letter?

Q1 The shire President cannot recall incident and he was advised to discuss this with the individual outside of this meeting. Mr Gilchrist's other comments were noted.

Phil Lark

Q1 What happens if we refuse to put in fire breaks?

A1 The Manager of Infrastructure advised the shire could go in and do work under the Local Government Act and charge the owners.

5 APPLICATIONS FOR LEAVE OF ABSENCE

None

6 PETITIONS/DEPUTATIONS/PRESENTATIONS

None

7 DECLARATIONS OF INTEREST

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

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

8 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

8858 GILBERT / LORKIEWICZ

That the Minutes of the Ordinary Council Meeting of the Shire of Nannup held in Council Chambers on 27 September 2012 be confirmed as a true and correct record.

CARRIED 8/0

9 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

None

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10 REPORTS BY MEMBERS ATTENDING COMMITTEES

Regional Development Association
Warren Blackwood Strategic Alliance
FESA Training Session
Warren Blackwood Strategic Alliance

DEVELOPMENT

SERVICES

AGENDA NUMBER: 11.1

SUBJECT: Final adoption of Amendment No 12 to Local Planning Scheme No. 3
Designated Bush Fire Prone Areas and Bush Fire Management

LOCATION/ADDRESS: Whole of Shire

NAME OF APPLICANT: Shire of Nannup

FILE REFERENCE: TPL1

AUTHOR: Steve Thompson – Consultant Planner

REPORTING OFFICER: Robert Jennings – chief Executive Officer

DISCLOSURE OF INTEREST: Edge Planning & Property receive planning fees
for advice to the Shire therefore declare a Financial Interest – Section 5.70 of
the Local Government Act 1995

DATE OF REPORT: 10 October 2012

- Attachment:
1. Schedule of Submissions (initial consultation period)
 2. Schedule of Submissions (second consultation period)
 3. Submissions (third consultation period)
 4. Schedule of Submissions (third consultation period)
 5. Scheme amendment No 12 provisions publicly advertised (third consultation period)

BACKGROUND:

1. Purpose

The purpose of Amendment No. 12, to *Shire of Nannup Local Planning Scheme No. 3 (LPS3)*, is to provide a statutory head of power to designate bush fire prone areas and to introduce statutory provisions to reduce bush fire risk when considering proposals and support efforts on an on-going basis.

In relation to designating bush fire prone areas, Amendment No. 12 proposes to provide a statutory head of power to the *Bush Fire Hazard Strategy - Shire of Bridgetown-Greenbushes and Shire of Nannup* considered in item 11.2 of this agenda. This will require new habitable buildings or additions to habitable buildings to comply with *Australian Standard AS3959-2009 Construction of Buildings in Bushfire Prone Areas*.

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2. Council resolutions

At the Council Meeting of 24 March 2011, the Council passed the following motion, at minute No 8575:

"That Council agree in pursuance of Section 75 of the Planning and Development Act 2005 to initiate an amendment to the Shire of Nannup Local Planning Scheme No. 3 by, adding provisions to designate a Bushfire Prone Area over the whole Shire outside the Nannup Town site area."

At the Council Meeting of 28 July 2011, the Council passed the following motion, at minute No 8652:

"That Council agree to the changes to the Scheme Amendment 12 as described in Attachment 1 and raised during the public submission period, as shown in the attached table of submissions and therefore due to the substantial change to the amendment document advertise the proposed Scheme Amendment 12, to Local Planning Scheme No 3, for a further 42 day public advertising period."

At the Council Meeting of 15 December 2011, the Council passed the following motion, at minute No 8720:

"That Council propose a second round of consultation."

The resolution of 15 December 2011 should have read "third" and not "second".

3. EPA decision and community/stakeholder consultation

The Environmental Protection Authority (EPA) on 18 April 2011 determined that the scheme amendment should not be assessed via an environmental impact assessment. The EPA decision effectively gave its "environmental clearance" to Amendment 12.

Following the receipt of the EPA decision, the Shire sought public comment on Amendment 12 for over a six week period (27 April - 10 June 2011), meeting the requirements of the *Town Planning Regulations* through:

- writing to relevant State Government and servicing agencies;
- placing public notices in local papers;
- details being on the Shire's website; and
- having information available at the Shire office.

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Additionally, a Community Information Forum was held on 24 May 2011, at which over 20 people from the community attended.

The Shire received 10 submissions on Scheme Amendment No. 12 through the initial consultation which are summarised in the Schedule of Submissions in Attachment 1. These were considered by Council at its meeting on 28 July 2011.

Following the Council resolution on 28 July 2011, the revised documentation was re-advertised for community and stakeholder comment between 8 August – 30 September 2011 (54 days). The Shire received 5 submissions in the second round of consultation which are summarized in the Schedule of Submissions in Attachment 2.

Following the Council resolution on 15 December 2011, Scheme Amendment No. 12 has been advertised for a third time in August and September 2012. The Shire administration held off undertaking the third round of community consultation on Scheme Amendment No. 12 until Strategen's Bush Fire Hazard Strategy was suitable for public release. Two submissions were received in the third round of consultation which are provided in Attachment 3 and summarized in Attachment 4.

4. Planning and building context

Planning for Bush Fire Protection Guidelines (Edition 2)

The Western Australian Planning Commission (WAPC) and the Fire and Emergency Services Authority (FESA) have developed the "Planning for Bush Fire Protection Guidelines" (Edition 2, May 2010). These guidelines are designed, in part, for local governments to use to assess the risk of bushfire hazard in a proposed development or subdivision. The focus of these guidelines is "ensuring that bush fire hazards are considered in planning decisions at all stages of the planning process to avoid increased fire risk to life and property through inappropriately located or designed land use and development." (page 1)

Page 4 of the guidelines, in part, states:

"Bush fire prone areas may be designated by the local government. In designated bush fire prone areas, all new habitable buildings must comply with AS3959. For the purposes of the guidelines, all areas with a moderate or extreme bush fire hazard level are considered to be bush fire prone areas for planning new subdivisions and developments and for building controls." (page 4).

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Appendix 1 of the Guidelines sets out the methodology for determining bush fire hazard levels.

Local Planning Scheme No. 3

Clause 10.2 of LPS3 sets out several matters to consider when dealing with applications for Council's approval of a proposed development:

- (d) any approved Statement of Planning Policy of the Commission;
- (g) any Local Planning Policy adopted by the Council under the provisions of Clause 2.4;
- (n) whether the land to which the application relates is unsuitable for the proposal by reason of it being, or likely to be, subject to bush fire or any other risk; and
- (q) whether the proposed means of access to or egress from the site are adequate.

Currently, LPS3 set out that habitable buildings in some Special Rural and Special Use zones must be constructed to AS3959-2009. Most parts of the municipality do not however have this requirement.

State Planning Policy 3.4 - Natural Hazards and Disasters

Local government must have regard to this Policy in the preparation or amendment of local planning schemes, strategies and policies, and when providing comment and advice that deal with applications that may be affected by natural hazards. The Policy should be used by local government to determine those areas that are most vulnerable to bushfire and where development should not be recommended. It authorises the WAPC to prepare guidelines for protection from hazards which should be considered in the determination of proposals.

Building Code of Australia

The Building Code of Australia (BCA), Parts P2.3.4 and 3.7.4, controls the building of dwellings in declared bushfire prone areas. The BCA is satisfied if the dwelling or habitable building complies with Australian Standard AS3959-2009 Construction of Buildings in Bushfire Prone Areas.

Bush Fire Hazard Strategy - Shire of Bridgetown-Greenbushes and Shire of Nannup

The Shire of Nannup and the Shire of Bridgetown-Greenbushes appointed Strategen to prepare a bushfire hazard assessment for both municipalities (refer to item 11.2 of this agenda). This classifies areas either as a "Low" or "Moderate to Extreme" bush fire hazard level. The assessment will be a valuable tool for

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various local government functions including ranger, building and planning services.

COMMENT:

It is recommended that Council grant final adoption to Scheme Amendment No. 12 subject to minor modifications set out in the officer recommendation.

Following three rounds of community and stakeholder consultation, the Shire has received a total of two objections which were made in the first round of consultation by Ms Cheryle Brown and Mr Kevin Bird. These have previously been provided to Councillors and these and other earlier submissions can again be provided on request. No objections were made in the second and third rounds of consultation. There was however widespread support from State Government agencies along with support from the Shire of Bridgetown-Greenbushes and the Shire of Manjimup. Considering the extensive consultation that occurred on Scheme Amendment No. 12 on three occasions, which resulted in only two objections, it can only be assumed that there is community acceptance to designating bush fire prone areas and introducing provisions to reduce bush fire risk.

With the process now extending 18 months to this point, key changes since the Council initiated (adopted) Scheme Amendment No. 12 on 24 March 2011 have included the preparation of the *Bush Fire Hazard Strategy - Shire of Bridgetown-Greenbushes and Shire of Nannup* (the "Strategy"). Initially, the Strategy had not been prepared and in its absence, the bush fire prone area was proposed to be for the whole Shire outside of the Nannup town site and then it was proposed as the entire municipality. The preparation of the Strategy now defines bush fire prone areas based on an assessment in accordance with *Planning for Bush Fire Protection Guidelines (Edition 2)*. Additionally, the Shire administration has drafted provisions to reduce bush fire risk when considering proposals and to support efforts on an on-going basis.

Minor suggested modifications, outlined in the officer recommendation are proposed to the version that was publicly advertised in the third round of consultation set out in Attachment 5. The suggested changes are minor and reflect the "coming together" of the preparation of the Strategy to complement the proposed statutory provisions to address relevant and recent comments of the Department of Planning and a refinement by the Shire administration.

Scheme Amendment 12 is consistent with wide ranging strategies and policies. If approved by the Minister for Planning and then gazetted, Amendment 12 will assist to reduce bushfire risk to residents and visitors.

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The effect of Scheme Amendment 12 includes that:

- if a property owner wishes to build or extend a habitable building in an area designated as "moderate" or "extreme" hazard in the Shire wide hazard assessment, they will be subject to the relevant bushfire prone requirements pursuant to the Building Code of Australia, Australian Standard 3959 - 2009 (or any updates) and Planning for Bush Fire Protection Guidelines (Edition 2) or any updates. This, in part, will require a higher standard of house construction unless a low fuel area ("circle of safety") is extended;
 - if a proponent disputes or seeks to lower the hazard level on their land which is set out in the Shire-wide Bushfire Hazard Assessment Plan, the proponent is to arrange at their cost a Bushfire Attack Level (BAL) assessment and a statement/report from a suitably qualified and/or experienced practitioner to address the requirements of the Planning for Bush Fire Protection Guidelines (Edition 2) or any updates. This will generally be addressed at the building permit stage. No planning application will continue to be required for single dwellings throughout the municipality (except if the dwelling proposes to vary LPS3 setbacks for the zone or if the site is located within a Heritage Area);
- where the local government has accepted a recommendation for a lower hazard level, the landowner will be responsible for permanent hazard reduction measure to maintain the nominated and agreed BAL.
- where a Fire Management Plan has been endorsed by the local government and/or FESA, the effected land owners will be responsible for the ongoing implementation of the "land owners' responsibilities" as specified in that Fire Management Plan; and
- it sets out a range of matters that require the local government to consider in assessing proposals and matters that need to be addressed by proponents.

It is highlighted that under the *Planning and Development Act 2005* the amendment now cannot be stopped by Council. Given the amendment gained EPA "environmental clearance" and has been publicly advertised, the Minister for Planning (and not the Council) will make the final decision on Amendment 12. Outlined below is part of section 87 of the *Planning and Development Act*:

87. Approval and publication of scheme or amendment

- 1) Subject to section 83, after advertisement under section 84 and compliance with sections 85 and 86, a local planning scheme prepared

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or adopted, or an amendment to a local planning scheme prepared or adopted, by a local government is to be submitted to the Minister for the approval of the Minister.

- 2) The Minister may, in relation to a local planning scheme or amendment submitted to the Minister under subsection (1) —
 - a) approve of that local planning scheme or amendment;
 - b) require the local government concerned to modify that local planning scheme or amendment in such manner as the Minister specifies before the local planning scheme or amendment is resubmitted for the Minister's approval under this subsection; or
 - c) refuse to approve of that local planning scheme or amendment.

The WAPC will next assess the scheme amendment request with the final decision made by the Minister for Planning.

STATUTORY ENVIRONMENT:

Planning and Development Act, Town Planning Regulations, LPS3 and State Planning Policy 3.4 Natural Hazards and Disasters.

POLICY IMPLICATIONS:

The declaration of a designated bush fire prone area will enable the implementation of AS3959-2009. This includes addressing low fuel areas and a higher standard of building construction for properties with a moderate or extreme bush fire hazard level.

FINANCIAL IMPLICATIONS:

Public advertising was a budgeted cost.

STRATEGIC IMPLICATIONS:

Approval and implementation of Scheme Amendment 12 will assist to reduce bushfire risk to residents and visitors.

VOTING REQUIREMENTS: Simple Majority.

RECOMMENDATION:

That Council:

1. In pursuance of Section 75 of the *Planning and Development Act 2005* grant final adoption of Amendment No. 12 to the *Shire of Nannup Local Planning Scheme No. 3* by inserting a new Part in the Scheme as follows:

PART 13 - DESIGNATED BUSHFIRE PRONE AREAS AND BUSH FIRE MANAGEMENT

- 13.1 The Bushfire Hazard Assessment Maps designate specific hazard levels throughout the municipality either as a "low", "moderate" or "extreme" hazard. The Bushfire Hazard Assessment Maps form part of the Scheme for the purposes of Part 13.
- 13.2 The Bushfire Hazard Assessment Maps may be amended from time to time. They are to be held at the local government office.
- 13.3 Construction and/or additions to habitable buildings throughout the municipality in areas classified as "moderate" or "extreme" hazard, irrespective of whether or not a planning approval of the local government is required, will be subject to the relevant bushfire prone requirements pursuant to the Building Code of Australia, Australian Standard 3959 - 2009 (or any updates) and Planning for Bush Fire Protection Guidelines (Edition 2) or any updates.
- 13.4 If a proponent disputes or seeks to lower the hazard level of their land set out in the Bushfire Hazard Assessment Maps, the proponent is to arrange a Bushfire Attack Level (BAL) assessment and a statement/report from a suitably qualified and/or experienced practitioner to address the requirements of the Planning for Bush Fire Protection Guidelines (Edition 2) or any updates.
- 13.5 Upon receipt of the site specific BAL assessment and statement/report referred to in Clause 13.4, the local government may accept a recommendation for a lower hazard level for the site than set out in the Bushfire Hazard Assessment Maps.
- 13.6 Where the local government has accepted a recommendation for a lower hazard level referred to in clause 13.5, the landowner will be responsible for permanent hazard reduction measures to maintain the nominated and agreed BAL. The local government may require the landowner to arrange a re-assessment and a statement/report from a suitably qualified and/or experienced practitioner as required (at the landowner's expense) to

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- ensure reduction measures are maintained at the nominated and agreed BAL.
- 13.7 Where a landowner accepts the hazard level of their land set out in the Bushfire Hazard Assessment Maps referred to in clause 13.1, the landowner will be responsible for permanent hazard reduction measures to maintain the nominated BAL. The local government may require the landowner to arrange an assessment and a statement/report from a suitably qualified and/or experienced practitioner as required (at the landowner's expense) to ensure reduction measures are maintained at the nominated BAL.
- 13.8 In considering proposals (including applications for planning approval, subdivision applications and structure plans) where there are bush fire risks, the local government is to have regard to -
- a) State Planning Policy 3.4 Natural Hazards and Disasters;
 - b) Planning for Bush Fire Protection Guidelines (Edition 2) or any updates;
 - c) any advice obtained from the Fire and Emergency Services Authority of Western Australia; and
 - d) any other planning consideration the local government considers relevant.
- 13.9 The local government may impose conditions to reduce bush fire risk to people and/or property including -
- a) the provision of a fire fighting water supply;
 - b) the provision of fire services access;
 - c) the preparation of a Fire Management Plan in accordance with the Planning for Bush Fire Protection Guidelines (Edition 2), or any updates, and implementation of specific fire protection measures set out in the plan; and
 - d) the implementation of measures to ensure that prospective purchasers are aware of the relevant scheme provisions, Fire Management Plan and publications addressing fire safety.
- 13.10 Where a Fire Management Plan has been endorsed by the local government and/or the Fire and Emergency Services Authority of Western Australia, the affected land owners will be responsible for the ongoing implementation of the "land owners" responsibilities as specified in that Fire Management Plan."

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2. Adopt the recommendations in Attachments 1, 2 and 4 relating to submissions and thank individuals and agencies who made a submission.
3. Refer Scheme Amendment No. 12 to the Western Australian Planning Commission and seek final approval by the Honourable Minister for Planning.

8859 DEAN / GILBERT

That Council:

1. In pursuance of Section 75 of the *Planning and Development Act 2005* grant final adoption of Amendment No. 12 to the *Shire of Nannup Local Planning Scheme No. 3* by inserting a new Part in the Scheme as follows:

PART 13 - DESIGNATED BUSHFIRE PRONE AREAS AND BUSH FIRE MANAGEMENT

- 13.1 The Bushfire Hazard Assessment Maps designate specific hazard levels throughout the municipality either as a "low", "moderate" or "extreme" hazard. The Bushfire Hazard Assessment Maps form part of the Scheme for the purposes of Part 13.
- 13.2 The Bushfire Hazard Assessment Maps may be amended from time to time. They are to be held at the local government office.
- 13.3 Construction and/or additions to habitable buildings throughout the municipality in areas classified as "moderate" or "extreme" hazard, irrespective of whether or not a planning approval of the local government is required, will be subject to the relevant bushfire prone requirements pursuant to the Building Code of Australia, Australian Standard 3959 - 2009 (or any updates) and Planning for Bush Fire Protection Guidelines (Edition 2) or any updates.
- 13.4 If a proponent disputes or seeks to lower the hazard level of their land set out in the Bushfire Hazard Assessment Maps, the proponent is to arrange a Bushfire Attack Level (BAL) assessment and a statement/report from a suitably qualified and/or experienced practitioner to address the requirements of the Planning for Bush Fire Protection Guidelines (Edition 2) or any updates.
- 13.5 Upon receipt of the site specific BAL assessment and statement/report referred to in Clause 13.4, the local government may accept a recommendation for a lower hazard level for the site than set out in the Bushfire Hazard Assessment Maps.

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- 13.6 Where the local government has accepted a recommendation for a lower hazard level referred to in clause 13.5, the landowner will be responsible for permanent hazard reduction measures to maintain the nominated and agreed BAL. The local government may require the landowner to arrange a re-assessment and a statement/report from a suitably qualified and/or experienced practitioner as required (at the landowner's expense) to ensure reduction measures are maintained at the nominated and agreed BAL.
- 13.7 Where a landowner accepts the hazard level of their land set out in the Bushfire Hazard Assessment Maps referred to in clause 13.1, the landowner will be responsible for permanent hazard reduction measures to maintain the nominated BAL. The local government may require the landowner to arrange an assessment and a statement/report from a suitably qualified and/or experienced practitioner as required (at the landowner's expense) to ensure reduction measures are maintained at the nominated BAL.
- 13.8 In considering proposals (including applications for planning approval, subdivision applications and structure plans) where there are bush fire risks, the local government is to have regard to -
- a) State Planning Policy 3.4 Natural Hazards and Disasters;
 - b) Planning for Bush Fire Protection Guidelines (Edition 2) or any updates;
 - c) any advice obtained from the Fire and Emergency Services Authority of Western Australia; and
 - d) any other planning consideration the local government considers relevant.
- 13.9 The local government may impose conditions to reduce bush fire risk to people and/or property including –
- a) the provision of a fire fighting water supply;
 - b) the provision of fire services access;
 - c) the preparation of a Fire Management Plan in accordance with
 - d) the implementation of measures to ensure that prospective purchasers are aware of the relevant scheme provisions, Fire Management Plan and publications addressing fire safety.

**Shire of Nannup
Ordinary Council Meeting Agenda:**

- 13.10 Where a Fire Management Plan has been endorsed by the local government and/or the Fire and Emergency Services Authority of Western Australia, the affected land owners will be responsible for the ongoing implementation of the "land owners" responsibilities as specified in that Fire Management Plan."
2. Adopt the recommendations in Attachments 1, 2 and 4 relating to submissions and thank individuals and agencies who made a submission.
 - 3 Refer Scheme Amendment No. 12 to the Western Australian Planning Commission and seek final approval by the Honourable Minister for Planning.

CARRIED 5 / 4

Voting for the motion: Dean, Mellema, Gilbert & Steer

Voting against the motion: Camarri, Dunnet, Longmore & Lorkiewicz

Motion passed on casting vote of Shire President

Schedule of Submissions – Amendment No.12 to LPS No.3 (initial consultation)

No.	Name & Address of Submitter	Summary of Submissions	Comments	WAPC Recommendation
	Kevin Bird Balingup Road NANNUP WA 6275	<p>A) <i>"I am disappointed in the officer's presentation on the proposal to implement Nannup Shire as a Bushfire Prone Area, by not admitting that all rural houses would be subject to a maximum extension size of 25% of floor area. If a larger extension is planned a BAL assessment will have to be done and the whole house upgraded to meet AS3959. Had not a question been raised from the floor concerning this matter it seems the officers would have glossed over this important issue. This issue alone should result in postponement of any decision being made until all homeowners are notified of the impact of this new policy."</i></p> <p>B) <i>"To discriminate between rural and town housing is wrong. The officers claimed that houses within the town boundary are safe because there is a fire fighting appliance in town. May I remind those officers of the recent fires in Roleystone where numerous appliances were present where backup from rotary and fixed wing water bombers could not stop over 70 homes from being destroyed and many more damaged. That fire did not come from a rural area but started within urban development, a similar set of circumstances could occur in Nannup and to claim that one appliance could safeguard the town is unrealistic."</i></p> <p>C) <i>"To place the onus on the builder to ensure that the site assessment and</i></p>	<p>A) Noted the position is 50 sq. metres or 25% of the floor area whichever is the smaller, the additions only need to be constructed to the new standard and the rest of the dwelling can remain as is.</p> <p>B) Noted The reason is not to do with town or rural it is to do with the lot size there is not sufficient room to comply on urban zoned lots, the rural lots are larger and therefore have room to comply. Where council considers there is a threat in the town site this can be addressed by other means. Also existing lots can be built on, this thus removes any likely liability on the council form claim by existing lot owners</p> <p>C)Noted The builder is only responsible for</p>	

		<p><i>upgrade to comply with AS3959 with no follow up after key hand over is foolish. The BAL is only as strong as the weakest link. The builder has no control over garden structures, location and type of garden furniture, plastic shade sales etc. And indeed the use of woodchip mulch, the later being direct cause of the fires in Canberra 2000."</i></p> <p>D) <i>"Possibly the greatest threat to a house under ember attack is the vehicle parked in the carport under the main roof. When that petrol tank explodes, that house will be destroyed irrespective of its construction material or compliance. The majority of houses lost at the Lake Clifton and Roleystone fires were double brick."</i></p> <p>E) <i>"The current strategy of forced evacuations means that with no-one to put out spot fires the house is doomed and to think that AS3959 is going to make it fire proof is wrong. If this is implemented the perception from the public will be that it is, promoting a false sense of security."</i></p>	<p>compliance up to handover the owner is then the responsible party and they have to comply from then on. None of the houses in lake Clifton where built to AS3959 and like everything it is an attempt to improve the likely hood of survival not a guarantee.</p> <p>D)Noted Most of the houses are actually burnt as a result of ember attack (small burning particles) being blown into or onto flammable material, the fuel tank of the car is not practically vulnerable in ember attack, Things like the evaporative air conditioner (which are treated under 3959) caused a number also embers going into gardens against wall and untreated grass and bush too close to the house etc.</p> <p>E)Noted Life is and always will be the first responsibility of the Fire fighters and is not a reason not to implement this code which is designed to make the house a safer place to take refuge or to be more likely to survive should the occupants decide to evacuate. The cost will only be borne by future owners you can design the house to have no extra cost if you have sufficient land surrounding the proposed house 100 metres, many of the rural holding can comply with this requirement. This is an Australian standard and for a shire with a large interface with forest I believe it is justified</p>	
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		<p>F) <i>"This proposal will have major consequences for the community of Nannup and should be subject to a referendum to be held with the Local Government elections in October. This is an academic response to a bureaucratic problem where the cost is borne by the homeowner for no practical outcome. I urge the Councillors to delay any decision until the outcome of a referendum is known."</i></p>	<p>F)Noted</p>	
	<p>Cheryle Brown Address withheld</p>	<p>A) Does not believe that the wider impact of designating the whole of the Shire of Nannup as a Bushfire Prone Area has been fully considered.</p> <p>B) <i>"What may be good for our neighbouring Shires is not necessarily the best option for the Nannup Shire, and causes concern when this reasoning is used to support an initiative."</i></p> <p>C) <i>"With Council struggling to balance its 2011-2012 budget and ratepayers facing a major increase in rates to finance the budget shortfall, it would be prudent for Council to look at opportunities to INCREASE its rates base, rather than instigating initiatives that will dramatically reduce or hinder property developments and the subsequent rates base increase."</i></p> <p>D) <i>"The increased cost of building new residences to Bushfire Prone Area standards will result in a 20%-40% increase in the cost of building in Nannup compared to other nearby (non-BFPA) communities. This will price</i></p>	<p>A) Noted</p> <p>B) The reasoning is based on the amount of interface with forest and other bushland where houses are built, Council by adopting this are accepting an Australian standard as a means to providing the safest possible environment for the residents</p> <p>C) while there can be a cost increase if the land owner does not have the required land this is modest for most common sites BAL 12.5 and 19. The cost is not significant against the combined cost of house and land and will help ensure new resident are not scared away for m areas like Nannup due to the fear of Bushfire</p> <p>D) the cost of a BAL 19 house is in the order of 6% more than a standard home the neighbors Busselton Augusta Margaret river and Bridgetown Greenbushes are all compliant</p>	

purchasing a property for a residential building in Nannup out of reach of the potential buyer market. Why would a potential resident choose to buy and build in Nannup at higher building costs over other nearby regional Shires which do not currently have the "Fire Prone Area: standards in place. This will hinder the Nannup Shire's ability to expand its rates base and the local economy's ability to grow and prosper."

E) *"It was stated that the Scheme is only applicable to new building development applications, however the question raised at the meeting of the impact on extensions to existing properties was addressed. The comment was made that extensions 'could possibly' come under the same guidelines as extensions to buildings in the Flood Prone area – being that an extension of more than 25% of the existing building would automatically come under the new policy. However there appeared to be little knowledge by the officer or the information as to how this would work. The cost & conditions of building and extension up to the BFPA Standards would be increased in comparison to a standard extension with no beneficial to reducing fire prone status of the property as the existing structure would not need to comply? Shouldn't the wider Nannup community be made aware that future extensions to their properties could become dramatically more expensive once these Standards are implemented?"*

F) *"The amendment provides a false sense of security to property owners who would consider a home built to Bushfire Prone Area standards will withstand any*

or in the processes of doing so

E) the position is 50 sq. metres or 25% of the floor area whichever is the smaller, the additions only need to be constructed to the new standard and the rest of the dwelling can remain as is

F) the current practice of allowing the construction of homes from Cedar and upwards is a greater risk to the shire than imposing

		<i>fire attack."</i>	this and the onus is on the owner to ensure that they comply in future	
Shire of Bridgetown – Greenbushes PO Box 271 BRIDGETOWN WA 6255	A) <i>"As you are aware, the Shire of Bridgetown-Greenbushes and the Shire of Nannup are jointly finalising the Consultant's Brief for a Bushfire Protection Strategy for both local authorities, with the finding to guide future bushfire management measures."</i> B) <i>"Please be advised that the Shire of Bridgetown-Greenbushes supports Amendment No.12 as a pro-active and practical response to managing bushfire threats."</i>	A) Noted B) Noted		
Western Australian Planning Commission 6 th Floor Bunbury Tower 61 Victoria Street BUNBURY WA 6230	A) Noted Council's intent to advertise the Amendment	A) Yes, advertising period was from 27 April – 10 June 2011		
Fire & Emergency Services Authority PO Box 1288 BUNBURY WA 6231	A) Assessed against WAPC SPP.34 Natural hazards and disasters. B) No objections to the Amendment.	A) Noted and no further comment		

	<p>Department of Environment and Conservation</p> <p>PO Box 1693 BUNBURY WA 6231</p>	<p>A) <i>"It is the expectation of DEC that the planning system will appropriately address any environmentally planning issues associated with this proposal."</i></p> <p>B) No objections to the Amendment.</p>	<p>A) Noted.</p> <p>B) Noted</p>	
	<p>Department of Local Government</p> <p>GPO Box R1250 PERTH WA 6844</p>	<p>A) <i>"Given that the Department does not have jurisdiction in matter relating to planning it is not appropriate for this Department to comment."</i></p>	<p>A) Noted and no further comment.</p>	
	<p>Main Roads</p> <p>PO Box 5010 BUNBURY WA 6231</p>	<p>A) No objections to the Amendment</p>	<p>A) Noted and no further comment</p>	
	<p>Water Corporation</p> <p>Kevin.Powell@watercorporation.com.au</p>	<p>A) No objections to the Amendment</p>	<p>A) Noted and no further comment</p>	
	<p>Department of Water</p> <p>Carol.ANDERSON@water.wa.gov.au</p>	<p>A) No objections to the Amendment</p>	<p>A) Noted and no further comment</p>	

Shire of Nannup Local Planning Scheme No. 3
Scheme Amendment No. 12 – Schedule of Submissions (additional consultation)

Note: All submissions are noted, however the terminology of “Dismiss”, “Upheld”, or “Partially Upheld” is typically used for recommendations to the Western Australian Planning Commission (WAPC). In the Council’s Recommendation column, if a submission is only “Noted”, it does not make it clear to the WAPC whether the Council agrees or does not agree with the submission. If a submission is “Upheld”, it means that Council agrees that the amendment should be modified as a result of the submission. If a submission is “Dismissed”, it means that no modifications are recommended.

No.	Name and Address of Submitter	Summary of Submissions	Council's Comments	Council's Recommendation
1	Kevin Powell Water Corporation Kevin.Powell@watercorporation.com.au	No objection to the Amendment.	That the submission be noted.	That the submission be dismissed.
2	Roy Winslow Shire of Manjimup PO Box 1 Manjimup WA 6258	No comment.	That the submission be noted.	That the submission be dismissed.
3	Richard Bloor Department of Education 151 Royal Street, East Perth WA 6004	No objection to the Amendment.	That the submission be noted.	That the submission be dismissed.
4	Carol Anderson Department of Water Carol.ANDERSON@water.wa.gov.au	No objection to the Amendment.	That the submission be noted.	That the submission be dismissed.
5	Tim Clynch Shire of Bridgetown – Greenbushes PO Box 271 BRIDGETOWN WA 6255	A) Support Amendment 12 given it is a pro-active and practical response to managing bushfire threats. B) The Shire of Bridgetown-Greenbushes and the Shire of Nannup are jointly finalising the Consultant’s Brief for a Bushfire Protection Strategy for both local authorities, with the finding to guide future bushfire management measures.	That the submission be noted.	That the submission be dismissed.



Government of Western Australia
Fire & Emergency Services Authority

SHIRE OF NANNUP RECEIVED			
Ref: TPL1-12 No. 2012 426			
24 SEP 2012			
CEO MCS WM MDS	AO EO CDO CR: Wendy	LIB PUB	FMO YO RO



South Western Highway
BUNBURY WA 6230
PO Box 1288 BUNBURY WA 6231
Telephone (08) 9780 1900
Facsimile (08) 9725 4230
Email fesa@fesa.wa.gov.au
www.fesa.wa.gov.au

Your Ref: FRC 7& TPL1/i1
Our Ref: BY01859-03

24 September 2012

Chief Executive Officer
Shire of Nannup
PO Box 11
NANNUP WA 6275

Dear Sir

**RE DRAFT BUSH FIRE HAZARD STRATEGY – SHIRE OF BRIDGETOWN-
GREENBUSHES AND SHIRE OF NANNUP AND SCHEME AMENDMENT
NO. 12 TO SHIRE OF NANNUP LOCAL PLANNING SCHEME NO.3**

Please be advised that with reference to Section 2.3 of the 'Planning for Bush Fire Protection Guidelines -Edition 2, FESA is satisfied that associated documentation including the context of the Local Planning Scheme Amendment No. 3 – Amendment 17, provides satisfactory evidence that the general principles that underpin the guidelines can be achieved and implemented at some subsequent stage in the planning process.

Should you require further information please contact our Regional office on 9780 1900.

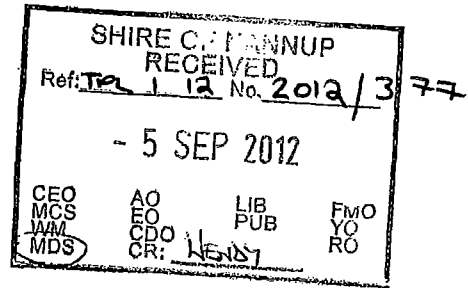
Yours faithfully

DOUG VAN BAVEL
LAND USE PLANNING OFFICER



Government of Western Australia
Department of Planning

Your Ref: FRC 7 & TPL 1/11
Our Ref: TPS/0577/1
Enquiries: Jacob Clements



31 August 2012

Attention: Robert Jennings
Shire of Nannup
15 Adam Street
PO Box 11
Nannup, WA, 6275

**RE: DRAFT BUSHFIRE HAZARD STRATEGY - SHIRE OF BRIDGETOWN-
GREENBUSHES AND SHIRE OF NANNUP AND SCHEME AMENDMENT NO. 12 to
SHIRE OF NANNUP LOCAL PLANNING SCHEME NO. 3**

I refer to your letter dated 6 August 2012, seeking comments from the Department of Planning regarding the above mentioned proposals.

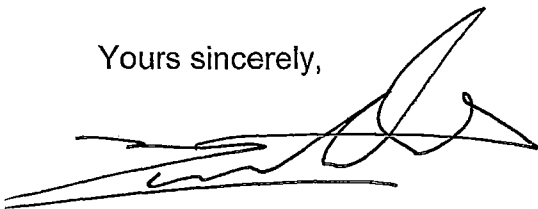
The South West Planning branch provides the following advice relating specifically to the proposed Scheme Amendment:

1. (13.1) – The example maps included in the Bushfire Hazard Strategy do not support this statement.
2. (13.2) – Reference to Bushfire Hazard Assessment Plans should be changed to 'Bushfire Hazard Assessment Maps' to accord with the terminology used by the Bushfire Hazard Strategy. Reference to 'medium' should be changed to 'moderate' for the same reason.
3. (13.3) – reword as follows: "The Bushfire Hazard Assessment Maps may be amended from time to time. They are to be held at the local government office".
4. (13.4) – If the whole Shire is bushfire prone, then AS3959 applies to the whole Shire. Change 'medium' to 'moderate'. What are the 'relevant bushfire prone requirements?'. How is the BAL arrived at?
5. Reference to standards applicable in areas identified as having an extreme fire hazard are potentially misleading in that the 'Planning for Bushfire Protection Guidelines' do not promote new development, or the intensification of development, in these areas.
6. It is noted that you have addressed building or extensions to lots affected by bushfire prone designation in proposed Clause 13.4, however, consideration should also be given to alterations.

7. Consideration should be given to non-residential buildings in which workers, occupiers or visitors may be exposed to a bushfire hazard to be assessed as if it was a residential development or other buildings not covered by AS 3959 (refer to 6.5.13 in Mundaring's draft Scheme - attached).
8. Consideration should be given to having a clause regarding the update of FMP's. Conditions can change over time and being able to update the FMP may be desirable. A period of update and/or review every 3 years could be an option.

If you have any queries in relation to this matter please contact Jacob Clements at this office on 9791 0577.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Matt Cuthbert', written over a horizontal line.

Matt Cuthbert
Senior Project Planner
South West Planning

- 6.5.12 Subdivision and development within the Bush Fire Hazard Special Control Area shall comply with all relevant Acceptable Solutions set out in Appendix 2 of the *Planning for Bush Fire Protection Guidelines (2010)*. Where a proposed subdivision or development does not comply with one or more Acceptable Solutions set out in Appendix 2 of the *Planning for Bush Fire Protection Guidelines (2010)*, the proposed subdivision or development shall be assessed by the Shire in accordance with the relevant Performance Criteria and the relevant procedures for such assessment set out in the *Planning for Bush Fire Protection Guidelines (2010)*. In determining an application for development that does not comply with one or more Acceptable Solutions set out in Appendix 2 of the *Planning for Bush Fire Protection Guidelines (2010)*, the Shire shall have regard to the advice of the Shire's Chief Bush Fire Control Officer.
- 6.5.13 Non-residential buildings, in which workers, occupiers or visitors may be exposed to bushfire hazard, within the Special Control Area shall be assessed in accordance with clause 6.5.11, as if it were residential development.
- 6.5.14 In its determination of any application for planning approval, and in providing a recommendation in relation to subdivision, the Shire is to have particular regard to:
- (a) State Planning Policy 3.4 Natural Hazards and Disasters;
 - (b) the potential hazards occasioned by the vegetation, topography and prevailing winds during the bush fire season, and the extent (if any) to which any change in land use may increase such hazards;
 - (b) the design and siting of buildings, works and access with reference to the performance standards set out in the *Planning for Bush Fire Protection Guidelines* and Australian Standard 3959, *Construction of Buildings in Bushfire-Prone Area*;
 - (c) avenues of escape in the event of a bush fire, and the level of hazard associated with any vehicular access facilities;
 - (d) practicability of reducing the risk associated with bush fire events, including fire breaks, reduction in fuel load and roof/wall irrigation systems;
 - (e) the effects of any proposed fire protection measures on the amenity and environmental values of the locality, including but not limited to landscape values, Local Natural Areas and soil stability;

Shire of Nannup Local Planning Scheme No. 3
Scheme Amendment No. 12 – Schedule of Submissions(3rd round of consultation)

Note: All submissions are noted, however the terminology of “Dismiss”, “Upheld”, or “Partially Upheld” is typically used for recommendations to the Western Australian Planning Commission (WAPC). In the Council’s Recommendation column, if a submission is only “Noted”, it does not make it clear to the WAPC whether the Council agrees or does not agree with the submission. If a submission is “Upheld”, it means that Council agrees that the amendment should be modified as a result of the submission. If a submission is “Dismissed”, it means that no modifications are recommended.

No.	Name and Address of Submitter	Summary of Submissions	Council’s Comments	Council’s Recommendation
1	Doug Van Bavel Fire & Emergency Services Authority PO Box 1288 Bunbury WA 6231	The Amendment and associated Bush Fire Hazard Strategy are consistent with the principles of “Planning for Bush Fire Protection Guidelines (Edition 2)”.	That the submission be noted.	That the submission be dismissed.
2	Matt Cuthbert Department of Planning 6 th Floor, 61 Victoria Street Bunbury WA 6230	Various modifications to increase consistency between the Amendment and associated Bush Fire Hazard Strategy. Additional advice includes including non-residential buildings and inserting a clause regarding updating Fire Management Plans.	<p>Since the Council’s resolution on 15 December 2011, the draft <i>Bush Fire Hazard Strategy - Shire of Bridgetown-Greenbushes and Shire of Nannup</i> has been submitted to the Shire. When the Council adopted (initiated) Amendment 12 on 24 March 2011, the Strategy had not been prepared and in its absence, the bush fire prone area was proposed to be for the whole Shire outside of the Nannup townsite and then it was proposed for the entire municipality. The preparation of the Strategy now defines bush fire prone areas based on an assessment in accordance with <i>Planning for Bush Fire Protection Guidelines (Edition 2)</i>. With the recent preparation and submission of the Strategy, it is agreed there is a need to increase consistency between the Amendment and Strategy.</p> <p>Other advice has merit, including for non-residential development, although it is suggested this be reconsidered following implementation and review of designating bush fire prone areas.</p>	That the submission be upheld in part, with changes to provisions 13.1 – 13.4 as outlined in points 1 – 4 of the submission.



Shire of

N A N N U P

The Garden Village

TOWN PLANNING SCHEME No 3
(District Scheme)
AMENDMENT No 12

Designation of Bush Fire Prone Areas

November 2011

PLANWEST

(WA) PTY LTD A.B.N. 77 665 477 168

**CONSULTANTS IN PLANNING,
DESIGN AND MANAGEMENT**

PLANNING & DEVELOPMENT ACT 2005

RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME

Shire of Nannup

LOCAL PLANNING SCHEME No 3

AMENDMENT No 12

RESOLVED that the Council in pursuance of Section 75 of the Planning and Development Act 2005 amend the above Local Planning Scheme by:

Adding provisions to designate a Bushfire Prone Area over the whole Shire of Nannup Local Planning Scheme No 3 area.

Dated this day of20...

.....
Chief Executive Officer

.....
Date

FILE NO.....

PART OF AGENDA.

MINISTER FOR PLANNING AND INFRASTRUCTURE

PROPOSAL TO AMEND A SCHEME

- 1. **LOCAL AUTHORITY:** Shire of Nannup
- 2. **DESCRIPTION OF LOCAL PLANNING SCHEME:** Local Planning Scheme No. 3
- 3. **TYPE OF SCHEME:** District Zoning Scheme
- 4. **SERIAL NUMBER OF AMENDMENT:** Amendment No. 12
- 5. **PROPOSAL** To add a new Part to designate the whole Shire of Nannup as a Bushfire Prone Area.

REPORT BY: Shire of Nannup

1 INTRODUCTION

The Shire of Nannup seeks the WA Planning Commission's support and the Hon. Minister's approval to a Scheme Amendment that seeks to add a new Part to designate the whole Shire of Nannup as a Bushfire Prone Area.

2 BACKGROUND

The Shire of Nannup Scheme No 3 was gazetted on 14 March 2007 and has been the subject of eleven amendments.

The West Australian Planning Commission (WAPC) and the Fire and Emergency Services Authority (FESA) have developed a set of guidelines for local governments to use to assess the risk of bushfire hazard in a proposed development. The objective of these guidelines is to protect life and property from bushfires. These guidelines are the *Planning for Bush Fire Protection Guidelines, edition 2, May 2010*.

The Building Code of Australia (BCA), Parts P2.3.4 and 3.7.4, controls the building of houses in declared bushfire prone areas. The BCA is satisfied if the house complies with Australian Standard AS3959 *Construction of Buildings in Bushfire Prone Areas*:

In the Local Planning Scheme No.3 for Nannup Shire, buildings in some Special Rural Zone areas with bushfire hazards must be constructed to AS3959. Other areas in bush fire prone areas do not carry this requirement. It is the purpose of this Amendment to apply these guidelines over the whole of the Shire of Nannup.

The Council has prepared a draft Local Planning Policy (LPP) under the provisions of the Scheme. A copy of this LPP is included in **Attachment 1**. It is likely that this LPP will be adopted as an interim measure until this Amendment is finalised.

Whilst the LPP has been prepared and adopted under the provisions of the Scheme it is necessary that the Scheme also be amended to ensure that the provisions of the LPP are adhered to.

Other Councils have established that a LPP is not always supported by the State Administrative Tribunal (SAT) in appeal cases. The SAT has previously determined appeals against a Council that has based its decision on an adopted LPP.

3 STATUTORY ENVIRONMENT

The Planning and Development Act 2005 is the basis of the Shire's Local Planning Scheme (LPS3) and the State's Statement of Planning Policy 3.4 Natural Hazards and Disasters (SPP3.4).

The Shire's Local Planning Scheme No.3

In Clause 10.2, three of the several matters to consider when dealing with applications for Council's approval of a proposed development are:

- (g) any Local Planning Policy adopted by the Council under the provisions of clause 2.4.....,
- (n) whether the land to which the application relates is unsuitable for the proposal by reason of it being or likely to be subject to – bushfire or any other risk.
- (q) whether the proposed means of access to, or egress from, the site are adequate.

State Planning Policy 3.4 - Natural Hazards and Disasters

Local government must have regard to this Policy in the preparation or amendment of town planning schemes, strategies and policies, and when providing comment and advice that deal with applications that may be affected by natural hazards (clause 2).

The Policy applies throughout Western Australia and to the preparation and assessment of matters by the WAPC (clause 3) and to local planning schemes and their amendment (clause 4). It should be used by governments to determine those areas that are most vulnerable to bushfire and where development should not be recommended (clause 5). It authorises the WAPC to prepare guidelines for protection from hazards which should be considered in the determination of proposals (clause 6).

The WAPC/FESA publication *Planning for Bushfire Protection guidelines* has a method in Appendix 1 to assess the level of the hazard from a bushfire in a particular area. It authorises local government to identify hazards:

Bush fire prone areas may be designated by the local government. In designated bush fire prone areas, all new habitable buildings must comply with AS3959. For the purposes of the guidelines, all areas with a moderate or extreme bush fire hazard level are considered to be bush fire prone areas for planning new subdivisions and developments and for building controls. (page.4).

The Act, LPS3 and SPP3.4 give Council the power to designate a bush fire prone area. Once the local government designates an area to be bushfire prone, the area will be required to comply with AS3959 and a higher standard of house construction (Class 1 buildings under the BCA).

4 LOCAL PLANNING MANUAL

The WA Planning Commission has prepared an example of a Special Control Area to deal with bush fire management provisions in its Local Planning Manual (March 2010). However it is evident that a SCA over the whole Shire is not practical and an alternative method of designating bush fire prone areas is preferred.

5 EXEMPTION OF SINGLE DWELLINGS FROM PLANNING APPROVAL

Consistent with the Model Scheme Text, Clause 8.2 (b) of the Scheme exempts the need for planning approval for a single house except where the proposal; -

- (i) requires the exercise of a discretion by the local government under the scheme to vary the provisions of the Residential Planning Codes;
- (ii) is located in a Heritage Area designated under the Scheme;
- (iii) requires the exercise of a discretion by the Council under the scheme to vary the setback provisions of a specific zone.

In order to minimise duplicated local government assessment through requiring both a planning application and a building licence for single dwellings, Scheme Amendment No. 12 does not require modifications as to when a planning approval for a single house is required. No planning application will continue to be required for single dwellings throughout the municipality (except if the dwelling proposes to vary LPS3 setbacks for the zone or if the site is located within a Heritage Area). If a proponent disputes the hazard assessment level in the Shire-wide bushfire hazard assessment, it will be addressed at the building licence stage.

6 FORMAT OF PROPOSED PROVISIONS

The main objective of this Amendment is to designate areas of the Shire as 'Bushfire Prone' to ensure that the Australian Standards 3959 are made obligatory. Habitable buildings need to meet AS3959 – 1999 where the hazard level is "medium" or "extreme" and not "low".

In order to do this a new Part will be inserted in the Scheme that refers to a plan that designates the 'Bushfire Hazard Assessment Plan' of the Shire. This plan will sit outside the Scheme and may be amended from time to time.

This Plan shall be referred to as Designated Bushfire Prone Area Plan and be made available at the Shire office for inspection.

The provisions will include the following clauses;

'PART 13 - DESIGNATED BUSHFIRE PRONE AREAS AND BUSH FIRE MANAGEMENT

- 13.1 The entire municipality is a Designated Bushfire Prone Area.
- 13.2 A Bushfire Hazard Assessment Plan will designate specific hazard levels throughout the municipality either as a 'low', 'medium' or 'extreme' hazard. The Bushfire Hazard Assessment Plan forms part of the Scheme for the purposes of Part 13.
- 13.3 The Bushfire Hazard Assessment Plan may be amended from time to time as part of a relevant Local Planning Policy or Policies (Clause 2.4). The Bushfire Hazard Assessment Plan is to be held at the local government office.
- 13.4 Construction and/or additions to habitable buildings throughout the municipality in areas classified as 'medium' or 'extreme' hazard, irrespective of whether or not a planning approval of the local government is required, will be subject to the relevant bushfire prone requirements pursuant to the Building Code of Australia, Australian Standard 3959 –

1999 (or any updates) and Planning for Bush Fire Protection Guidelines (Edition 2) or any updates.

- 13.5 If a proponent disputes or seeks to lower the hazard level of his land set out in the Bushfire Hazard Assessment Plan, the proponent is to arrange a Building Attack Level (BAL) assessment and a statement/report from a suitably qualified and/or experienced practitioner to address the requirements of the Planning for Bush Fire Protection Guidelines (Edition 2) or any updates.
- 13.6 Upon receipt of the site specific BAL assessment and statement/report referred to in Clause 13.5, the local government may accept a recommendation for a lower hazard level for the site than set out in the Bushfire Hazard Assessment Plan.
- 13.7 Where the local government has accepted a recommendation for a lower hazard level referred to in clause 13.6, the landowner will be responsible for permanent hazard reduction measures to maintain the nominated and agreed BAL. The local government may require the landowner to arrange a re-assessment and a statement/report from a suitably qualified and/or experienced practitioner as required (at the landowner's expense) to ensure reduction measures are maintained at the nominated and agreed BAL.
- 13.8 Where a landowner accepts the hazard level of his land set out in the Bushfire Hazard Assessment Plan referred to in clause 13.2, the landowner will be responsible for permanent hazard reduction measures to maintain the nominated BAL. The local government may require the landowner to arrange an assessment and a statement/report from a suitably qualified and/or experienced practitioner as required (at the landowner's expense) to ensure reduction measures are maintained at the nominated BAL.
- 13.9 In considering proposals (including applications for planning approval, subdivision applications and structure plans) where there are bush fire risks, the local government is to have regard to-
- a) State Planning Policy 3.4 Natural Hazards and Disasters;
 - b) Planning for Bush Fire Protection Guidelines (Edition 2) or any updates;
 - c) any advice obtained from the Fire and Emergency Service Authority; and
 - d) any other planning consideration the local government considers relevant.
- 13.10 The local government may impose conditions to reduce bush fire risk to people and/or property including –
- a) the provision of a fire fighting water supply;
 - b) the provision of fire services access;
 - c) the preparation of a Fire Management Plan in accordance with the Planning for Bush Fire Protection Guidelines (Edition 2), or any updates, and implementation of specific fire protection measures set out in the plan; and

- d) the implementation of measures to ensure that prospective purchasers are aware of the relevant scheme provisions, Fire Management Plan and publications addressing fire safety.

13.11 Where a Fire Management Plan has been endorsed by the local government and/or the Fire and Emergency Services Authority of Western Australia, the affected land owners will be responsible for the ongoing implementation of the 'land owners' responsibilities' as specified in that Fire Management Plan.'

7 CONCLUSION

In view of the consistency of this Amendment with State policy, the Amendment will be advertised for submissions on receipt of clearance from the Environmental Protection Authority.

PLANNING AND DEVELOPMENT ACT 2005

Shire of Nannup

LOCAL PLANNING SCHEME No. 3

AMENDMENT No 12

The Nannup Shire Council under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005, hereby amends the above Local Planning Scheme by:

1 Inserting a new Part in the Scheme as follows;

'PART 13 - DESIGNATED BUSHFIRE PRONE AREAS AND BUSH FIRE MANAGEMENT

- 13.1 The entire municipality is a Designated Bushfire Prone Area.
- 13.2 A Bushfire Hazard Assessment Plan will designate specific hazard levels throughout the municipality either as a 'low', 'medium' or 'extreme' hazard. The Bushfire Hazard Assessment Plan forms part of the Scheme for the purposes of Part 13.
- 13.3 The Bushfire Hazard Assessment Plan may be amended from time to time as part of a relevant Local Planning Policy or Policies (Clause 2.4). The Bushfire Hazard Assessment Plan is to be held at the local government office.
- 13.4 Construction and/or additions to habitable buildings throughout the municipality in areas classified as 'medium' or 'extreme' hazard, irrespective of whether or not a planning approval of the local government is required, will be subject to the relevant bushfire prone requirements pursuant to the Building Code of Australia, Australian Standard 3959 – 1999 (or any updates) and Planning for Bush Fire Protection Guidelines (Edition 2) or any updates.
- 13.5 If a proponent disputes or seeks to lower the hazard level of his land set out in the Bushfire Hazard Assessment Plan, the proponent is to arrange a Building Attack Level (BAL) assessment and a statement/report from a suitably qualified and/or experienced practitioner to address the requirements of the Planning for Bush Fire Protection Guidelines (Edition 2) or any updates.
- 13.6 Upon receipt of the site specific BAL assessment and statement/report referred to in Clause 13.5, the local government may accept a recommendation for a lower hazard level for the site than set out in the Bushfire Hazard Assessment Plan.
- 13.7 Where the local government has accepted a recommendation for a lower hazard level referred to in clause 13.6, the landowner will be responsible for permanent hazard reduction measures to maintain the nominated and agreed BAL. The local government may require the landowner to arrange a re-assessment and a statement/report from a suitably qualified and/or experienced practitioner as required (at the landowner's expense) to ensure reduction measures are maintained at the nominated and agreed BAL.

- 13.8 Where a landowner accepts the hazard level of his land set out in the Bushfire Hazard Assessment Plan referred to in clause 13.2, the landowner will be responsible for permanent hazard reduction measures to maintain the nominated BAL. The local government may require the landowner to arrange an assessment and a statement/report from a suitably qualified and/or experienced practitioner as required (at the landowner's expense) to ensure reduction measures are maintained at the nominated BAL.
- 13.9 In considering proposals (including applications for planning approval, subdivision applications and structure plans) where there are bush fire risks, the local government is to have regard to -
- a) State Planning Policy 3.4 Natural Hazards and Disasters;
 - b) Planning for Bush Fire Protection Guidelines (Edition 2) or any updates;
 - c) any advice obtained from the Fire and Emergency Service Authority; and
 - d) any other planning consideration the local government considers relevant.
- 13.10 The local government may impose conditions to reduce bush fire risk to people and/or property including -
- a) the provision of a fire fighting water supply;
 - b) the provision of fire services access;
 - c) the preparation of a Fire Management Plan in accordance with the Planning for Bush Fire Protection Guidelines (Edition 2), or any updates, and implementation of specific fire protection measures set out in the plan; and
 - d) the implementation of measures to ensure that prospective purchasers are aware of the relevant scheme provisions, Fire Management Plan and publications addressing fire safety.
- 13.11 Where a Fire Management Plan has been endorsed by the local government and/or the Fire and Emergency Services Authority of Western Australia, the affected land owners will be responsible for the ongoing implementation of the 'land owners' responsibilities' as specified in that Fire Management Plan.'

PLANNING & DEVELOPMENT ACT 2005

Shire of Nannup

LOCAL PLANNING SCHEME No. 3

AMENDMENT No. 12

ADOPTION

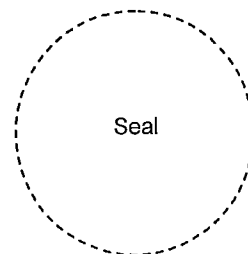
Adopted by resolution of the Council of the Shire of Nannup at the meeting of the Council held on the day of20.....

.....
SHIRE PRESIDENT Date

.....
CHIEF EXECUTIVE OFFICER Date

FINAL APPROVAL

Adopted for final approval of the Shire of Nannup at the meeting of Council held on the day of 20..... and the Common Seal of the Shire of Nannup was hereunto affixed by the authority of a resolution of the Council in the presence of:



.....
SHIRE PRESIDENT Date

.....
CHIEF EXECUTIVE OFFICER Date

RECOMMENDED/SUBMITTED FOR FINAL APPROVAL

.....
Delegated under S. 16 of PD Act 2005 Date

FINAL APPROVAL GRANTED

.....
MINISTER FOR PLANNING Date

LPP 019 Designation of Bush Fire Prone Area

BACKGROUND

For the protection of life and property from bushfires the West Australian Planning Commission (WAPC) and the Fire and Emergency Services Authority (FESA) developed a set of guidelines for local governments to use to assess the risk of bushfire hazard in a proposed development. These guidelines are the *Planning for Bush Fire Protection guidelines, edition 2, May 2010.*

The Building Code of Australia (BCA), Parts P2.3.4 and 3.7.4, controls the building of houses in declared bushfire prone areas. The BCA is satisfied if the house complies with Australian Standard AS3959 Construction of Buildings in Bushfire Prone Areas.

In the Local Planning Scheme No.3 for Nannup Shire, buildings in some Special Rural Zone areas with bushfire hazards must be constructed to AS3959. Other areas with bush fire hazards do not carry this requirement. Consequently, this policy is meant to apply to the whole of the Shire of Nannup.

STATUTORY ENVIRONMENT

The Planning and Development Act 2005 is the basis of the Shire's Local Planning Scheme (LPS3) and the State's Statement of Planning Policy 3.4 Natural Hazards and Disasters (SPP3.4).

The Shire's Local Planning Scheme No.3. In Clause 10.2, two matters to consider when dealing with applications for Council's approval of a proposed development are:
(n) whether the land to which the application relates is unsuitable for the proposal by reason of it being or likely to be subject to – bushfire or any other risk.
(q) whether the proposed means of access to, or egress from, the site are adequate.

Statement of Planning Policy 3.4 Natural Hazards and Disasters.

Local government must have regard to this policy in the preparation or amendment of town planning schemes, strategies and policies, and when providing comment and advice that deal with applications that may be affected by natural hazards (clause 2). The Policy applies throughout Western Australia and to the preparation and assessment of matters by the WAPC (clause 3) and to planning schemes and their amendment (clause 4). It should be used by governments to determine those areas that are most vulnerable to bushfire and where development should not be recommended (clause 5). It authorises the WAPC to prepare guidelines for protection from hazards which should be considered in the determination of proposals (clause 6).

The WAPC/FESA publication Planning for Bushfire Protection guidelines has a method in Appendix 1 to assess the level of the hazard from a bushfire in a particular area.

It authorises local government to identify hazards:

Bush fire prone areas may be designated by the local government. In designated bush fire prone areas, all new habitable buildings must comply with AS3959. For the purposes of the guidelines, all areas with a moderate or extreme bush fire hazard level are considered to be bush fire prone areas for planning new subdivisions and developments and for building controls. (p.4).

The Act, LPS3 and SPP3.4 give Council the power to designate a bush fire prone area.

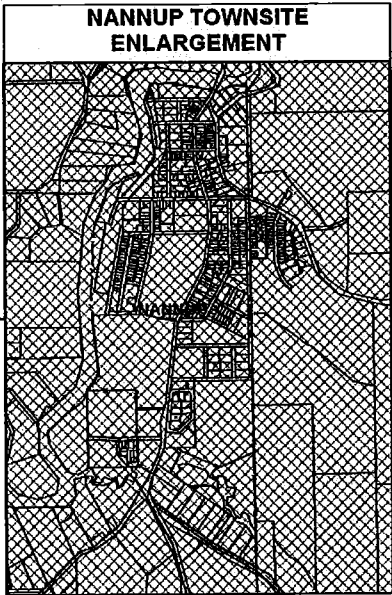
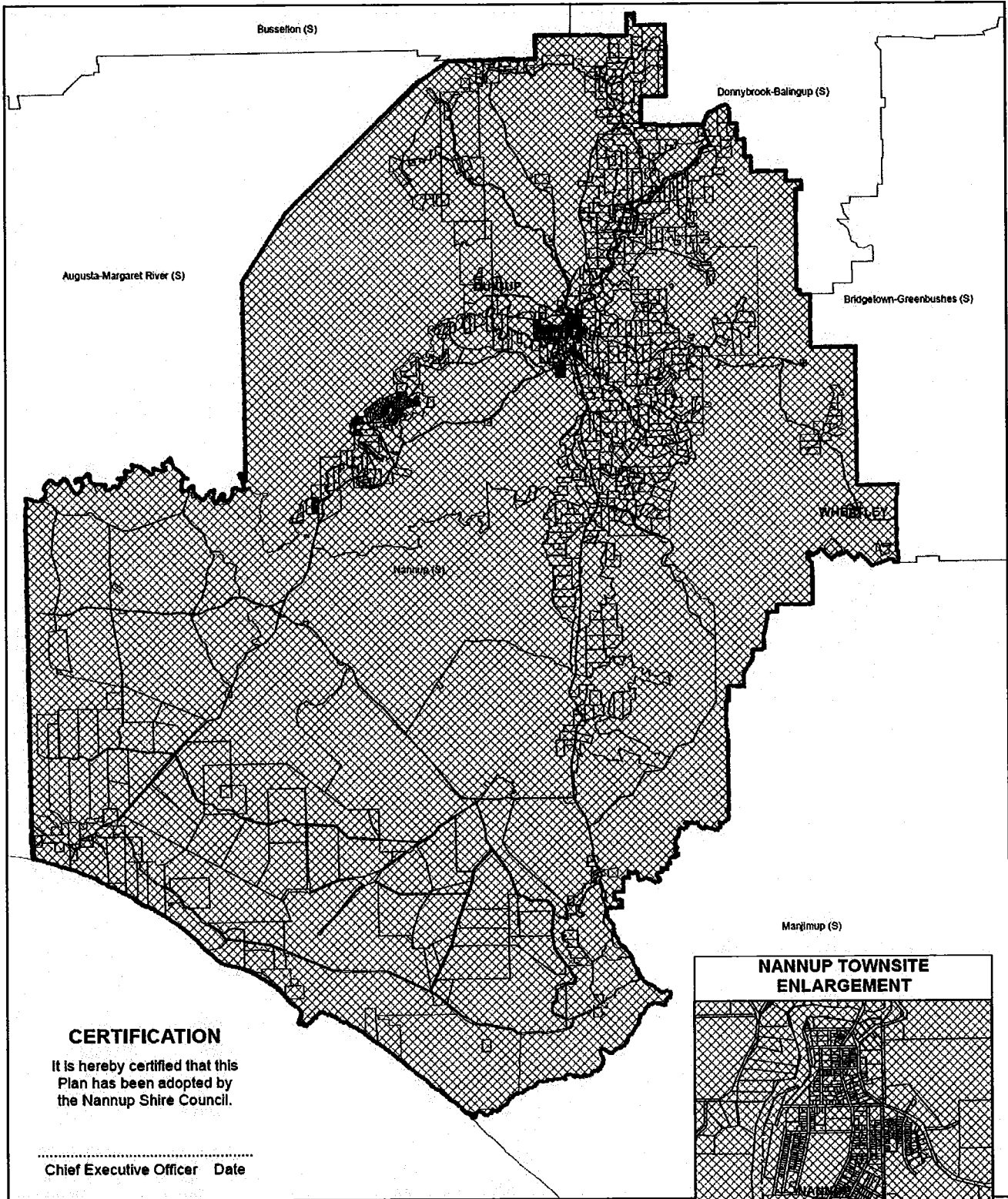
Policy Implications: The declaration of a bush fire prone area will implement AS3959 and a higher standard of house construction in areas that may be affected by a bushfire.

POLICY

Council shall designate land in the Shire to be a bush fire prone area in circumstances where:



1. a residential building is proposed to be constructed on land that contains or adjoins an area of forest of 1 hectare or more,
2. the proposed residential building is within 100 metres of a forest, and
3. the forest is of the vegetation type described as forest in Table 1 and Figure 1 of Appendix 1 in the WAPC/FESA publication *Planning for Bush Fire Protection guidelines , edition 2, May 2010.*

S. Collie
Chief Executive Officer.



BUSHFIRE HAZARD ASSESSMENT PLAN

Legend

-  Designated Bushfire Prone Area
-  Shire of Nannup Boundary


SCALE 1:250,000
(at A3)

PLANWEST (WA) Pty Ltd

July 2011

**Shire of Nannup
Ordinary Council Meeting Agenda:**

AGENDA NUMBER: 11.2
SUBJECT: Bush fire Hazard Strategy – Shire of Bridgetown-Greenbushes and Shire of Nannup: seeking endorsement
LOCATION/ADDRESS: Whole of Shire
NAME OF APPLICANT: Strategen Environmental Consultants Pty Ltd on behalf of The Shire of Nannup and Shire of Bridgetown-Greenbushes.
FILE REFERENCE: FRC 7
AUTHOR: Steve Thompson – Consultant Planner
REPORTING OFFICER: Robert Jennings - Chief Executive Officer
DISCLOSURE OF INTEREST: The author, Edge Planning & Property, receive planning fees for advice to the Shire therefore declare a Financial Interest - Section 5.70 of the Local Government Act 1995
DATE OF REPORT: 15 October 2012

Attachment: Bush Fire Hazard Strategy – Shire of Bridgetown-Greenbushes and Shire of Nannup Separate Cover (previously supplied)

BACKGROUND:

A) Purpose

The purpose of this report is to advise of public consultation outcomes and seek Council endorsement of the *Bush Fire Hazard Strategy - Shire of Bridgetown-Greenbushes and Shire of Nannup* (to be called the "Strategy"). The Strategy is complementary to Scheme Amendment No. 12 to the *Shire of Nannup Local Planning Scheme No. 3* which is considered in item 11.1 of this agenda. The provision of a statutory head of power through Scheme Amendment No. 12 and endorsement of this Strategy will provide clearer guidelines for assessing scheme amendment requests, structure plans, subdivision applications, planning applications and building permit applications.

B) Council resolution

The Council at its meeting on 26 July 2012 resolved:

"That Council:

1. Support the public release of draft *Bush Fire Hazard Strategy - Shire of Bridgetown-Greenbushes and Shire of Nannup* outlined in the Attachment and require the draft Strategy to be publicly advertised for a period of six (6) weeks;
2. Will reconsider draft *Bush Fire Hazard Strategy- Shire of Bridgetown-Greenbushes and Shire of Nannup* following the close of the public submission period and will determine whether or not to endorse the Strategy; and

**Shire of Nannup
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3. Note that the draft *Bush Fire Hazard Strategy- Shire of Bridgetown-Greenbushes and Shire of Nannup* will be concurrently advertised with the Scheme Amendment No. 12 to the Shire of Nannup Local Planning Scheme No. 3."

C) Consultation on the draft Strategy

In accordance with the Council resolution, the Shire administration consulted extensively for a 6 week period through:

- writing to and inviting comments from wide-ranging stakeholders including the Chief Bush Fire Control Officer, Bush Fire Brigade Captains, local real estate agents, builders and surveyors who regularly work in the Nannup area and relevant State Government agencies;
- placing public notices in the Nannup Telegraph and the Busselton-Dunsborough Times;
- placing details on the Shire's website; and
- information being available at the Shire office.

D) Submissions

The Shire received 2 submissions which are outlined in Attachment 3 of item 11.1. Both submissions raise no objection to the draft Strategy.

E) Current approach to bush fire management and protection

The current approach to bush fire management and protection in the Shire, as in most local government authorities in non-metropolitan areas, is through:

- Fire Management Plans - prepared and implemented during the latter stages of the planning process (for higher risk sites, the Council has in recent years required Fire Management Plans to be prepared "upfront" in the planning process), or
- in a responsive manner through enforcement powers granted under the *Bush Fires Act 1954* and relevant local laws.

Strategen Environmental Consultants Pty Ltd (to be called "Strategen") state (page 1):

"the Shire of Bridgetown-Greenbushes and Shire of Nannup (the Shires) do not currently have an overall approach to bush fire risk management at a community and land development level. This can potentially lead to inadequate bush fire management for new land developments and communities, which was illustrated to be a contributing factor to the loss of significant property assets in the Perth Hills bush fires on 6 February 2011 (Keelty 2011). Given the inherent bush fire risk due to the vast availability

**Shire of Nannup
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of bush fire fuels located within the Shires, an approach that links bush fire management planning processes and building enforcement aspects is critical to the protection of existing life and property assets and those arising from proposed future development.

Currently, LPS3 sets out that habitable buildings in some Special Rural and Special Use zones must be constructed to *Australian Standard AS3959-2009 Construction of Buildings in Bush Fire Prone Areas* (AS3959-2009). Accordingly, the Shire has not been able to impose AS3959-2009 to this point, other than for a limited number of properties zoned Special Rural and Special Use, as the Council does not have a statutory head of power to declare bush fire prone areas and has not endorsed associated bush fire hazard mapping.

F) Requirement for bush fire hazard assessment

The bush fire planning principles contained within:

- *Planning for Bush Fire Protection Guidelines (Edition 2)*
- AS3959-2009;
- *State Planning Policy 3.4- Natural Hazards and Disasters*;
- *Building Code of Australia*;
- *Shire of Nannup Local Planning Scheme No.3*; and
- *A Shared Responsibility - The Report of the Perth Hills Bush Fire February 2011 Review* (Keelty report);

place further onus on local governments to be more proactive in providing a better approach to bush fire management when undertaking strategic planning and when considering subdivision/development proposals. The planning and building context is outlined in item 11.1. In light of the planning and building context, Strategen were commissioned to prepare a bush fire hazard assessment for the municipality and the Shire of Bridgetown-Greenbushes in accordance with the *Planning for Bush Fire Protection Guidelines (Edition 2)*.

G) Bush Fire Hazard Strategy - Shires of Bridgetown-Greenbushes and Shire of Nannup

Following the receipt of funding, the Shire of Nannup and the Shire of Bridgetown-Greenbushes appointed Strategen to undertake a Bush Fire Hazard Strategy for the whole of the Shire of Nannup and all of the Shire of Bridgetown-Greenbushes. The draft Strategy is set out in the Attachment.

The Strategy is intended to inform bush fire management planning requirements for future development within the municipality through the application of Australian Standard AS 3959 - 2009 *Construction of buildings in bushfire prone areas*. Identification of bush fire prone areas subsequently enables the application of AS 3959 - 2009, which outlines appropriate construction standards

**Shire of Nannup
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for buildings proposed for such areas.

H) Strategy Methodology

The methodology for determining bush fire prone land is explained in the *Planning for Bush Fire Protection Guidelines (Edition 2)* which state that all areas with an assessed moderate or extreme bush fire hazard level are considered to be bush fire prone areas. The bush fire hazard assessment mapping enabled the associated identification of bush fire prone areas maps in the municipality. The methodology used by Strategen to determine bush fire prone areas included:

- a desktop investigation to identify vegetated areas throughout the municipality and the corresponding vegetation types, as well as the average slope under each classified vegetation type;
- targeted field assessments to visually confirm results from the desktop investigation;
- preparation of a vegetation class map and average slope map throughout the municipality based on the desktop and field investigations;
- preparation of a bush fire hazard assessment map for the municipality based on the vegetation and slope assessments; and
- preparation of a bush fire prone areas map for the municipality based on the hazard levels determined.

Depending on the predominant vegetation (type and class), fuel load (in tonnes per hectare) and the slope of the land, bush fire hazard levels designated as low, moderate and extreme were applied to different areas of the municipality in accordance with the *Planning for Bush Fire Protection Guidelines*.

Vegetation type was the key determinant of the bush fire hazard level, given the municipality contains a large extent of densely vegetated forest, woodland or shrub land areas greater than 0.25 hectares. These areas were assigned a moderate to extreme bush fire hazard level regardless of slope. A 100 metre buffer zone was also included around these areas to capture any developments proposed to be located within 100 metres of moderate to extreme bush fire hazard areas.

Cleared farmland and urban areas lying outside the 100 metre buffer were assigned a low bush fire hazard level.

The majority of the municipality has been designated as bush fire prone due to the large extent of vegetated land occurring throughout the Shire. In designated bush fire prone areas, all habitable buildings are required comply with AS3959-2009, which is referred to in the *Building Code of Australia*.

**Shire of Nannup
Ordinary Council Meeting Agenda:**

COMMENT:

1. Overview

It is suggested that Council is now in a position to endorse the Strategy set out the Attachment subject to the following modifications:

- the document setting out the Council's endorsement date on the cover;
- including bush fire hazard assessment maps 1 - 16 , vegetation class maps 1-16 and average slope maps for the Shire of Nannup as part of a single document;
- inserting the bush fire hazard assessment map for the Shire of Nannup - overview map;
- updating the Table of Contents to reflect the above; and
- including a list of photos (plates) in the Table of Contents.

Considering the extensive consultation that occurred on the draft Strategy, which resulted in only two submissions both raising no objection, it can only be assumed that there is community acceptance to the Strategy.

The Strategy is an important tool which is considered increasingly critical for the Council and Shire administration to undertake their statutory responsibilities and to more effectively address risks and liabilities. The mapping builds on requirements set out in LPS3 and other documents.

The Strategy provides the first overall approach to bush fire risk management at a land development level in the municipality. This will assist to provide more effective bush fire management for new subdivisions/developments. Given the inherent bush fire risks, due to bush fire fuel loads in much of the municipality, an approach that links bush fire management, planning processes and building permits is considered critical to assist in protecting life and property assets.

The below section outlines some of the issues and implications associated with the Strategy and its implementation.

2. Building construction costs

It is suggested the main issue with habitable buildings complying with AS3959-2009 is added construction costs where setbacks between the dwelling and vegetated areas cannot be achieved. Construction costs can be reduced where a low fuel area is provided around the dwelling. Additional construction costs need to be balanced with lowering risk to people and property, creating more resilient communities and reducing liabilities to the Council.

Declaration of a bush fire prone area does not mean building standards would have universal application. The exact construction requirements to be used depend on an assessment of the Bush Fire Attack Level (BAL). This means that while a property may be in a declared bush fire prone area, the requirements will not automatically apply unless the property is assessed at a certain BAL. Simply

**Shire of Nannup
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being in a bush fire prone area does not on its own demand that all construction standards be met. A property assessed as having a BAL below 12.5 will not be subject to additional construction requirements, while those assessed as having a BAL of 12.5 will only need to comply with some of the additional construction requirements.

3. Insurance premiums

In terms of impacts on insurance premiums, the report *A Shared Responsibility - The Report of the Perth Hills Bush Fire February 2011 Review* (Keelty report) stated on pages 154 and 155:

"The Insurance Council of Australia also provided the Special Inquiry with evidence indicating that although different companies take different approaches to the calculation of bush fire risk in an insurance premium, the percentage of a premium that relates to bush fire risk, even for those areas deemed to be high risk, is relatively low. The evidence also indicated that insurance premiums are calculated predominantly based upon relative levels of risk to common perils.

The Special Inquiry heard that based on this approach, the more widespread declaration of bush fire prone areas would not result in a significant increase to household insurance premiums. This is because even if an area which had not previously been declared as bush fire prone was declared, its actual exposure to bush fire risk would not have changed as a result of the declaration. This is an important consideration for Government in its assessment of the Special Inquiry's recommendation related to the declaration of bush fire prone areas.

In fact, in discussions with the insurance industry, the Special Inquiry heard that broader declarations of bush fire prone areas and compliance with AS3959 may place some downward pressure on premiums by requiring the construction of safer, more defensible buildings that are less likely to be destroyed in a bush fire.

It was noted by the Special Inquiry that insurance companies take on the risk of their policies without ever viewing the location of the property or the construction materials that are used in homes. That, of course, is a matter for the industry. However it is assumed by the Special Inquiry that the more houses contained within developed areas comply with all known defences against bush fire, the faster resilience levels among these communities will rise to a point that reduces the call on insurance."

**Shire of Nannup
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4. *Implementation of the bushfire hazard assessment and bush fire prone Areas*

The bushfire hazard assessment maps identify bush fire prone areas which is land with an "extreme" or "moderate" bush fire hazard rating. In designated Bush Fire Prone areas, habitable buildings are required to comply with *Australian Standard AS3959-2009*.

Areas designated as bush fire prone are required to meet a set of performance requirements. These requirements can be met through compliance with AS3959-2009. AS3959-2009 prescribes construction standards for residential buildings based on an assessment of BAL linked to expectant radiant heat exposures generated by site characteristics. The requirements for the construction of buildings in bush fire prone areas specified in AS3959-2009 aim to improve resistance to bush fire attack from burning embers, radiant heat, flame contact and combinations of the three attack forms.

Identifying bush fire prone areas will assist in bush fire planning considerations and subsequent management measures being implemented in the early planning stages of proposed developments, especially through the enforcement of AS3959-2009. This includes building location and setback requirements, level of construction standard, hazard separation zones, building protection zones, fuel hazard reduction, access requirements and water requirements. The effect of an endorsed Strategy, combined with the proposed statutory head of power in LPS3 includes that:

- if a property owner wishes to build or extend a habitable building in an area designated as "medium" or "extreme" hazard level in the Strategy, they will be subject to the relevant bush fire prone requirements pursuant to the *Building Code of Australia, Australian Standard 3959 - 2009* (or any updates) and *Planning for Bush Fire Protection Guidelines* (Edition 2) or any updates. This, in part, may require a higher standard of house construction;
- if a proponent disputes or seeks to lower the hazard level on their land which is set out in the Strategy, the proponent is to arrange at their cost a BAL assessment and a statement/report from a suitably qualified and/or experienced practitioner to address the requirements of the *Planning for Bush Fire Protection Guidelines* (Edition 2) or any updates;
- where the local government has accepted a recommendation for a lower hazard level, the landowner will be responsible for permanent hazard reduction measures to maintain the nominated and agreed BAL; and where a Fire Management Plan has been endorsed by the local government and/or by FESA, the affected land owners will be responsible for the ongoing implementation of the "land owners' responsibilities" as specified in that Fire Management Plan.

**Shire of Nannup
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STATUTORY ENVIRONMENT:

Planning and Development Act, I_PS3 and State Planning Policy 3.4 Natural Hazards and Disasters.

POLICY IMPLICATIONS:

These are addressed in this report and the Attachment. Endorsement of the Strategy will increase certainty for everyone with an interest in the matter and should assist in more consistent decision making.

The declaration of a designated bush fire prone area, via gazettal of Scheme Amendment No.12, will enable the implementation of AS3959-2009. This includes addressing low fuel areas and a higher standard of building construction in areas that have the potential to be affected by a bush fire.

FINANCIAL IMPLICATIONS:

Full State Government funding has been provided for the project to both the Shire of Nannup and the Shire of Bridgetown-Greenbushes.

STRATEGIC IMPLICATIONS:

Wide ranging as outlined in this report and in the Attachment including assisting to reduce bushfire risk to people and property. The Strategy in association with the statutory head of power set out in Scheme Amendment No. 12:

- are an important tool which is considered increasingly critical for the Council and Shire administration to undertake their statutory responsibilities and to more effectively address risks and liabilities;
- are a valuable tool for various local government functions including ranger, building and planning services;
- will provide direction to the Council, Shire administration, Shire of Bridgetown-Greenbushes, Department of Planning, WAPC and the Minister for Planning in the assessment of future local planning scheme amendments, structure plans, subdivision applications, development applications and building applications as well as provide fire planning support for this decision making; and
- can assist future planning and development at the strategic level (including through the review of the Local Planning Strategy) and help inform the level of bush fire management required in specific areas (i.e. this enable the Shires to implement AS 3959- 2009).

There is some correlation between areas with extreme fire risk and environmental assets. Where this occurs, it will require a careful approach to

**Shire of Nannup
Ordinary Council Meeting Agenda:**

sitting development. The "onus of proof is on the applicant to demonstrate that fire safety can be achieved, yet not at the expense of environmental assets or key landscape qualities.

VOTING REQUIREMENTS: Simple Majority

RECOMMENDATION:

That Council:

1. Endorse the *Bush Fire Hazard Strategy - Shire of Bridgetown-Greenbushes and Shire of Nannup* outlined in the Attachment subject to:
 - a) the document setting out the Council's endorsement date on the cover;
 - b) including bush fire hazard assessment maps 1 - 16 , vegetation class maps 1-16 and average slope maps for the Shire of Nannup as part of a single document;
 - c) inserting the bush fire hazard assessment map for the Shire of Nannup - overview map;
 - d) updating the Table of Contents to reflect the above; and
 - e) including a list of photos (plates) in the Table of Contents.
- 2 Subject to the gazettal of Scheme Amendment No. 12 to the *Shire of Nannup Local Planning Scheme No. 3*, designate land with an "extreme" and "moderate" bush fire hazard level in the *Bush Fire Hazard Strategy - Shire of Bridgetown-Greenbushes and Shire of Nannup* as bush fire prone areas.
3. Subject to the gazettal of Scheme Amendment No. 12 to the *Shire of Nannup Local Planning Scheme No. 3*, note the Shire administration will implement *Australian Standard AS3959-2009 Construction of Buildings in Bush Fire Prone Areas* or associated updates in undertaking statutory responsibilities for various local government functions including building, planning and ranger services for designated bush fire prone areas.
4. Thank submitters for their input into the process.
5. Advise the Shire of Bridgetown-Greenbushes regarding the above.

8860 DEAN / GILBERT

That Council:

1. Endorse the *Bush Fire Hazard Strategy - Shire of Bridgetown-Greenbushes and Shire of Nannup* outlined in the Attachment subject to:

**Shire of Nannup
Ordinary Council Meeting Agenda:**

- a) the document setting out the Council's endorsement date on the cover;
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2. Subject to the gazettal of Scheme Amendment No. 12 to the *Shire of Nannup Local Planning Scheme No. 3*, designate land with an "extreme" and "moderate" bush fire hazard level in the *Bush Fire Hazard Strategy - Shire of Bridgetown-Greenbushes and Shire of Nannup* as bush fire prone areas.
 3. Subject to the gazettal of Scheme Amendment No. 12 to the *Shire of Nannup Local Planning Scheme No. 3*, note the Shire administration will implement *Australian Standard AS3959-2009 Construction of Buildings in Bush Fire Prone Areas* or associated updates in undertaking statutory responsibilities for various local government functions including building, planning and ranger services for designated bush fire prone areas.
 4. Thank submitters for their input into the process.
 5. Advise the Shire of Bridgetown-Greenbushes regarding the above.

LOST 3 / 5

Voting for the motion: Dean, Gilbert & Steer.

Voting against the motion: Camarri, Dunnet, Longmore , Lorkiewiez & Mellema.

Reason for rejection of recommendation: Concern over the cost to property owners.

**Shire of Nannup
Ordinary Council Meeting Agenda:**

AGENDA NUMBER: 11.3.
SUBJECT: Draft Forest Management Plan 2014 - 2023
LOCATION/ADDRESS: Whole of Shire
NAME OF APPLICANT: Department of Environment and Conservation
FILE REFERENCE: DEPS5
AUTHOR: Steve Thompson – Consultant Planner
REPORTING OFFICER: Robert Jennings – Chief Executive Officer
DISCLOSURE OF INTEREST: The author, Edge Planning & Property, receive
Planning fees for advice to the Shire therefore declare a Financial Interest -
DATE OF REPORT: 15 October 2012

Attachment: Draft Forest Management Plan – Separate Cover (previously
supplied)

BACKGROUND:

The purpose of this report is to seek Council direction, on the draft Forest Management Plan 2014 - 2023 (FMP), in order for the Shire's Chief Executive Officer to make a submission prior to 7 November 2012.

By way of background:

- the Department of Environment and Conservation (DEC) has released the draft FMP for comment. Submissions on the draft FMP close on 7 November 2012;
- the draft FMP covers lands vested with the Conservation Commission including State forest, timber reserves, conservation areas, nature reserves and national parks;
- the current FMP 2004 - 2013 expires on 31 December 2013. The *Conservation and Land Management Act* requires a new FMP to be prepared every 10 years;
- the draft FMP aims include to:
 - provide direction to DEC in its management of land covered by the plan, with a focus on the management of State forests and timber reserves;
 - provide direction to the Forest Products Commission (FPC) for undertaking timber harvesting activities and regeneration of forests;
 - provide for wood production on a sustained yield basis; and
 - facilitate the Conservation Commission's assessment and review of the performance of DEC and FPC in carrying out and conforming with the FMP;
- the draft FMP proposes a number of key changes from the current FMP including:
 - adding to the formal conservation reserve system including a number of sites in the Shire of Nannup (see map 4 including sites 125, 126, 136, 137, 165, 177 and 178). The sites include Quannup, Lake Jasper, Whicher Scarp, extensive areas near the Scott Coastal Plain

**Shire of Nannup
Ordinary Council Meeting Agenda:**

- native forest sustainability yield scenarios;
- publishing a map on DEC'S website each year of old-growth forest status and extent; and
- making basic raw materials available from a network of fewer strategic pits.

Potentially significant environmental impacts resulting from human activities, which are authorised or managed directly by the FMP, include prescribed burning, timber harvesting, recreational use and supply of basic raw materials.

In addition to the FMP there are numerous more detailed management guidelines/policies and site specific management plans.

COMMENT:

While noting that the draft FMP incorporates considerable scientific research, much of which is beyond the technical expertise of the Shire to comment on, it is recommended that a submission be made on the draft FMP including on the following matters:

- the proposed additions to the conservation reserve system including Quannup, Lake Jasper, extensive areas near the Scott Coastal Plain and Reserve 3 Vasse Highway (near Seven Day Road). In particular, to oppose all of Quannup being managed by DEC, but rather to seek agreement for the central and eastern sections to be Shire or community managed, with the western section DEC managed;
- concerns with native forest sustainability yield scenarios in and around Nannup that may threaten the viability or even the closure of the Nannup timber mill. Any reduction of jobs or a possible closure of the mill would have a widespread detrimental social and economic impact on Nannup. It is noted that the "Social Economic Impact Study" by URS in 2012 considers various scenarios and identifies Nannup as being the most vulnerable community to a reduction in timber harvesting volumes;
- access to basic raw materials through the draft FMP proposing few and larger pits. This requires further assessment as local road projects are expected to suffer economic imposts and excessive transportation costs under the proposal;
- community access to firewood - in particular support for options 1 and 2 as they make the best use of a resource not attractive to commercial operators and seek to discourage members of the community accessing protected areas and potentially spreading dieback;
- the need for appropriate DEC resources serving the Shire of Nannup including for bush fire management, weed and feral animal control. The Council seeks the support of the State Government to ensure that DEC is appropriately resourced to ensure there is effective implementation and on-going management;

**Shire of Nannup
Ordinary Council Meeting Agenda:**

- support for maintaining the continued use of prescribed fire plans as part of an overall fire regime within the FMP;
- support for enhancement of the Bibbulmun Track;
- support for Munda Bididi trail buffers (typically 25 metres either side of the trail);
- foreshadowing a walking and cycling track between Nannup and Margaret River;
- it is important that legal and practical access is retained or improved to key recreational areas, including the south coast, and that this is reflected in the final FMP; and
- ensuring no land locked lots are sold without addressing legal and practical vehicular access.

STATUTORY ENVIRONMENT:

Conservation and Land Management Act 1984

POLICY IMPLICATIONS:

These are addressed in this report and the Attachment.

FINANCIAL IMPLICATIONS:

No direct financial implications at this stage given DEC are responsible for the FMP. Subject to the final composition of the FMP, there could be significant direct and indirect financial implications including accessing gravel resources for road contribution and maintenance.

:

STRATEGIC IMPLICATIONS:

Wide ranging economic, social and environmental implications outlined in the Attachment and summarised in this report.

VOTING REQUIREMENTS: Simple Majority

RECOMMENDATION:

That Council resolve to make a submission on the draft Forest Management Plan 2014 - 2023, with the submission delegated to the Shire's Chief Executive Officer which is based on comments in this report.

8861 DUNNET / GILBERT

**Shire of Nannup
Ordinary Council Meeting Agenda:**

That Council resolve to make a submission on the draft Forest Management Plan 2014 - 2023, with the submission delegated to the Shire's Chief Executive Officer which is based on comments in this report.

CARRIED 8 / 0

INFRASTRUCTURE **SERVICES**

AGENDA NUMBER: 11.4
SUBJECT: Appointment of Fire Control Officer – limited powers
LOCATION/ADDRESS:
NAME OF APPLICANT: Shire of Nannup
FILE REFERENCE: FRC 7
AUTHOR: Terese Levick-Goldwin community emergency Management Officer
REPORTING OFFICER – Chris Wade – manager Infrastructure
DISCLOSURE OF INTEREST: None
DATE OF REPORT: 15 September 2012

BACKGROUND:

The Firebreak Inspector position was advertised and closed on 27 September 2012. There were three applications and Mr Derek McNutt was the preferred person for the position.

A final interview was held on Thursday 11 October with the Manager Infrastructure, the Chief Bushfire Control Officer and the CESM.

COMMENT:

A person suitable to conduct the firebreak inspections has been engaged and inspections are scheduled to be undertaken per the timeframe set by the Bushfire Advisory Committee. Mr Derek McNutt has been contracted for this role, he resides in Jalbarragup and is a member of the Darradup volunteer brigade.

The purpose of this item is to confirm powers of entry to private property (if required) for the purposes of undertaking the firebreak inspections. It is only Council per Section 38 of the Bushfire Act 1954 can appoint Fire Control Officers with Section 39 of that Act providing powers to Fire Control Officers to enter private property.

Hence with some conditions as contained in the recommendation to this item the appointment of Mr McNutt as a Fire Control Officer is recommended.

**Shire of Nannup
Ordinary Council Meeting Agenda:**

STATUTORY ENVIRONMENT: Nil.

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS: As per budget allocation

STRATEGIC IMPLICATIONS: Nil.

VOTING REQUIREMENTS: Simple Majority

RECOMMENDATION:

That Council appoint Mr Derek McNutt as a Fire Control Officer for the Shire of Nannup per the following conditions:

- The appointment is to be for the period of the firebreak inspections only.
- The Fire Control Officer powers are limited to property entry only for the purposes of firebreak inspections.

8862 DUNNET / LORKIEWICZ

That Council appoint Mr Derek McNutt as a Fire Control Officer for the Shire of Nannup per the following conditions:

- The appointment is to be for the period of the firebreak inspections only.
- The Fire Control Officer powers are limited to property entry only for the purposes of firebreak inspections.

CARRIED 8 / 0

COMMUNITY AND **ECONOMIC** **DEVELOPMENT** **SERVICES**

AGENDA NUMBER: 11.5
SUBJECT: Public Comment Recreation Centre Upgrade
LOCATION/ADDRESS: N/A
NAME OF APPLICANT: N/A
FILE REFERENCE: REC2a
AUTHOR: Louise Stokes – Community Development Officer
REPORTING OFFICER: Robert Jennings – Chief Executive Officer
DISCLOSURE OF INTEREST: None.
DATE OF REPORT: 10 October 2012

Attachment: Respondents Public comment Recreation Centre

BACKGROUND:

At the August 2012 meeting Council resolved to receive the Recreation Centre plans and Quantity Estimates of Option 2 for the Recreation Centre and advertise the plans for a period of thirty days for public consultation.

COMMENT

The plans were displayed at the Shire office and Nannup Eziway. The invitation for feedback was promoted in the Shire Notes in the Telegraph, in the email newsletter, on posters and the Shire website. A comments book was located at the Shire office and residents were invited to submit feedback. Three people and one organisation responded officially, with a number of additional queries responded to over the Shire counter. The comments are summarised in the attachment along with officer responses.

At the September Council meeting there was discussion by Councillors that the budget was not included with the plans as part of the public consultation process. Queries over the counter did address some of the concerns that residents had in regards to the budget during the public comment period. Council may choose to extend the public comment period.

**Shire of Nannup
Ordinary Council Meeting Agenda:**

STATUTORY ENVIRONMENT: None

POLICY IMPLICATIONS: None

FINANCIAL IMPLICATIONS: None

STRATEGIC IMPLICATIONS:

Shire of Nannup Forward Plan 2011/12-2015/16 Program 11.A - Recreation and Culture. *That Council undertake upgrade to the Recreation and Community Centre per adopted plans and funding available.*

VOTING REQUIREMENTS: Simple Majority.

RECOMMENDATION:

That Council accepts the public comment.

8863 MELLEMA / STEER

That Council accepts the public comment.

CARRIED 8 / 0

Community Consultation, Nannup Recreation Centre

NAME	COMMENT	PROPOSED ACTION
Patricia Fraser	A swimming pool should be included in the upgrade	Respond and advise on likely effect on rates from maintenance costs, thank for submission.
Brett Homer	<ul style="list-style-type: none"> -An excess of toilets/changerooms and little need for 2 bars. -The existing community space in the old building could be used as gym, foyer and crèche -There are a reasonable % of young families and older people who would utilise these facilities. 	Respond, advise toilets/change rooms will be retained during construction, then alternate use considered for stage 2 redevelopment, subject to funding
Rita Stallard	<ul style="list-style-type: none"> -Current Rec Centre floor is unsafe and has insufficient clearance around court for player safety and spectators. -All letters, diagrams, meetings, from previous consultations have been totally ignored. -Plan difficult to read (too small) -Child minding rooms, glass from shoulder height allows mums with kids to participate in sport whilst taking turns at child minding. 	Respond, advise that feedback has been noted and will be considered in stage 2 development, subject to funding
Nannup CWA	New upgrade needs commercial kitchen included in design	Respond, advise that an appropriate kitchen will be included in stage 1 upgrade that will allow catering of functions etc
Val Russell	A first aid room should be included in building	Respond, can be considered as a use in southern portion of existing building

FINANCE & **ADMINISTRATION**

AGENDA NUMBER: 11.6
SUBJECT: December Council Meeting and Holiday Arrangements
LOCATION/ADDRESS: N/A
NAME OF APPLICANT: N/A
FILE REFERENCE: ADM 18
AUTHOR: Robert Jennings – Chief Executive Officer
DISCLOSURE OF INTEREST: Nil
DATE OF REPORT: [15 October 2012]

BACKGROUND:

Council has traditionally brought forward its December meeting to avoid an overlap with Christmas and to allow for any important decisions of Council to be implemented prior to the holiday period. The office and depot are also normally closed for the days between Christmas and New Year.

COMMENT

The purpose of this item is to confirm arrangements for the Christmas/New Year period 2012.

December Council Meeting Date

Looking at the fall of dates, a meeting on 13 December 2012 would allow sufficient time for any important Council meeting actions to be completed the week after the meeting.

Office Holiday Arrangements

Office holiday arrangements should allow for a good continuity of service to the community and visitors whilst allowing for a sensible holiday period for staff based on the public holiday dates. Looking at the dates for holiday in 2012 provides the following proposed arrangements:

**Shire of Nannup
Ordinary Council Meeting Agenda:**

Day and Date	Status
Friday, 21 December 2012	Office Open
Saturday, 22 December 2012	Weekend
Sunday, 23 December 2012	Weekend
Monday, 24 December 2012	Office Closed
Tuesday, 25 December 2012	Public Holiday, Christmas Day
Wednesday, 26 December 2012	Public Holiday, Boxing Day
Thursday, 27 December 2012	Local Government Public Holiday
Friday, 28 December 2012	Office Closed
Saturday, 29 December 2012	Weekend
Sunday, 30 December 2012	Weekend
Monday, 31 December 2012	Office Closed
Tuesday, 1 January 2013	Public Holiday, New Years Day
Wednesday, 2 January 2013	Office Open

Based on the above dates, it seems sensible to close the office through the week lasting 24 December to 28 December, with Monday 31 December 2012 of the next week filling the gap between the weekend and New Years Day. This situation would appear to provide sufficient community and visitor coverage.

STATUTORY ENVIRONMENT: Nil

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS: Nil.

STRATEGIC IMPLICATIONS: Nil.

VOTING REQUIREMENTS: Simple Majority

RECOMMENDATION:

1. That Council bring forward the December 2012 Council meeting to Thursday 13 December 2012.
2. That Council close the Shire office and depot for the days 24, 27, 28 and 31 December 2012 with staff taking rostered days off or annual leave as appropriate. Normal emergency after hours callout services remain in place.

8864 STEER / LONGMORE

**Shire of Nannup
Ordinary Council Meeting Agenda:**

1. That Council bring forward the December 2012 Council meeting to Thursday 13 December 2012.

2. That Council close the Shire office and depot for the days 24, 27, 28 and December 2012 with staff taking rostered days off or annual leave as appropriate. Normal emergency after hours callout services remain in place.

CARRIED 8 / 0

**Shire of Nannup
Ordinary Council Meeting Agenda:**

AGENDA NUMBER: 11.7 SUBJECT: Budget Monitoring 2012/13 LOCATION/ADDRESS: Nannup NAME OF APPLICANT: FILE REFERENCE: FNC15 AUTHOR: Tracie Bishop – Finance Officer REPORTING OFFICER: Vic Smith – Manager corporate Services DISCLOSURE OF INTEREST: Nil DATE OF REPORT: 17 October 2012
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Attachment: Monthly financial Statements for the period ending 31 August 2012.

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 attached at Attachment 1.

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

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

COMMENT

As we are only two months in to our current financial year there has been little expenditure and income incurred to date and no under or overspends are anticipated at this point in time.

The variances shown in the statutory statements result from income and expenditure not being in accordance with the profile adopted for the budgets and are therefore due to timing differences.

STATUTORY ENVIRONMENT:

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

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS: Nil.

**Shire of Nannup
Ordinary Council Meeting Agenda:**

VOTING REQUIREMENTS: Simple Majority.

RECOMMENDATION:

It is recommended that the Monthly Financial Statements for the period ending 31 August 2012 be received.

8865 DUNNET / MELLEMA

It is recommended that the Monthly Financial Statements for the period ending 31 August 2012 be received.

CARRIED 8 / 0

SHIRE OF NANNUP

STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2012 TO 31 AUGUST 2012

	2012/13 Y-T-D Actual \$	2012/13 Y-T-D Budget \$	2012/13 Budget \$	Variances Y-T-D Budget to Actual %
Operating				
Revenues/Sources				
Governance	0	167	1,000	(100%)
General Purpose Funding	10,389	493,123	2,958,738	(98%)
Law, Order, Public Safety	26,651	58,456	350,733	(54%)
Health	0	803	4,818	(100%)
Education and Welfare	68	12,293	73,760	(99%)
Housing	1,292	2,799	16,796	(54%)
Community Amenities	615	20,378	122,270	(97%)
Recreation and Culture	526	4,842	29,054	(89%)
Transport	2,401,598	2,257,963	7,547,779	6%
Economic Services	3,310	36,000	216,000	(91%)
Other Property and Services	0	4,482	26,894	(100%)
	<hr/>	<hr/>	<hr/>	<hr/>
	2,444,449	2,891,307	11,347,842	(15%)
(Expenses)/(Applications)				
Governance	(160,516)	(54,347)	(326,083)	195%
General Purpose Funding	(4,174)	(350,711)	(2,104,264)	(99%)
Law, Order, Public Safety	(7,961)	(63,676)	(382,058)	(87%)
Health	(2,995)	(10,069)	(60,416)	(70%)
Education and Welfare	(7,676)	(43,674)	(262,042)	(82%)
Housing	(1,002)	(5,371)	(32,223)	(81%)
Community Amenities	(21,797)	(73,368)	(440,206)	(70%)
Recreation & Culture	(18,404)	(79,134)	(474,805)	(77%)
Transport	(64,631)	(431,915)	(2,591,487)	(85%)
Economic Services	(1,291)	(59,726)	(358,353)	(98%)
Other Property and Services	(8,779)	4,749	28,496	(285%)
	<hr/>	<hr/>	<hr/>	<hr/>
	(299,226)	(1,167,240)	(7,003,441)	(74%)
Adjustments for Non-Cash				
(Revenue) and Expenditure				
(Profit)/Loss on Asset Disposals	0	0	19,500	0%
Depreciation on Assets	151,500	151,527	1,818,318	(0%)
				0%
Capital Revenue and (Expenditure)				
Purchase Land and Buildings	0	(50,803)	(609,633)	(100%)
Purchase Infrastructure Assets - Roads	0	0	(7,744,000)	0%
Purchase of Infrastructure Assets - Parks	0	0	0	0%
Purchase Plant and Equipment	0	(41,158)	(493,900)	(100%)
Purchase Furniture and Equipment	0	(1,454)	(17,450)	(100%)
Proceeds from Disposal of Assets	0	0	140,000	0%
Repayment of Debentures	0	0	(64,982)	0%
Proceeds from New Debentures	0	0	0	0%
Leave Provisions	0	0	166,708	0%
Depreciation - Plant Reversal	0	0	0	0%
Accruals	0	0	18,852	0%
Self Supporting Loan Principal Income	0	0	19,722	0%
Transfers (to)/from Reserves	0	0	85,264	0%
ADD Net Current Assets July 1 B/Fwd	1,081,011	1,081,011	1,081,011	
LESS Net Current Assets Year to Date	4,485,092	2,092,011	0	
Amount Raised from Rates	<u>(1,107,358)</u>	<u>771,178</u>	<u>(1,236,189)</u>	

SHIRE OF NANNUP
ACCOUNTS FOR PAYMENT - OCTOBER 2012

Chq/EFT	Name	Description	Amount
Municipal Fund Payments			
EFT4008	LGIS RISK MANAGEMENT	LGISWA SW REGIONAL RISK CO-ORD PROG	\$2,409.00
EFT4009	BLACKWOOD VALLEY BUS SERVICE	NANNUP CONNECT TO BRIDGETOWN 11/9/12	\$355.00
EFT4010	EDGE PLANNING & PROPERTY	PLANNING SVCS	\$4,009.50
EFT4011	ALS LIBRARY SERVICES P/L	LIBRARY SUPPLIES	\$65.34
EFT4012	COVS PARTS	SLIMLINE TRAILER BEARING KIT	\$41.56
EFT4013	THERAPY FOCUS	SET OF 3 BOOKS	\$28.45
EFT4014	MARGARET RIVER PRINT	100 X A3 POSTERS - YEAR OF THE FARMER	\$220.00
EFT4015	CATHERINE SCOTT	REIMBURSEMENT OF EXPENSES	\$176.34
EFT4016	FIRE RESCUE SAFETY AUSTRALIA	AC HOTSTICK 240V HIGH SENSITIVITY AC DETECTOR	\$522.50
EFT4017	LANDGATE	MINING TENEMENTS CHARGEABLE	\$34.00
EFT4018	FIRE AND EMERGENCY SERVICES AUTHORITY	2012/13 ESL - 1ST QUARTER CONTRIBUTION	\$18,858.00
EFT4019	FTE ENGINEERING	2 X HYDRAULIC HOSES	\$180.71
EFT4020	THE GOOD FOOD SHOP	SUPPLY OF AFTERNOON TEA	\$35.50
EFT4021	TOLL IPEC ROAD EXPRESS PTY LTD	DELIVERY FROM JSM	\$230.09
EFT4022	INSIGHT CCS PTY LTD	OVERCALLS FEE FOR AUGUST 2012	\$47.19
EFT4023	JASON SIGNMAKERS	VARIOUS SIGNAGE	\$3,573.90
EFT4024	METAL ARTWORK CREATIONS	WHITE ALUMINIUM STAFF BADGES - MAGNETIC	\$152.02
EFT4025	METROCOUNT	6 V BATTERY PACKS X 2	\$63.80
EFT4026	NANNUP NEWSAGENCY	POSTAGE AND STATIONERY CHARGES	\$423.58
EFT4027	PRESTIGE PRODUCTS	CLEANING PRODUCTS	\$53.90
EFT4028	SW PRECISION PRINT	FIRE BREAK 12PG SELF COVER BOOKLETS	\$1,219.00
EFT4029	ROD'S AUTO ELECTRICS	SUPPLY BATTERY - CSM VEHICLE	\$155.00
EFT4030	R & R TAPE & SAFETY SUPPLIES	UVEX CLEANING TOWLETES, SUNSCREEN & GLOVES	\$335.94
EFT4031	SOUTH WEST FIRE	SUPPLY BIC'S & THROTTLE CABLE	\$326.41
EFT4032	SYNERGY	ELECTRICITY CHARGES FOR STREET LIGHTS	\$1,930.15
EFT4033	SUGAR MOUNTAIN ELECTRICAL SERVICES	INSTALL POWER OUTLET ON CEILING	\$1,276.11
EFT4034	LOUISE STOKES	TRAVEL REIMBURSEMENT	\$359.00
EFT4035	B.J. & F.H. TOMAS	SUPPLY, FABRICATE & ERECT PERGOLAS	\$10,000.00
EFT4036	TOTAL TELEPHONE	NOKIA BLUETOOTH CARKIT & CRADLE	\$378.95
EFT4037	VOGUE FURNITURE	10 FOLDING TABLES & 2 FILING CABINETS	\$3,978.00
EFT4038	WALGA	MARKETFORCE ADVERTISING - AMENDMENT 12	\$292.70
EFT4039	NANNUP SURVEYS	SURVEY OF WARREN RD FOR STREETScape DESIGN	\$3,300.00
EFT4040	BAILEYS FERTILISERS	SOIL ANALYSIS FOR OVAL	\$176.00
EFT4041	ROBERT LONGMORE	REIMBURSEMENT OF EXPENSES	\$160.00
EFT4042	PJ & VL LAMERS	NANNUP CONNECT TO MANJIMUP & RETURN	\$350.00
EFT4043	NORMAN STEER	REIMBURSEMENT OF EXPENSES	\$416.79
EFT4044	VIC SMITH	REIMBURSEMENT OF EXPENSES	\$78.89
EFT4045	DEAN GUJA	EH WORK & TRAVEL	\$2,400.00
EFT4046	FIRE RESCUE SAFETY AUSTRALIA	FIRE FIGHTING GLOVES - NANNUP BROOK BRIGADE	\$522.52
EFT4047	NEWTOWN HOUSE	10% DEPOSIT FOR GALA DINNER - SW FOOD BOWL	\$5,000.00
EFT4048	IAN PILLAGE	REIMBURSEMENT OF EXPENSES	\$307.00
EFT4049	VERSATECH ENGINEERING SERVICES	SUPPLY PARTS - TRANSDUCER FOR LOADER	\$2,131.14
EFT4050	BUSSELTON PEST & WEED CONTROL	ANNUAL MAINTENANCE PEST CONTROL	\$1,760.00
EFT4051	CORPORATE EXPRESS	STATIONARY ORDER	\$112.42
EFT4052	FTE ENGINEERING	1 HYDRAULIC HOSE MADE UP	\$230.79
EFT4053	GEOGRAPHE TIMBER AND HARDWARE SUPPLIES	TIMBER & GALVANIZED BOLTS	\$262.00
EFT4054	HOLBERRY HOUSE	ACCOMMODATION - STEVE THOMPSON	\$115.00
EFT4055	METAL ARTWORK CREATIONS	WHITE COUNCILLOR & STAFF NAME BADGES	\$59.40
EFT4056	NANNUP COMMUNITY RESOURCE CENTRE	TELEGRAPH ADVERT 2012 - OCTOBER	\$242.00
EFT4057	NANNUP LIQUOR STORE	REFRESHMENTS	\$101.94
EFT4058	PRESTIGE PRODUCTS	ROUND BLUE MOP	\$24.20
EFT4059	ROD'S AUTO ELECTRICS	SUNDRY VEHICLE REPAIRS	\$1,941.65
EFT4060	STEWART & HEATON CLOTHING CO. PTY LTD	TROUSERS & JACKETS - NORTH NANNUP VBFB	\$923.30
EFT4061	WML CONSULTANTS	MOWEN ROAD DESIGN 1000 SVCS RENDERED	\$1,412.51
EFT4062	WORTHY CONTRACTING	WASTE MANAGEMENT FACILITY - SEPTEMBER 2012	\$9,863.33
EFT4063	WORK CLOBBER	1 X OLIVER BOOTS SIZE 10	\$311.00
		TOTAL EFT PAYMENTS:	\$83,933.52

**Shire of Nannup
Ordinary Council Meeting Agenda:**

AGENDA NUMBER: 11.8 SUBJECT: Accounts for Payments LOCATION/ADDRESS: Nannup Shire FILE REFERENCE: FNC 8 AUTHOR: Tracee Bishop – finance Officer AUTHORISING OFFICER: Vic Smith – Manager Corporate Services DISCLOSURE OF INTEREST: DATE OF REPORT: 15 October 2012
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Attachment: Schedule of Accounts for Payment

BACKGROUND:

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

COMMENT:

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

Municipal Account

Accounts paid by EFT EFT 4008 - 4063	\$83,933.52
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Accounts paid by cheque Vouchers 18972 - 18980	\$2,741.15
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Trust Account

Accounts Paid by Cheque Voucher-22762	\$110.00
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STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulation 13.

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS:

As indicated in the Schedule of accounts for Payment.

STRATEGIC IMPLICATIONS: Nil.

VOTING REQUIREMENTS: Simple Majority

**Shire of Nannup
Ordinary Council Meeting Agenda:**

RECOMMENDATION:

That the List of Accounts for Payment for the Nannup Shire Municipal Account fund totalling \$86,784.70 in the attached schedule be endorsed.

8866 STEER / LONGMORE

That the List of Accounts for Payment for the Nannup Shire Municipal Account fund totalling \$86,784.70 in the attached schedule be endorsed.

CARRIED 8 / 0

**12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY
DECISION OF MEETING**

- (a) OFFICERS - None
- (b) ELECTED MEMBERS - None

**13 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS
BEEN GIVEN**

None

14 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

None

15 CLOSURE OF MEETING

18.00

**SHIRE OF NANNUP
ACCOUNTS FOR PAYMENT - OCTOBER 2012**

Chq/EFT	Name	Description	Amount
Municipal Fund Payments			
EFT4008	LGIS RISK MANAGEMENT	LGISWA SW REGIONAL RISK CO-ORD PROG	\$2,409.00
EFT4009	BLACKWOOD VALLEY BUS SERVICE	NANNUP CONNECT TO BRIDGETOWN 11/9/12	\$355.00
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EFT4011	ALS LIBRARY SERVICES P/L	LIBRARY SUPPLIES	\$65.34
EFT4012	COVS PARTS	SLIMLINE TRAILER BEARING KIT	\$41.56
EFT4013	THERAPY FOCUS	SET OF 3 BOOKS	\$28.45
EFT4014	MARGARET RIVER PRINT	100 X A3 POSTERS - YEAR OF THE FARMER	\$220.00
EFT4015	CATHERINE SCOTT	REIMBURSEMENT OF EXPENSES	\$176.34
EFT4016	FIRE RESCUE SAFETY AUSTRALIA	AC HOTSTICK 240V HIGH SENSITIVITY AC DECTECTOR	\$522.50
EFT4017	LANDGATE	MINING TENEMENTS CHARGEABLE	\$34.00
EFT4018	FIRE AND EMERGENCY SERVICES AUTHORITY	2012/13 ESL - 1ST QUARTER CONTRIBUTION	\$18,858.00
EFT4019	FTE ENGINEERING	2 X HYDRAULIC HOSES	\$180.71
EFT4020	THE GOOD FOOD SHOP	SUPPLY OF AFTERNOON TEA	\$35.50
EFT4021	TOLL IPEC ROAD EXPRESS PTY LTD	DELIVERY FROM JSM	\$230.09
EFT4022	INSIGHT CCS PTY LTD	OVERCALLS FEE FOR AUGUST 2012	\$47.19
EFT4023	JASON SIGNMAKERS	VARIOUS SIGNAGE	\$3,573.90
EFT4024	METAL ARTWORK CREATIONS	WHITE ALUMINIUM STAFF BADGES - MAGNETIC	\$152.02
EFT4025	METROCOUNT	6 V BATTERY PACKS X 2	\$63.80
EFT4026	NANNUP NEWSAGENCY	POSTAGE AND STATIONERY CHARGES	\$423.58
EFT4027	PRESTIGE PRODUCTS	CLEANING PRODUCTS	\$53.90
EFT4028	SW PRECISION PRINT	FIRE BREAK 12PG SELF COVER BOOKLETS	\$1,219.00
EFT4029	ROD'S AUTO ELECTRICS	SUPPLY BATTERY - CESM VEHICLE	\$155.00
EFT4030	R & R TAPE & SAFETY SUPPLIES	UVEX CLEANING TOWLETTES, SUNSCREEN & GLOVES	\$335.94
EFT4031	SOUTH WEST FIRE	SUPPLY BIC'S & THROTTLE CABLE	\$326.41
EFT4032	SYNERGY	ELECTRICITY CHARGES FOR STREET LIGHTS	\$1,930.15
EFT4033	SUGAR MOUNTAIN ELECTRICAL SERVICES	INSTALL POWER OUTLET ON CEILING	\$1,276.11
EFT4034	LOUISE STOKES	TRAVEL REIMBURSEMENT	\$359.00
EFT4035	B.J. & F.H. TOMAS	SUPPLY, FABRICATE & ERECT PERGOLAS	\$10,000.00
EFT4036	TOTAL TELEPHONE	NOKIA BLUETOOTH CARKIT & CRADLE	\$378.95
EFT4037	VOGUE FURNITURE	10 FOLDING TABLES & 2 FILING CABINETS	\$3,978.00
EFT4038	WALGA	MARKETFORCE ADVERTISING - AMENDMENT 12	\$292.70
EFT4039	NANNUP SURVEYS	SURVEY OF WARREN RD FOR STREETScape DESIGN	\$3,300.00
EFT4040	BAILEYS FERTILISERS	SOIL ANALYSIS FOR OVAL	\$176.00
EFT4041	ROBERT LONGMORE	REIMBURSEMENT OF EXPENSES	\$160.00
EFT4042	PJ & VL LAMERS	NANNUP CONNECT TO MANJIMUP & RETURN	\$350.00
EFT4043	NORMAN STEER	REIMBURSEMENT OF EXPENSES	\$416.79
EFT4044	VIC SMITH	REIMBURSEMENT OF EXPENSES	\$78.89
EFT4045	DEAN GUJA	EH WORK & TRAVEL	\$2,400.00
EFT4046	FIRE RESCUE SAFETY AUSTRALIA	FIRE FIGHTING GLOVES - NANNUP BROOK BRIGADE	\$522.52
EFT4047	NEWTOWN HOUSE	10% DEPOSIT FOR GALA DINNER - SW FOOD BOWL	\$5,000.00
EFT4048	IAN PILLAGE	REIMBURSEMENT OF EXPENSES	\$307.00
EFT4049	VERSATECH ENGINEERING SERVICES	SUPPLY PARTS - TRANSDUCER FOR LOADER	\$2,131.14
EFT4050	BUSSELTON PEST & WEED CONTROL	ANNUAL MAINTENANCE PEST CONTROL	\$1,760.00
EFT4051	CORPORATE EXPRESS	STATIONARY ORDER	\$112.42
EFT4052	FTE ENGINEERING	1 HYDRAULIC HOSE MADE UP	\$230.79
EFT4053	GEOGRAPHE TIMBER AND HARDWARE SUPPLIES	TIMBER & GALVANIZED BOLTS	\$262.00
EFT4054	HOLBERRY HOUSE	ACCOMMODATION - STEVE THOMPSON	\$115.00
EFT4055	METAL ARTWORK CREATIONS	WHITE COUNCILLOR & STAFF NAME BADGES	\$59.40
EFT4056	NANNUP COMMUNITY RESOURCE CENTRE	TELEGRAPH ADVERT 2012 - OCTOBER	\$242.00
EFT4057	NANNUP LIQUOR STORE	REFRESHMENTS	\$101.94
EFT4058	PRESTIGE PRODUCTS	ROUND BLUE MOP	\$24.20
EFT4059	ROD'S AUTO ELECTRICS	SUNDRY VEHICLE REPAIRS	\$1,941.65
EFT4060	STEWART & HEATON CLOTHING CO. PTY LTD	TROUSERS & JACKETS - NORTH NANNUP VBFB	\$923.30
EFT4061	WML CONSULTANTS	MOWEN ROAD DESIGN 1000 SVCS RENDERED	\$1,412.51
EFT4062	WORTHY CONTRACTING	WASTE MANAGEMENT FACILITY - SEPTEMBER 2012	\$9,863.33
EFT4063	WORK CLOBBER	1 X OLIVER BOOTS SIZE 10	\$311.00
		TOTAL EFT PAYMENTS:	\$83,933.52

SHIRE OF NANNUP
ACCOUNTS FOR PAYMENT - OCTOBER 2012

18972	SOUTH WEST ISUZU	FILTERS ON FZV 1400 (OIL, AIR & FUEL) & 1 HUB SEAL	\$1,065.13
18973	GRUB HUB	DIESEL (NP3014 & RIDE ON MOWER)	\$72.00
18974	MD & LL COLE	SPRAY TOWN OVAL FOR BROADLEAF WEED	\$200.00
18975	SHIRE OF NANNUP	VEHICLE REGISTRATION	\$245.80
18976	WATER CORPORATION	INDUSTRIAL WASTE CHARGES ANNUAL CHARGE	\$220.25
18978	SHIRE OF NANNUP	FLOAT FOR CARAVAN PARK	\$100.00
18979	ANTHONY DEAN	REIMBURSEMENT OF EXPENSES	\$790.00
18980	EDWARD GENONI	RE-ALIGN GATE POSTS WITH TRACTOR & RE-COMPACT	\$48.00
		TOTAL CHEQUE PAYMENTS:	\$2,741.18
Trust Account Payments			
22762	RYAN KING	REFUND BOND RECREATION CENTRE	\$110.00
		TOTAL MUNICIPAL PAYMENTS FOR PERIOD	\$86,674.70
		TOTAL TRUST PAYMENTS FOR PERIOD	\$110.00
		TOTAL PAYMENTS FOR PERIOD:	\$86,784.70